Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the Library, 251 South "A" Street and the City Clerk's Office, 305 West Third Street during customary business hours. The agenda reports are on the City of Oxnard web site at www.ci.oxnard.ca.us.

AGENDA

OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION
*OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY

Regular Meetings
City Council Chambers, 305 West Third Street, Oxnard
January 24, 2012
5:30 P.M.

A. ROLL CALL/POSTING OF AGENDA

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION - (Please see page 6 for a description of closed session items)

D. OPENING CEREMONIES – 7:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

SUBJECT: Presentation of Commendation to Captain Andrea Mora of the Oxnard Police Department's Explorer Program.

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

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing. The presiding officer shall limit public comments to three minutes.

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

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

City Manager Department

1. SUBJECT: Resolution Supporting the Federal Clean Air Act. (001)
RECOMMENDATION: Adopt a resolution in support of reducing greenhouse gas pollution through enforcement of the federal Clean Air Act.
Legislative Body: CC Contact: Martin Erickson Phone: 385-7950

2. SUBJECT: Agreements for City Council Review. (005)
RECOMMENDATION: Pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.
Legislative Body: CC Contact: Edmund Sotelo Phone: 385-7950

3. SUBJECT: Ordinance No. 2853 Changing Name and Logo for the Commission on Community Relations. (007)
RECOMMENDATION: Second reading and adoption.
Legislative Body: CC Contact: Luis Guereca Phone: 385-8326

City Treasurer Department

4. SUBJECT: Quarterly Investment Report for the Second Quarter F/Y 2011-2012. (011)
RECOMMENDATION: Accept the quarterly Investment Report for the Second Quarter F/Y 2011-2012.
Legislative Body: CC Contact: Danielle Navas Phone: 385-7810

Community Development Department

5. SUBJECT: Second Amendment to the Enforceable Obligation Payment Schedule. (019)
RECOMMENDATION: 1) Adopt a Resolution Amending the Enforceable Obligation Payment Schedule ("EOPS") adopted January 10, 2012 pursuant to ABx1 26; and 2) Direct staff to post the amended schedule on the CDC website, transmit copies to the Ventura County Auditor-Controller, the State Controller, and the California Department of Finance.
Legislative Body: CDC Contact: Kymberly Horner Phone: 385-7853

Finance Department

6. SUBJECT: Judicial Foreclosures – Properties with Delinquent Assessments or Special Taxes. (025)
RECOMMENDATION: That City Council, acting as the legislative body of several Community Facilities Districts and Assessment Districts, instruct staff to proceed with judicial foreclosure on properties with delinquent special assessments and special taxes located within several Assessment Districts and Community Facilities District throughout the City, which special assessments and special taxes are secured by liens to repay bonded indebtedness.
Legislative Body: CC Contact: Mike More Phone: 385-7480

Housing Department

7. SUBJECT: Las Villas de Paseo Nuevo Affordable Housing Project located at 5637 to 5627 Cypress Road, Oxnard, California. (029)
RECOMMENDATION: Adopt a resolution authorizing the Housing Authority's Executive Director or designee to execute and take all needed actions in consultation with Housing Authority's general counsel relative to entering into an agreement of limited partnership, development agreement, guaranty agreement, pledge and security agreement, indemnity agreement, management agreement, right of first refusal/purchase option agreement and any other agreements for the purpose of developing, maintaining and operating the Las Villas de Paseo Nuevo affordable housing project.
Legislative Body: HA Contact: Larry White Phone: 385-8235

Public Works Department

8. SUBJECT: Third Amendment to Agreement for Contracting Services Between the City of Oxnard and Agromin Organics Recycling (Agromin) for Yard Waste, Wood Material and Street Sweeping Debris and Residuals Processing Services. (035)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to the agreement with Agromin (3414-05-PW) for an amount not to exceed $700,000 for yard waste, wood material, and street sweeping debris and residuals processing services and to extend the term from February 1, 2012 to January 31, 2013.
Legislative Body: CC Contact: Grant Dunne Phone: 340-8365

9. SUBJECT: Application for State of California Proposition 84 Grant Funds to Conduct a Planning Study and Demonstration Project to Evaluate the Feasibility of Large-Scale Storm Water Capture and Reuse. (039)
RECOMMENDATION: Adopt a resolution authorizing the City Manager to submit an application for $500,000 in the State of California Proposition 84 Grant Funds, to be used to conduct a Planning Study and Demonstration Project to evaluate the feasibility of large-scale storm water capture and reuse.
Legislative Body: CC Contact: Lou Balderrama Phone: 340-5358

10. SUBJECT: PW12-02 Blackstock South Neighborhood Street Improvement Project. (049)
RECOMMENDATION: Approve Project Specification No. PW12-02 for pavement, sidewalk, curb and gutter reconstruction, and replacing street name signs, in the Blackstock South Neighborhood Street Improvement Project (bounded eastward to San Simeon Avenue, westward to Saviers Road, northward to La Canada Avenue, and southward to East Bard Road), and authorize staff to solicit bids.
Legislative Body: CC Contact: Lou Balderrama Phone: 340-5358

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Reports for the Periods Ending November 30, 2011 and December 31, 2011. (051)
RECOMMENDATION: The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the periods ending November 30, 2011 and December 31, 2011. Because these reports include year-end accruals for Fiscal Year 2011, there are timing issues on offsetting revenues and expenditures.
Legislative Body: CC Contact: James Cameron Phone: 385-7461

K. INFORMATION/CONSENT PUBLIC HEARINGS

Police Department

1. SUBJECT: Supplemental Law Enforcement Services Funds. (077)
RECOMMENDATION: Approve the appropriation of funds in the amount of $379,006 from the State Supplemental Law Enforcement Services Funds to the Police Department for partial funding of police positions and for upgrades for the department's computer systems.
Legislative Body: CC Contact: Mary Diamond Phone: 385-7612

L. PUBLIC HEARINGS – 7:15 P.M.

Development Services Department

1. SUBJECT: Appeal of the Planning Commission's Approval of Special Use Permit No. 11-510-07 to Allow the Sale of Beer and Wine at the 4-Way Meat Market, Located at 508 East Date Street. Filed by Salvador Ayala, 508 East Date Street, Oxnard, CA 93033. (079)
RECOMMENDATION: Adopt a resolution denying the appeal and upholding the Planning Commission's approval to allow the sale of beer and wine for off-site consumption at the 4-Way Meat Market, located at 508 East Date Street.
Legislative Body: CC Contact: Douglas Spondello Phone: 385- 3919

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

1. SUBJECT: Pars Supplemental Retirement Benefit Plan. (111)
   RECOMMENDATION: Receive and file a report on the City's PARS Supplemental Retirement Benefit Plan.
   Legislative Body: CC   Contact: Edmund Sotelo   Phone: 385-7428

2. SUBJECT: Verbal Report on the Future of the Community Development Commission and Redevelopment Activities in the City of Oxnard.
   RECOMMENDATION: Consider verbal report and provide direction.
   Legislative Body: CC   Contact: Edmund Sotelo   Phone: 385-7428

N. CITY COUNCIL/HOUSING AUTHORITY/COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

Finance Department

1. SUBJECT: Grow Oxnard Fund. (207)
   RECOMMENDATION: Receive a report on the Grow Oxnard Fund and provide direction to staff.
   Legislative Body: CC   Contact: James Cameron   Phone: 385-7461

P. PUBLIC COMMENTS ON REPORTS

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

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

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

C. CLOSED SESSION - (Continued from page 1)

1. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION.

CC On the advice of the City Attorney, based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case, pursuant to Government Code section 54956.9(c).

The City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Anticipated Litigation.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

CC Instructions to negotiator, Edmund Sotelo, City Manager concerning negotiations with Cerebrus Capital Management, regarding the price and terms of payment for the purchase of approximately 20 acres of real property located at the northwestern corner of Ventura Road and Vineyard Avenue.

The City Manager requested that this item be discussed in closed session under the Brown Act exception of Conference with Real Property Negotiator. The purpose of the closed session is for the City Council to review the status of negotiations for the potential sale of real property and to provide instructions to the negotiator.

3. CONFERENCE WITH LABOR NEGOTIATOR.

CC Instructions to negotiators, Karen Burnham, Assistant City Manager, and Michelle Tellez, Human Resources Director, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

The Assistant City Manager and the Human Resources Director requested that these items be discussed in closed session under the Brown Act exception of Conference with Labor Negotiator. The purpose of the closed session is for the City Council to review the status of negotiations and to provide instructions to negotiators.

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

CC Title: City Manager

T. ADJOURNMENT

Meeting Date: 1 / 24/ 12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	☐ Other ______

Prepared By: Martin R. Erickson MRE Agenda Item No. I-1

Reviewed By: City Manager City Attorney Finance Other

DATE: January 13, 2012

TO: City Council

FROM: Martin R. Erickson
Special Assistant to the City Manager
City Manager's Office

SUBJECT: **Resolution Supporting the Federal Clean Air Act**

RECOMMENDATION

That City Council adopt a resolution in support of reducing greenhouse gas pollution through enforcement of the federal Clean Air Act.

DISCUSSION

With passage of the Clean Air Act in 1970, air quality in the United States has improved significantly. President Nixon signed the Clean Air Act into law in 1970. Between 1970 and 1990, the six main pollutants covered by the Clean Air Act – particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the acid gases that cause acid rain) – were reduced by between 47 percent and 93 percent. Since its inception, the Clean Air Act has generally enjoyed bi-partisan support. Recently in Congress, however, the Clean Air Act has been subject to criticism from some who wish to modify the Act.

California chose to adopt air quality standards that exceed the Clean Air Act, enforcing these measures through the California Air Resources Board. In Ventura County, the Ventura County Air Pollution Control District (VCAPCD) works with business and government agencies to ensure air quality standards are met. The attached resolution for City Council's consideration seeks to convey the City of Oxnard's strong support of preserving the federal Clean Air Act.

FINANCIAL IMPACT

There is no financial impact involved in this recommendation.

Attachment #1 - Draft resolution supporting the federal Clean Air Act

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION THROUGH ENFORCEMENT OF THE CLEAN AIR ACT

WHEREAS, the City of Oxnard is committed to policies that benefit the environment and promote sustainability; and

WHEREAS, the City expresses its commitment to the environment through a multitude of policies, laws, and programs that promote sustainability; and

WHEREAS, climate change poses an unprecedented risk to the environment; and

WHEREAS, the City of Oxnard's 2030 General Plan includes a policy to develop a Climate Action and Adaptation Plan that implements requirements adopted by the California Air Resources and/or the Ventura County Air Pollution Control District; and

WHEREAS, as early as the 1850's, scientists began predicting that greenhouse gases from burning fossil fuels would eventually lead to the warming of the earth's surface; and

WHEREAS, the decade from 2000 to 2010 was the warmest on record, and 2005 and 2010 tied for the hottest years on record; and

WHEREAS, the current level of CO^2 in the atmosphere is approximately 389 parts per million (ppm); and

WHEREAS, 97 percent of scientific experts are convinced that human activity is significantly contributing to climate change, and there is growing consensus among researchers that a reduction of the concentration of CO^2 in the atmosphere is necessary to prevent an average global temperature increase of more than 2 degrees in centigrade; and

WHEREAS, the oceans have become 30 percent more acidic since the industrial revolution due to their uptake of carbon dioxide, which is threatening ocean life from shellfish to corals; and

WHEREAS, the anthropogenic climate change may contribute to both the increased frequency and intensity of extreme weather events such as hurricane, blizzards, floods, droughts and heat waves, all of which threaten both life and economic stability; and

WHEREAS, for four decades the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act – particulate matter and ground level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the acid gases that cause acid rain) – were reduced between 47 percent and 93 percent; and

WHEREAS, the U.S. Supreme Court rules in *Massachusetts vs. EPA* (2007) that greenhouse gases are "air pollutants" as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the Clean Air Act enforcement can curb greenhouse gas pollution either without new climate legislation or in conjunction with new climate legislation; and

WHEREAS, in December, 2009, EPA pursuant to the Endangerment Finding, concluded that GHG emissions from motor vehicles in the atmosphere threaten the public health and welfare of current and future generations; and

WHEREAS, climate change is not an abstract problem for the future or one that will only affect far-distant places but rather climate change is happening here and now; human activity is significantly contributing to it; and the longer we wait to act, the more dangerous the problem will become.

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

The City of Oxnard hereby urges the President of the United States and the Environmental Protection Agency to stand by the 2009 Endangerment Finding on GHG emissions and supports the United States Environmental Protection Agency's ongoing efforts to reduce GHG emissions from stationary and mobile sources through the federal Clean Air Act.

PASSED AND ADOPTED THIS 24th day of January 2012 by the following vote:

AYES:

NOES:

ABSENT:

____
Dr. Thomas E. Holden, Mayor

ATTEST:

____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

____
Alan Holmberg, City Attorney

Meeting Date: 1/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	■ Other Council Business

Prepared By: Edmund F. Sotelo, City Manager Agenda Item No. I-2

Reviewed By: City Manager City Attorney Finance Other *(Specify)*

DATE: January 18, 2012

TO: City Council

FROM: Edmund F. Sotelo, City Manager
City Manager's Office

SUBJECT: **Agreements for City Council Review**

RECOMMENDATION

That City Council, pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the agreements/contracts and change orders/amendments in amounts more than $25,000 but no more than $250,000, which are described on the attached list.

DISCUSSION

On November 16, 2010, the City Council approved changes to the City's Purchasing Procedures reducing the threshold for City agreements/contracts and change orders/amendments requiring City Council approval to $25,000. The agreements/contract and change orders/amendments described on the attached list involve amounts above $25,000 and up to $250,000.

FINANCIAL IMPACT

Funding information is included on the attached list.

Attachment - #1 – List of Agreements/Contracts and Change Orders/Amendments

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office after 8:00 a.m. on Monday prior to the Council meeting.

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
1	**Original Agreement**	**Police Department** Paul Cumming 385-7645	**Ventura County Probation Agency** Agreement No. A-7467	**Post Release Offender Supervision (PROS)** Operational agreement with the Ventura County Probation Agency, Ventura Police Department and the Oxnard Police Department regarding PROS Teams. The contract pays the cost of full time police officer working directly with the Ventura County Probation Agency. **Total Contract Amount: $106,667** **Funding Source: Cost will be reimbursed**	**$106,667**
2	**Original Agreement**	**Police Department** Martin Meyer 207-7078	**The Oxnard Harbor District** Agreement No. A-7464	**Memorandum of Understanding** To support the Harbor District to enhance port and maritime security through the deployment of police mobile units equiped with License Plate Readers along the Oxnard/Port Hueneme Intermodal Corridor. **Total Contract Amount: $35,000** **Funding Source: Cost will be reimbursed**	**$35,000**
3	**Change Order**	**General Services** Ralph Alamillo 385-7821	**C.S. Legacy Construction** Agreement No. A-7379 Change Order No. 6	**College Park Improvements - Phase 1C** Upsize of trees, addition irrigation sleeves and wiring; additional landscape valves, trench and backfill added for gas line, electrical fixtures, change to pedestrian bridge lights. **Total Amount of Contract: $11,066,475** **Funding Source: Measure "O" Funds**	**$29,747**
4	**Original Agreement**	**General Services** Ralph Alamillo 385-7821	**Heathcote Geotechnical** Agreement No. A-7453	**Del Sol Park Improvement** Work will include a rubberized jogging path and concrete edge, renovations to existing restrooms to make them ADA compliant; upgrades to parking area for ADA accessible parking and installation of truncated domes. **Total Amount of Contract: $153,000** **Funding Source: Measure "O" Funds**	**$153,000**
5	**Purchase Order**	**Fleet Services** Bill Birch 385-8080	**Wondires Fleet Division** Purchase Order No. 3935	**Vehicle Purchase** Purchase of nine police vehicles. **Total Amount of Contract: $215,502** **Funding Source: Measure "O" Funds**	**$215,502**

ATTACHMENT #1
PAGE 1 OF 1

AGENDA ITEM NO.
I-3

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2853

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE TITLE OF DIVISION 4 OF ARTICLE 2 OF CHAPTER 2 OF THE OXNARD CITY CODE, ADDING SUBSECTION (C) TO SECTION 2-55 OF THE OXNARD CODE, AND AMENDING SUBSECTIONS (A) AND (B) OF SECTION 2-56, SECTION 2-57, SUBSECTIONS (A) AND (B) OF SECTION 2-58, THE FIRST SENTENCE OF SECTION 2-59, AND SUBSECTIONS (J), (K), AND (L) OF SECTION 2-59 OF THE OXNARD CITY CODE CONCERNING THE NAME OF THE COMMISSION ON COMMUNITY RELATIONS

....

The City Council of the City of Oxnard does ordain as follows:

Part 1. The title of Division 4 of Article 2 of Chapter 2 of the Oxnard City Code is hereby amended to read as follows:

"DIVISION 4. COMMUNITY RELATIONS COMMISSION"

Part 2. Subsection (C) is hereby added to Section 2-55 of the Oxnard City Code to read as follows:

"(C) The commission on community relations shall be known as the community relations commission."

Part 3. Subsections (A) and (B) of Section 2-56 of the Oxnard City Code are hereby amended to read as follows:

"(A) The city council shall appoint the members of the community relations commission. Members shall be appointed at the first meeting of the city council in every December after a general election involving the office of mayor.

(B) The term of a member of the community relations commission shall be two years and shall begin in January."

Part 4. Section 2-57 of the Oxnard City Code is hereby amended to read as follows:

"The city manager shall designate a city staff member to serve as a nonvoting secretary to the community relations commission."

Part 5. Subsections (A) and (B) of Section 2-58 of the Oxnard City Code are hereby amended to read as follows:

"(A) The community relations commission shall follow rules of procedure approved by the city council.

(B) Four members shall constitute a quorum for the transaction of business by the community relations commission."

Part 6. The first sentence of Section 2-59 of the Oxnard City Code is hereby amended to read as follows:

"The powers and duties of the community relations commission shall be as follows:"

Part 7. Subsections (J), (K), and (L) of Section 2-59 of the Oxnard City Code are hereby amended to read as follows:

"(J) With the prior written consent of the city manager, conduct fund raising activities that improve community relations in the city and are consistent with the duties of the community relations commission;

(K) Endorse community events, by resolution or proclamation approved by a majority of the members present, that improve community relations in the city and are consistent with the duties of the community relations commission;

(L) Prepare and submit an annual report of activities to the city council and make such other reports and recommendations to the city council from time to time as the community relations commission may determine necessary to improve community relations in the city."

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Part 8. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ____ was first read on __________, 20__ and finally adopted on _______________, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

____
Dr. Thomas E. Holden, Mayor

ATTEST:

____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____________________________ For
Alan Holmberg, City Attorney 1.4.12

CITY OF Oxnard "The City That Cares" CALIFORNIA

Meeting Date: 1/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	☐ Other ______

Prepared By: Danielle M. Navas DNavas Agenda Item No. I-4

Reviewed By: City Manager ____ City Attorney ____ Finance ____ Other *(Specify)* ____

DATE: January 11, 2012

TO: City Council

FROM: Danielle M. Navas, City Treasurer Danielle M. Navas

SUBJECT: **Quarterly Investment Report for the Second Quarter F/Y 2011-2012**

RECOMMENDATION

That City Council accept the quarterly Investment Report for the Second Quarter F/Y 2011-2012.

DISCUSSION

The City Treasurer will continue to provide this quarterly report to keep you informed of the status of the investment portfolio, however, it is no longer required by state law. This is one of many previously reimbursable state mandated items not required due to lack of state funding. The Investment Policy was presented to City Council with the Annual Report of Investment Policy on September 27, 2011. The City of Oxnard Treasurer's Office Market Report as of December 31, 2011 is provided as Attachment 1. The source of the market values is Sungard, the vendor of the City's investment reporting system. Investments in the City's portfolio meet the requirements of the City of Oxnard's adopted investment policy. Detailed information regarding individual investments is maintained in the City Treasurer's Office.

The following statistics provide a summary on the status of the portfolio as of December 31, 2011:

Original cost of investments	$ 120,001,732	Book Value
Total to be received at maturity	$ 120,000,000	Par Value
If sold on December 31, 2011	$ 120,739,688	Market Value
Gain/ (Loss) if sold on December 31, 2011	$ 737,956*	

*All investments purchased are held to maturity. Sufficient liquidity is maintained for unexpected needs so that sale of an investment is not necessary. Any gain or loss related to changing market value is only a "paper" gain or loss, not an increase or decrease in the funds of the City.

Total earnings (2nd quarter)	$ 466,837	
Average yield (2nd quarter)	1.46%	(for the month 1.42%)
Average days to maturity (2nd quarter)	792	(for the month 754 days)

The quarterly average yield on the portfolio was 1.46 percent compared with the Local Agency Investment Fund (LAIF) yield of .38 percent for the same period. The LAIF portfolio is comprised of public funds invested on a short-term basis with priority of safety first followed by need for liquidity and yield, the priorities of the City Treasurer's Investment Policy.

The federal funds rate remains unchanged at .00 to .25 percent.

In compliance with California Government Code section 53646, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's budgeted and anticipated expenditure requirements for the next six months.

FINANCIAL IMPACT

None at this time.

Attachment #1 –Investment Inventory as of December 31, 2011
Attachment #2 – Benchmark Rate Comparison

Inventory by Market Value

CITY OF OXNARD
TREASURER'S OFFICE
AS OF DATE: 12/31/11

Run Date: 1/10/2012 10:37:55 AM

Inv. No.	Description	CUSIP	Purchase / Maturity	Coupon / YTM TR	Current Par /Share / Current Book	Market Value / Market Price	Curr Accr Int / Price Source
Inv Type: 12 FEDERAL HOME LOAN BANK BONDS							
16782	FHLB	3133XTXE1	06/26/2009	2.000000	2,000,000.00	2,005,625.00	14,111.11
			02/24/2012	2.000000	2,000,000.00	100.281250	SUNGARD
16849	FHLB	313370KU1	08/16/2010	1.500000	2,000,000.00	2,049,375.00	2,750.00
			11/28/2014	1.500000	2,000,000.00	102.468750	SUNGARD
16862	FHLB	313370ZX9	09/20/2010	1.125000	2,000,000.00	2,026,875.00	6,312.50
			12/30/2013	1.125000	2,000,000.00	101.343750	SUNGARD
16867	FHLB	3133716T8	10/15/2010	1.500000	2,000,000.00	2,015,625.00	6,333.33
			04/15/2015	1.500000	2,000,000.00	100.781250	SUNGARD
16878	FHLB	313372QK3	02/17/2011	2.600000	2,000,000.00	2,113,750.00	21,955.56
			01/29/2016	2.600000	2,000,000.00	105.687500	SUNGARD
16891	FHLB	313373YB2	06/13/2011	1.150000	2,000,000.00	2,006,875.00	1,150.00
			06/13/2014	1.150000	2,000,000.00	100.343750	SUNGARD
16893	FHLB	313374FC9	06/29/2011	1.220000	2,000,000.00	2,006,875.00	135.56
			12/29/2014	1.220000	2,000,000.00	100.343750	SUNGARD
16897	FHLB	313374T42	07/29/2011	1.500000	2,000,000.00	2,023,750.00	12,666.67
			07/29/2015	1.500000	2,000,000.00	101.187500	SUNGARD
			Subtotal	**1.574375**	**16,000,000.00**	**16,248,750.00**	**65,414.73**
				1.574375	**16,000,000.00**	**101.554688**	
Inv Type: 13 FEDERAL NATIONAL MORTGAGE ASSN							
16773	FNMA	3136FHDB8	03/20/2009	3.000000	2,000,000.00	2,009,375.00	16,833.33
			03/20/2014	3.000000	2,000,000.00	100.468750	SUNGARD
16774	FNMA	3136FHDB8	03/20/2009	3.000000	2,000,000.00	2,009,375.00	16,833.33
			03/20/2014	3.000000	2,000,000.00	100.468750	SUNGARD
16854	FNMA	31398A3G5	09/08/2010	1.500000	2,000,000.00	2,040,000.00	9,416.67
			09/08/2014	1.500000	2,000,000.00	102.000000	SUNGARD
16858	FNMA	3136FPEW3	09/16/2010	1.500000	2,000,000.00	2,043,750.00	1,250.00
			12/16/2014	1.500000	2,000,000.00	102.187500	SUNGARD
16860	FNMA	3136FPEX1	09/17/2010	1.125000	2,000,000.00	2,023,750.00	875.00
			12/17/2013	1.125000	2,000,000.00	101.187500	SUNGARD
16874	FNMA	3136FPYC5	11/30/2010	1.450000	2,000,000.00	2,008,750.00	2,497.22
			11/30/2015	1.450000	2,000,000.00	100.437500	SUNGARD
16885	FNMA	3136FRGM9	04/27/2011	2.250000	2,000,000.00	2,014,375.00	8,000.00
			04/27/2016	2.250000	2,000,000.00	100.718750	SUNGARD
16886	FNMA	3136FRGM9	04/27/2011	2.250000	2,000,000.00	2,014,375.00	8,000.00
			04/27/2016	2.250000	2,000,000.00	100.718750	SUNGARD
16895	FNMA	3136FRXU2	07/18/2011	2.100000	2,000,000.00	2,001,875.00	19,016.67
			07/18/2016	2.195523	1,991,000.00	100.093750	SUNGARD
16899	FNMA	3136FRP80	08/26/2011	1.050000	2,000,000.00	2,003,750.00	7,408.34

ATTACHMENT 1
PAGE 1 OF 4

CITY OF OXNARD
TREASURER'S OFFICE
AS OF DATE: 12/31/11

Run Date: 1/10/2012 10:37:55 AM

Inv. No.	Description	CUSIP	Purchase / Maturity	Coupon / YTM TR	Current Par/Share / Current Book	Market Value / Market Price	Curr Accr Int / Price Source
			08/24/2015	1.050000	2,000,116.67	100.187500	SUNGARD
16900	FNMA	3136FRZ97	08/29/2011	1.000000	2,000,000.00	2,007,500.00	6,777.78
			08/24/2016	1.000000	2,000,000.00	100.375000	SUNGARD
16903	FNMA	3136FRY98	09/19/2011	1.000000	2,000,000.00	2,000,000.00	666.67
			06/19/2015	1.000000	2,000,000.00	100.000000	SUNGARD
16904	FNMA	3136FTBJ7	09/30/2011	1.050000	2,000,000.00	2,002,500.00	5,308.33
			09/30/2015	1.050000	2,000,000.00	100.125000	SUNGARD
16907	FNMA	3136FTFH7	10/26/2011	1.250000	2,000,000.00	2,011,250.00	4,513.89
			10/26/2015	1.250000	2,000,000.00	100.562500	SUNGARD
16910	FNMA	3136FTVJ5	12/28/2011	1.125000	2,000,000.00	2,001,875.00	187.50
			12/28/2016	1.125000	2,000,000.00	100.093750	SUNGARD
			Subtotal	**1.643194**	**30,000,000.00**	**30,192,500.00**	**107,584.73**
				1.649535	**29,991,116.67**	**100.641667**	

Inv Type: 17 FEDERAL FARM CREDIT BANK BONDS

Inv. No.	Description	CUSIP	Purchase / Maturity	Coupon / YTM TR	Current Par/Share / Current Book	Market Value / Market Price	Curr Accr Int / Price Source
16623	FFCB	31331XMN9	02/05/2007	5.040000	2,000,000.00	2,005,625.00	43,960.00
			01/24/2012	5.135260	1,999,162.68	100.281250	SUNGARD
16642	FFCB	31331XVH2	05/25/2007	4.875000	2,000,000.00	2,026,250.00	21,395.83
			04/12/2012	5.070151	1,998,286.10	101.312500	SUNGARD
16879	FFCB	31331KEB2	03/16/2011	2.180000	2,000,000.00	2,006,250.00	12,716.67
			03/16/2015	2.180000	2,000,000.00	100.312500	SUNGARD
16880	FFCB	31331KEB2	03/16/2011	2.180000	2,000,000.00	2,006,250.00	12,716.67
			03/16/2015	2.180000	2,000,000.00	100.312500	SUNGARD
16883	FFCB	31331KHF0	04/25/2011	1.620000	2,000,000.00	2,007,500.00	5,940.00
			04/25/2014	1.620000	2,000,000.00	100.375000	SUNGARD
16888	FFCB	31331KLP3	06/06/2011	1.180000	2,000,000.00	2,006,250.00	1,638.89
			06/06/2014	1.180000	2,000,000.00	100.312500	SUNGARD
16889	FFCB	31331KLP3	06/06/2011	1.180000	2,000,000.00	2,006,250.00	1,638.89
			06/06/2014	1.180000	2,000,000.00	100.312500	SUNGARD
16901	FFCB	31331KXC9	09/06/2011	1.500000	2,000,000.00	2,011,875.00	9,583.33
			09/06/2016	1.500000	2,000,000.00	100.593750	SUNGARD
16902	FFCB	31331KXC9	09/06/2011	1.500000	2,000,000.00	2,011,875.00	9,583.33
			09/06/2016	1.500000	2,000,000.00	100.593750	SUNGARD
16905	FFCB	31331KG61	10/19/2011	1.290000	2,000,000.00	2,008,750.00	5,160.00
			10/19/2015	1.290000	2,000,000.00	100.437500	SUNGARD
16908	FFCB	31331KL24	10/26/2011	1.540000	2,000,000.00	2,012,500.00	5,561.11
			10/26/2016	1.540000	2,000,000.00	100.625000	SUNGARD
			Subtotal	**2.189228**	**22,000,000.00**	**22,109,375.00**	**129,894.72**
				2.215613	**21,997,448.78**	**100.497159**	

Inv Type: 23 OTHER GOVERNMENT AGENCIES

14

ATTACHMENT 1
PAGE 2 OF 4

Inventory by Market Value

CITY OF OXNARD
TREASURER'S OFFICE
AS OF DATE: 12/31/11

Run Date: 1/10/2012 10:37:55 AM

Inv. No.	Description	CUSIP	Purchase / Maturity	Coupon / YTM TR	Current Par /Share / Current Book	Market Value / Market Price	Curr Accr Int / Price Source
16906	FHLMC	3134G2Y89	10/24/2011	1.000000	2,000,000.00	2,000,625.00	3,722.22
			04/24/2015	1.000000	2,000,000.00	100.031250	SUNGARD
16909	FHLMC	3134G22G6	11/09/2011	1.750000	2,000,000.00	2,007,500.00	5,055.56
			11/09/2016	1.750000	2,000,000.00	100.375000	SUNGARD
			Subtotal	**1.375000**	**4,000,000.00**	**4,008,125.00**	**8,777.78**
				1.375000	**4,000,000.00**	**100.203125**	
Inv Type: 81 MUNICIPAL BONDS							
16873	MUNI	544587US5	11/23/2010	3.185000	1,000,000.00	1,000,000.00	5,308.33
			11/01/2013	3.185000	1,000,000.00	100.000000	BOOK
			Subtotal	**3.185000**	**1,000,000.00**	**1,000,000.00**	**5,308.33**
				3.185000	**1,000,000.00**	**100.000000**	
Inv Type: 85 DEPOSIT NOTES							
16692	MTN	36962G2L7	03/17/2008	5.000000	2,000,000.00	2,024,687.50	22,500.00
			04/10/2012	4.100229	2,008,172.23	101.234375	SUNGARD
16706	MTN	084670AS7	01/15/2008	4.750000	2,000,000.00	2,027,812.50	12,138.89
			05/15/2012	4.104863	2,005,793.83	101.390625	SUNGARD
16844	MTN	36962G4L5	07/08/2010	3.500000	2,000,000.00	2,097,187.50	388.89
			06/29/2015	3.500000	2,000,000.00	104.859375	SUNGARD
16868	MTN	931142CX9	10/25/2010	1.500000	2,000,000.00	2,031,250.00	5,500.00
			10/25/2015	1.510420	1,999,200.44	101.562500	SUNGARD
			Subtotal	**3.689825**	**8,000,000.00**	**8,180,937.50**	**40,527.78**
				3.305448	**8,013,166.50**	**102.261719**	
Inv Type: 99 PASSBOOK INTEREST							
16434	LOCAL AGENCY INVEST		07/01/2002	.390000	39,000,000.00	39,000,000.00	38,870.05
			01/01/2012	.390000	39,000,000.00	100.000000	BOOK
			Subtotal	**.390000**	**39,000,000.00**	**39,000,000.00**	**38,870.05**
				.390000	**39,000,000.00**	**100.000000**	
Grand Total			**Count 42**	1.467402	120,000,000.00	120,739,687.50	396,378.12
				1.448157	120,001,731.95	100.616406	

***Includes Accrued Discount:** **$22,749.22**
Earned Interest Yield This Period: **1.44%**

"Per Government Requirements, there are adequate funds available to meet budgeted and actual expenses for the next thirty days"

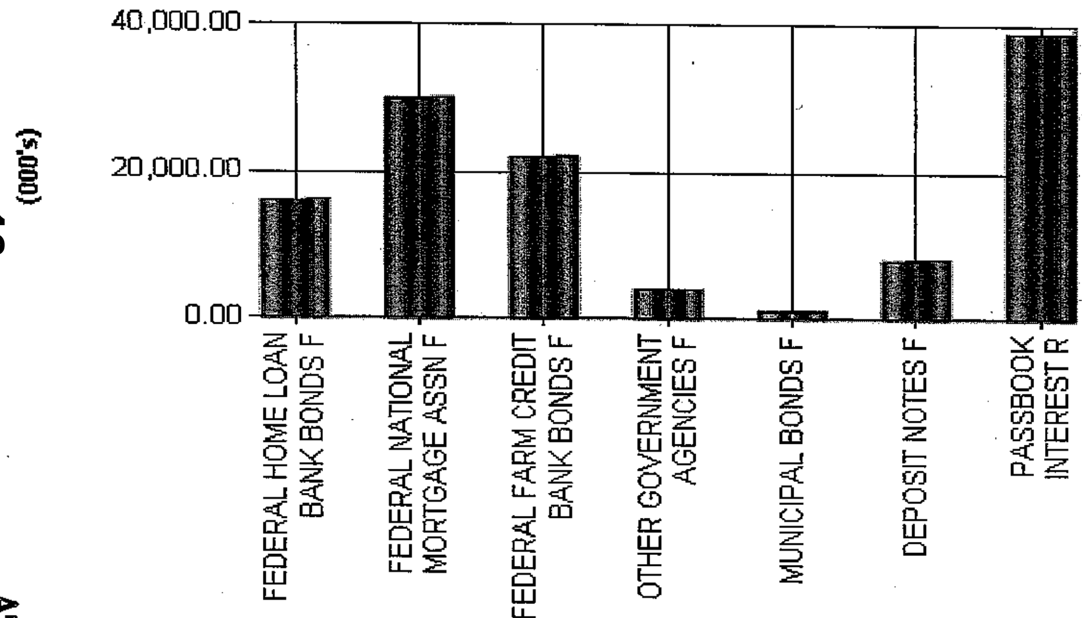
ATTACHMENT 1
PAGE 3 OF 4

Inventory by Market Value

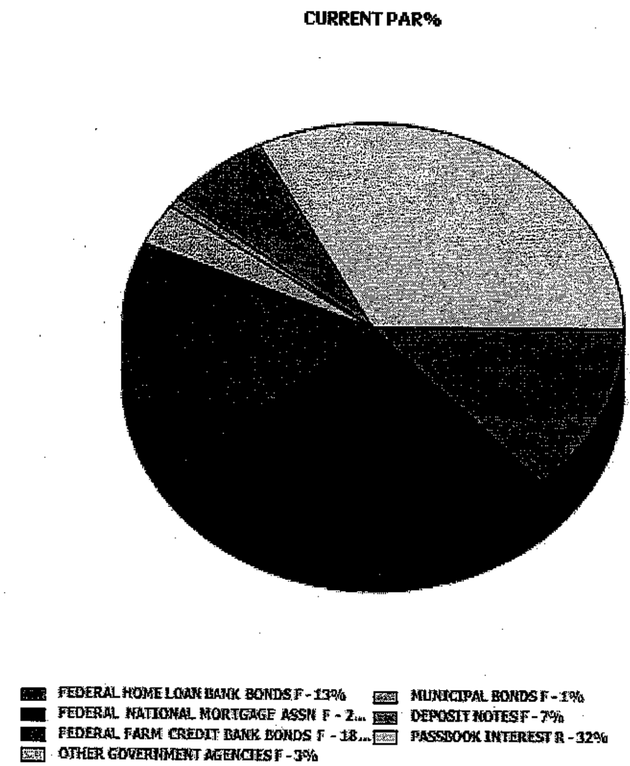
CITY OF OXNARD
TREASURER'S OFFICE
AS OF DATE: 12/31/11

Run Date: 1/10/2012 10:37:55 AM

Assets (000's)	Current Par	Current Book	Market	MKT/Book	Yield
FEDERAL HOME LOAN BANK BONDS F	16,000,000.00	16,000,000.00	16,248,750.00	101.55%	1.57%
FEDERAL NATIONAL MORTGAGE ASSN F	30,000,000.00	29,991,116.67	30,192,500.00	100.67%	1.65%
FEDERAL FARM CREDIT BANK BONDS F	22,000,000.00	21,997,448.78	22,109,375.00	100.51%	2.22%
OTHER GOVERNMENT AGENCIES F	4,000,000.00	4,000,000.00	4,008,125.00	100.20%	1.38%
MUNICIPAL BONDS F	1,000,000.00	1,000,000.00	1,000,000.00	100.00%	3.19%
DEPOSIT NOTES F	8,000,000.00	8,013,166.50	8,180,937.50	102.09%	3.31%
PASSBOOK INTEREST R	39,000,000.00	39,000,000.00	39,000,000.00	100.00%	0.39%
Totals(000's)	120,000,000.00	120,001,731.95	120,739,687.50	100.61%	1.45%



Asset Allocation



16

ATTACHMENT 1
PAGE 4 OF 4

CITY OF OXNARD BENCHMARK COMPARISON
VS. LAIF AND 2-YR TREASURIES
as of December 31, 2011

FISCAL YEAR		CITY		LAIF		2 YR TREASURY		
2004/05	12 mo avg	2.78		2.17		3.08	FY	
							2.38	Calendar
2005/06	12 mo avg	3.70		3.84		4.46	FY	
							3.85	Calendar
2006/07	12 mo avg	4.24		5.11		4.81		
2007/08	12 mo avg	4.68		3.11		3.08		
2008/09	12 mo avg	3.79		2.16		1.51		
2009/10	12 mo avg	2.34		0.65		0.86		
2010/11	12 mo avg	2.02		0.49		0.55		
SUBTOTAL - 7 Years		**23.55**		**17.53**		**18.35**		
Annual Average (7 years)		**3.36**		**2.50**		**2.62**		
Quarterly Average FY 2011-12		*CITY*		*LAIF*		*2 YR TREAS*		
	First Quarter	*1.50*		*0.38*		*0.28*		
	Second Quarter	*1.46*		*0.38*		*0.26*		
	Third Quarter							
	Fourth Quarter							

CITY = CITY OF OXNARD
LAIF = STATE LOCAL AGENCY INVESTMENT FUND
2 YR TREASURY = U S GOVERNMENT TREASURY BILLS - 2 YR MATURITY

Meeting Date: 01/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). ________	☐ Report
☐ Res. No(s). ________	☐ Public Hearing (Info/consent)
☐ Other ________	☐ Other ________

Prepared By: Kymberly Horner KH. Agenda Item No. I-5

Reviewed By: City Manager City Attorney Finance Other N/A

DATE: January 18, 2012

TO: Community Development Commission

FROM: Curtis P. Cannon, Community Development Director Kymberly Horner (for)
Community Development Department

SUBJECT: Adoption of a Resolution Amending the Enforceable Obligation Payment Schedule

RECOMMENDATION

That the Community Development Commission ("CDC"):

1. Adopt a Resolution Amending the Enforceable Obligation Payment Schedule ("EOPS") adopted January 10, 2012 pursuant to ABx1 26.

2. Direct staff to post the amended schedule on the CDC website, transmit copies to the Ventura County Auditor-Controller, the State Controller, and the California Department of Finance.

DISCUSSION

Following the stay issued on August 11, 2011, by the California Supreme Court, and prior to subsequent definitive guidance on the impact of the stay on AB1x-26, including a requirement that the CDC adopt an Enforceable Obligation Payment Schedule by August 27, 2011, CDC staff quickly mobilized to compile information on all enforceable obligations into a template provided by the California Redevelopment Association. The EOPS was adopted by the CDC on August 25, 2011. On January 10, 2012 an amended EOPS was provided to the CDC for adoption. The amended EOPS provided an updated payment schedule and was also amended to include the South Oxnard Library. As is to be expected when operating within compressed timeframes, staff has now identified a number of enforceable obligations that were inadvertently omitted, as well as some clarification required to incorporate revised amounts, add correct payee information or eliminate redundant entries. Consequently, the EOPS has now been revised. Health and Safety Code section 34169 provides that the EOPS may be amended at any public meeting of the CDC. Once adopted, the amended EOPS will be posted on the CDC website.

FINANCIAL IMPACT

Adoption of the resolutions has no adverse financial impact to the City.

Attachment #1 - Amended EOPS Resolution

Note: The second amended EOPS is being finalized. Copies for review will be made available at the Help Desk in the Library and in the City Clerk's Office during regular business hours when the document is made available to the City Council and the Community Development Commission.

RESOLUTION NO. __________

RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION ADOPTING A SECOND AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

THE OXNARD COMMUNITY DEVELOPMENT COMMISSION HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Whereas, on August 25, 2011, the Oxnard Community Development Commission (the "**Commission**") adopted Resolution No. 151, which adopted an Enforceable Obligation Payment Schedule ('the EOPS"); and

Whereas, the EOPS listed Commission payments that were due through December 31, 2011; and

Whereas, on December 29, 2011, the California Supreme Court granted a 4-month extension to certain deadlines set forth in Assembly Bill x1 26 ("**AB 26**"), pursuant to which the EOPS was adopted; and

Whereas, on January 10, 2012, the Commission adopted Resolution No. R-153, which adopted an amended EOPS; and

Whereas, the EOPS listed Commission payments that are due January 1, 2012 through June 30, 2012; and

Whereas, the Commission desires to further amend the EOPS to list payments due after December 31, 2011, as set forth on the second amended EOPS attached hereto and incorporated herein by this reference; and

Whereas, the Commission hereby desires to adopt this Resolution, subject to the express reservation of rights of the Commission and the City of Oxnard under law and/or equity, including, without limitation, the effectiveness of AB 26, collectively, "**Laws**"; and

Whereas, the Commission does not intend, by adoption of this resolution, to waive any constitutional and/or legal rights under law and/or equity, including, without limitation, the effectiveness of AB 26, by virtue of the adoption of this Resolution and, therefore, reserves all of its rights under Laws to challenge the applicability of AB 26 to the Commission and/or the City of Oxnard in any administrative or judicial proceeding; and

Whereas, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:

Section 1. The Commission hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The attached second amended EOPS is hereby adopted.

Section 3. The Commission's Executive Director, or designee, is hereby authorized to take such actions as are necessary and appropriate to comply with AB 26.

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. The Commission's Secretary Designate shall certify as to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this ___ day of __________, 2012, by the following vote:

AYES:____________

NOES:____________

ABSTAIN:________

ABSENT:_________

____
Dr. Thomas E. Holden, Chairman

ATTEST:

____
Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:

____
Alan Holmberg, General Counsel

AMENDED

EOPS

TO FOLLOW

Meeting Date: 01/24/2012

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☑ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	☐ Other ______

Prepared By: Michael More Agenda Item No. I-6

Reviewed By: City Manager City Attorney Finance Other *(Specify)*

DATE: January 12, 2012

TO: City Council

FROM: **Michael More, Financial Services Manager**
Finance Department

SUBJECT: **Judicial Foreclosures – Properties with Delinquent Assessments or Special Taxes**

RECOMMENDATION

That City Council, acting as the legislative body of several Community Facilities Districts and Assessment Districts, instruct staff to proceed with judicial foreclosure on properties with delinquent special assessments and special taxes located within several Assessment Districts and Community Facilities District throughout the City, which special assessments and special taxes are secured by liens to repay bonded indebtedness.

DISCUSSION

The City has several Community Facilities Districts (CFDs) and Assessment Districts (ADs) for which taxes and assessments are levied to repay bonded indebtedness. The districts in which foreclosures will be initiated include the following:

- Assessment District No. 2000-1 (Oxnard Boulevard/Highway 101 Interchange)
- Assessment District No. 96-1 (Rose Avenue//Highway 101 Interchange)
- Community Facilities Districts No. 1 and 2 (Westport)

All of the bond indentures for the bonds secured by the special tax/special assessment liens contain covenants which require the City to commence judicial foreclosure proceedings if certain conditions are met. The parcels listed on Attachment No. 1 have met the thresholds in the respective bond covenants, and the City must commence foreclosure proceedings.

California Government Code § 53356.1(a) provides that one of the allegations in a complaint to foreclose the lien of special taxes or assessments is that the City Council has instructed that the action be initiated. Failure to initiate foreclosure proceedings would constitute a default under each respective bond indenture.

FINANCIAL IMPACT

There is no financial impact to the City's General Fund. All costs of the foreclosure proceedings are paid from the various CFDs and ADs. Proceeds from the foreclosure sales are deposited directly in the respective Assessment District or Community Facilities District funds.

MJM

Attachment #1 - Delinquent Parcel Listing

District	Account ID	Due Date	Amount
AD 2000-1	179-0-040-170	12/10/2010	9,184.00
		04/10/2011	9,184.00
		Account Subtotal:	**$18,368.00**
AD 2000-1	179-0-040-180	12/10/2010	3,491.48
		04/10/2011	3,491.48
		Account Subtotal:	**$6,982.96**
AD 96-1	144-0-132-035	12/10/2010	1,842.27
		04/10/2011	1,842.27
		Account Subtotal:	**$3,684.54**
AD 96-1	144-0-141-035	12/10/2010	6,784.28
		04/10/2011	6,784.28
		Account Subtotal:	**$13,568.56**
AD 96-1	144-0-141-045	12/10/2010	10,552.41
		04/10/2011	10,552.41
		Account Subtotal:	**$21,104.82**
AD 96-1	144-0-141-055	12/10/2010	2,541.94
		04/10/2011	2,541.94
		Account Subtotal:	**$5,083.88**

AD 96-1	144-0-141-065	12/10/2010	2,286.50
		04/10/2011	2,286.50
		Account Subtotal:	**$4,573.00**
AD 96-1	144-0-141-075	12/10/2010	2,300.20
		04/10/2011	2,300.20
		Account Subtotal:	**$4,600.40**
AD 96-1	144-0-141-085	12/10/2010	1,635.06
		04/10/2011	1,635.06
		Account Subtotal:	**$3,270.12**
CFD 1	188-0-192-055	12/10/2010	1,588.79
		04/10/2011	1,588.79
		Account Subtotal:	**$3,177.58**
CFD 2	188-0-192-055	12/10/2010	1,199.80
		04/10/2011	1,199.80
		Account Subtotal:	**$2,399.60**

ATTACHMENT NO. 1
PAGE 2 OF 2

Meeting Date: 1/24/12

ACTION	TYPE OF ITEM
❒ Approved Recommendation	✓ Info/Consent
❒ Ord. No(s). ______	❒ Report
❒ Res. No(s). ______	❒ Public Hearing
❒ Other ______	❒ Other

Prepared By: Larry S. White Agenda Item No. I-7

Reviewed By: City Manager City Attorney Finance Other (*Specify*)

DATE: January 24, 2012

TO: Oxnard Housing Authority Board of Commissioners

FROM: William Wilkins, Housing Director

SUBJECT: **Las Villas de Paseo Nuevo Affordable Housing Project located at 5637 to 5627 Cypress Road, Oxnard, California.**

RECOMMENDATION

That the Oxnard Housing Authority Board of Commissioners adopt a resolution authorizing the Housing Authority's Executive Director or designee to execute and take all needed actions in consultation with Housing Authority's general counsel relative to entering into an amended and restated agreement of limited partnership, development agreement, guaranty agreement, pledge and security agreement, indemnity agreement, management agreement, right of first refusal/purchase option agreement and any other agreements for the purpose of developing, maintaining and operating the Las Villas de Paseo Nuevo affordable housing project.

DISCUSSION

On November 9, 2010, the Oxnard Housing Board of Commissioners approved and authorized the execution of a Predevelopment Agreement with McCarthy Construction and Ramona Properties to fund certain predevelopment costs associated with obtaining entitlements for the development of 72 units of affordable housing rental units located at 5637 to 5627 Cypress Road in Oxnard, California, commonly referred to as Las Villas de Paseo Nuevo. The Predevelopment Agreement also provided the Housing Authority with an option to purchase the above referenced property.

On June 21, 2011, the Oxnard Housing Board of Commissioners approved and authorized the execution of a first amendment to Predevelopment Agreement that, among other things, assigned the Housing Authority's purchase option to Paseo Nuevo Partners, L.P. ("Partnership"). The intent at the time this first amendment was approved was that the Housing Authority would serve as a general partner in the Partnership along with Las Cortes, Inc. The purpose of the attached resolution is to provide formal approval of the Housing Authority Board of Commissioners regarding the Housing Authority's serving as a General Partner in the Partnership and authorizing the Housing Authority's participation in the construction, operation and management of the project. Staff is requesting that the Housing Authority Board of Commissioners adopt a resolution authorizing the Executive Director or designee to execute and take all needed action related to the project.

Currently, the project is expecting to receive funding on February 2, 2012 with construction to begin in April. Construction of the project is expected to take twelve to fourteen months.

FINANCIAL IMPACT

By participating in the project the General Partners for the project, the Housing Authority will receive a development fee of $1,250,000, of which $300,000 will be paid to Las Cortes, Inc. In addition, the Housing Authority will be entitled to receive 50% of the excess residual receipts from the Partnership.

Attachment #1 – Housing Authority Resolution

HOUSING AUTHORITY OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD APPROVING LAS VILLAS DE PASEO NUEVO AFFORDABLE HOUSING DEVELOPMENT AND AUTHORIZING ITS EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE AND TAKE ALL NEEDED ACTIONS IN CONSULTATION WITH AUTHORITY'S GENERAL COUNSEL RELATIVE TO ENTERING INTO AN AMENDED AND RESTATED AGREEMENT OF LIMITED PARTNERSHIP, DEVELOPMENT AGREEMENT, GUARANTY AGREEMENT, PLEDGE AND SECURITY AGREEMENT, INDEMNITY AGREEMENT, MANAGEMENT AGREEMENT, RIGHT OF FIRST REFUSAL/OPTION AGREEMENT, LEASES AND ANY OTHER AGREEMENTS FOR THE PURPOSE OF DEVELOPING, MAINTAINING AND OPERATING THE LAS VILLAS DE PASEO NUEVO AFFORDABLE HOUSING PROJECT.

WHEREAS, the Housing Authority of the City of Oxnard (the "Authority") is authorized by Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code of the State of California, as amended (the "Act") to prepare, carry out, acquire, lease, finance and operate housing projects for persons of low income and to enter into agreements for the purpose of developing and providing financing for the development of multifamily rental housing facilities located within the jurisdiction of the Authority; and

WHEREAS, the Authority hereby finds and declares that it is necessary, essential and a public purpose for the Authority to enter into a variety of agreements necessary to secure both the development and needed funding of a proposed 72 unit multifamily apartment complex for persons of low income to be located at 5637 to 5627 Cypress Road, Oxnard, California ("Property") and known as Las Villas de Paseo Nuevo ("Proposed Project"); and

WHEREAS, the Proposed Project has received an allocation of Low Income Housing Tax Credits to fund the development of the Proposed Project; and

WHEREAS, in furtherance of the Proposed Project the Authority deems it necessary to (i) become a general partner of the Partnership in which First Sterling Financial, Inc. and First Sterling Corporate Services, Inc. shall be a limited partner and a special limited partner respectively, and (ii) enter into an Amended and Restated Agreement of Limited Partnership, Reporting Services Agreement, Guaranty Agreement, Incentive Management Fee Agreement, Pledge and Security Agreement, Right of First Refusal/Purchase Option Agreement, Indemnity Spreader Agreement, Development Agreement and Managing General Partner Services Agreement (collectively, "Partnership Documents"); and

WHEREAS, the Partnership Documents have been placed on file with the Authority prior to this meeting and are available for public inspection and review; and

WHEREAS, in furtherance of the Proposed Project and pursuant to a separate resolution of the Authority, the Authority shall issue and sell the Housing Authority of the City of Oxnard 2012 Multifamily Mortgage Revenue Note (Las Villas de Paseo Nuevo) in the aggregate principal amount not to exceed $15,000,000 (the "Note"); and

WHEREAS, in furtherance of the Proposed Project the Citibank, N.A. ("Bank") shall use the Note proceeds to fund certain loans ("Bank Loans") to the Partnership including (i) a construction loan in the approximate principal amount of $13,000,000 ("Construction Loan"), and (ii) a permanent term loan in the approximate principal amount of $7,800,000 to be funded upon maturity of the Construction Loan; and

WHEREAS, the Authority has determined that the approval of this Resolution and the acts authorized therein is covered by the General Rule Exemption set forth in Section 15061 (b) (3) of Division 6 of Title 14 of the California Code of Regulations that exempts those projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As such, the approval of this Resolution is exempt from preparing an environmental document pursuant to the California Environmental Quality Act; and

WHEREAS, the Authority hereby finds and declares that this Resolution is being adopted by the Authority pursuant to the powers granted under the Act.

NOW, THEREFORE, BE IT RESOLVED by the Housing Authority of the City of Oxnard, as follows:

1. The Authority hereby finds and declares that the above recitals are true and correct.

2. The Authority hereby approves the Proposed Project and authorizes Authority's Executive Director or his designee to take all needed actions in consultation with Authority's General Counsel relative to (i) the Partnership Documents, (ii) the Bank Loans, and (iii) any other agreements for the purpose of developing, maintaining and operating the Proposed Project.

3. That the Executive Director is directed to prepare and file a Notice of Exemption with the County Clerk.

Passed and adopted this 24th day of January, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

Dr. Thomas E. Holden, Chairman

ATTEST:

Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:

Alan Holmberg, General Counsel

CITY OF Oxnard "The City That Cares" CALIFORNIA

Meeting Date: 01/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	☐ Other ______

Prepared By: Grant Dunne, Management Analyst III GD Agenda Item No. I-8

Reviewed By: City Manager City Attorney SMF Finance Public Works

DATE: January 13, 2012

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director
Public Works Department

SUBJECT: **Third Amendment to Agreement No. 3414-05-PW for Contracting Services Between the City of Oxnard and Agromin Organics Recycling (Agromin) for Yard Waste, Wood Material and Street Sweeping Debris and Residuals Processing Services**

RECOMMENDATION

That City Council approve and authorize the Mayor to execute the Third Amendment to the agreement with Agromin for an amount not to exceed $700,000 for yard waste, wood material, and street sweeping debris and residuals processing services (Agreement No. 3414-05-PW) and to extend the term from February 1, 2012 to January 31, 2013.

DISCUSSION

During the term of the Agreement, the Environmental Resources Division has delivered yard waste and wood material, and street sweeping debris and residuals, also known as green waste material, to Agromin, located at 6859 Arnold Road in Oxnard. At the site, materials are processed and composted into reusable soil products such as soil amendments, soil blends, barks and mulches. The soil products are marketed to local farmers, nursery owners, landscapers and homeowners. Agromin works with Oxnard's communities by providing free compost and mulch at special community events such as the Earth Day Festival, America Recycles Day, and City composting classes.

In FY 2011-12 approximately 14,500 tons of green waste material will be collected from the City's residential curbside collection service and 4,500 tons from the City's street sweeping program. The benefits to Oxnard in recycling green waste material include State of California AB939 waste diversion compliance, water conservation through the use of mulch and compost, and reductions in the use of oil-based fertilizers, pesticides and herbicides.

Based on Agromin's updated per ton tipping fee of $36.55 and the estimated 19,000 tons of waste to be collected and delivered to Agromin's facility for the extended 12 month term, the estimated value of this amendment is $700,000. To date, the total amount paid in tipping fees to Agromin during the term of the Agreement, which commenced on October 1, 2006, is $2,186,732. Agromin currently performs effective, dependable and safe processing of green waste material for the City.

FINANCIAL IMPACT

There are sufficient funds proposed to be budgeted in the FY 2011-12 Budget in the Solid Waste Enterprise Fund Account Number 631-6304-842-8280 (Solid Waste/Processing & Disposal/ Contractual/Green Waste Processing) for $525,000 and in the Wastewater Collection Enterprise Fund Account Number 611-6107-844-8268 (Wastewater Collection/Storm Water Control/Refuse and Disposal) for $175,000 to provide for the expense of yard waste and wood waste processing service under this amendment.

Attachment No. 1 Third Amendment to Agreement No. 3414-05-PW

THIRD AMENDMENT TO AGREEMENT TO RECIEVE MATERIALS AND PROCESS FOR REUSE

This Third Amendment ("Third Amendment") to the Agreement to Receive Materials and Process for Reuse ("Agreement") is made and entered into in the County of Ventura, State of California, this 1st day of February, 2012, by and between the City of Oxnard, a municipal corporation, ("City") and Agromin Organics Recycling ("Contractor"). This Third Amendment amends the Agreement entered into on September 26, 2006, by City and Contractor, which has previously been renewed for the two-year period authorized by section 11 of the Agreement. Letter agreements were signed to extend the Agreement on February 14, 2008 and on May 28, 2009. In addition, this Agreement previously has been amended on July 20, 2010 by a First Amendment and by Second Amendment on July 1, 2011.

City and Contractor agree as follows:

1. Add subsection (g) in section 1 "Food Waste shall mean all excess food, including surplus, spoiled, or unsold food such as vegetables and culls (lower quality vegetables or trimmings such as onion peels or carrot tops), as well as plate scrapings".
2. In subsection (a) in section 7 of the Agreement, the fee "$32.71" is deleted and replaced with the fee "$36.55".
3. Add to subsection (a) in section 7 of the Agreement, "Contractor shall not charge a rate lower for Materials delivered by other customers comparable to the Materials delivered by the City as described in subsection (d) section 1".
4. Add subsection (h) in section 7 of the Agreement, "For Food Waste materials delivered by City to Contractor, City agrees to pay a fee of $46.39 per ton."
5. In section 10 of the Agreement, the expiration date "January 31, 2012" is deleted and replaced with the date "January 31, 2013."
6. That this Third Amendment shall not exceed the amount of $700,000 from the period of February 1, 2012 to January 31, 2013.
7. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD	CONTRACTOR
	Billy A Camarillo
Dr. Thomas E. Holden, Mayor	Bill Camarillo, Chief Financial Officer Agromin Organics Recycling
ATTEST:	APPROVED AS TO INSURANCE:
	James Cameron
Daniel Martinez, City Clerk	James Cameron, Risk Manager

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

APPROVED AS TO AMOUNT:

Edmund F. Sotelo, City Manager

APPROVED AS TO CONTENT:

Rob Roshanian, Interim Public Works Director

Grant Dunne, Project Manager

Meeting Date: 01/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	☐ Other ______

Prepared By: Lou Balderrama, City Engineer LB Agenda Item No. I-9

Reviewed By: City Manager City Attorney SMF Finance Public Works

DATE: January 13, 2012

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director
Public Works

SUBJECT: **Application for State of California Proposition 84 Grant Funds to Conduct a Planning Study and Demonstration Project to Evaluate the Feasibility of Large-Scale Storm Water Capture and Reuse**

RECOMMENDATION

That City Council adopt a resolution authorizing the City Manager to submit an application for $500,000 in the State of California Proposition 84 Grant Funds, to be used to Conduct a Planning Study and Demonstration Project to Evaluate the Feasibility of Large-Scale Storm Water Capture and Reuse.

DISCUSSION

California voters passed the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) on November 7, 2006. The State Water Resources Control Board (State Water Board), Division of Financial Assistance is accepting applications for Planning and Monitoring Projects through the Proposition 84 Storm Water Grant Program (SWGP).The Proposition 84 SWGP will have approximately $8 million available to finance planning and monitoring projects. There is a minimum grant amount of $100,000 per project and a maximum grant amount of $1 million per project. A minimum match of 10% is required. Projects must be of regional and/or statewide significance, and be necessary planning and monitoring activities for the successful design, selection, and implementation of SWGP projects. Eligibility and program requirements are detailed in the Proposition 84 Storm Water Grant Program Guidelines, which are available on-line at the State Water Board's website at:
http://www.waterboards.ca.gov/waterissues/programs/grants loans/prop84/docs/prop84 swgp guideli nes adopted.pdf

The Public Works Department recognizes that planning for storm water capture and reuse has potential to help the City reach its environmental and water supply goals. The 2030 General Plan Goal ICS 13.4 - Low Impact Development (LID) - directs the City to incorporate LID alternatives for storm water quality control into development requirements. LID alternatives include: (1) conserving natural areas and reducing imperviousness, (2) runoff storage, (3) hydro-modification (to mimic pre-development runoff volume and flow rate), and (4) public education. The 2030 General Plan Goal CD- 22.1 includes participation in the Ormond Beach Wetlands Restoration Plan.

The City's new state-of-the-art Advanced Water Purification Facility (AWPF) is located adjacent to the Ormond Beach Wetlands. An interaction between the AWPF and the Ormond Beach wetlands has been long-planned and considered. The Prop 84 Storm Water Grant Program presents an opportunity for funding to study and evaluate the feasibility of using the AWPF for storm water treatment, and to evaluate interactions between the recycled water treatment wetland and a demonstration storm water wetland. Understanding these complex interactions is necessary to move forward with the Ormond Beach Wetland Restoration Plan.

Public Works staff and consultants, recognizing the opportunity that the SWGP presents, have met and discussed a collaborative approach with these partner agencies: Ventura County Watershed Protection District, Saviers Road Design Team and the State Coastal Conservancy. The State Coastal Conservancy has also consulted with the Ormond Beach Task Force - Science Advisory Committee for project input. As a result the following project elements have been identified and are being refined for the grant application, which is due January 31, 2012:

Project Title: Planning for Large-Scale Storm Water Capture and Reuse

Task 1 Identify and Design Storm Water Reservoirs: Identify and evaluate 1-4 potential areas for storm water reservoirs in the Oxnard Industrial Drain sub-watershed. Complete 60% designs on the highest priority site.

Task 2 Identify and Design Large Scale LID Retrofits: Identify areas such as large parking lots, parks or rights of way that are suitable for LID retrofits. This task includes a Geographic Information System (GIS) analysis, site visits, discussions with landowners, identifying sites in public ownership, and complete designs for retrofits on sites in public ownership.

Task 3 Water Quality Monitoring: Determine levels of pollutants and quantity of storm water in the Oxnard Industrial Drain. This information is needed for the design of full scale storm water capture wetlands downstream.

Task 4 Pilot Test Wetland for Storm Water Capture and Reuse: Design and construct a small storm water capture wetland adjacent to the Oxnard Industrial Drain in the vicinity of the Advanced Water Purification Facility. Collaborate with partners and with the Ormond Beach Task Force Science Advisory Committee. Study potential for treatment options utilizing the AWPF or wastewater treatment plant.

Task 5 Project Management and Information Sharing: Coordinate partners, contractors, consultants and City staff. Complete California Environmental Quality Act (CEQA) reviews and obtain permits. Share information about the project with other Ventura County storm water agencies. Provide grant administration.

FINANCIAL IMPACT

At the time of this staff report, the final budget is still being determined in a collaborative process with the project partners. The total grant request will not exceed $500,000. The City's match will be a maximum of $50,000, primarily consisting of in-kind services provided by Public Works staff who will manage the project, participate in planning efforts and provide technical input regarding water treatment options. Partner agencies will also contribute to the project.

Attachment #1 - Resolution No. _____
#2 Prop 84 Storm Water Planning Grant Application Form

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.____________

A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF OXNARD APPROVING SUBMITTAL OF GRANT APPLICATION

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 an application to the State of California for $500,000 in the Proposition 84 Grant Funds, to be used to Conduct a Planning Study and Demonstration Project to Evaluate the Feasibility of Large-Scale Storm Water Capture and Reuse.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager to Conduct a Planning Study and Demonstration Project to Evaluate the Feasibility of Large-Scale Storm Water Capture and Reuse. 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 approve special budget appropriations for the use of grant funds; and the Public Works Director or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED this 24th day of January, 2012, by the following vote:

AYES:

NOES:

ABSENT:

____
Dr. Thomas E. Holden, Mayor

ATTEST:

____
Daniel Martinez, City Clerk

____
Alan Holmberg, City Attorney

APPENDIX F-2: PRC § 75072 PROPOSAL APPLICATION

Applicants will be asked to organize PRC § 75072 Proposals for Planning and Monitoring Projects in a format consistent with the evaluation criteria. This approach should assist applicants in providing complete documentation and will streamline the review process. Applicants should use consistent terminology throughout their PRC § 75072 Proposal application. PRC § 75072 Proposals will be submitted online using the State Water Resources Control Board's (State Water Board) Financial Assistance Application Submittal Tool (FAAST). See the beginning of Appendix D for Application Instructions.

More detail on the information that must be provided in the PRC § 75072 Proposal is discussed in the tables below.

A. Program Selection & General FAAST Information	
1.	**PROJECT SELECTION**
	Select the "Proposition 84 Storm Water Grant Program Public Resources Code (PRC) Section 75072" Solicitation.
2.	**GENERAL INFORMATION**
	Project Title – Provide title of the project. **If this item is not completed, FAAST will not accept the application.**
	Project Description – Provide a brief description of the project. The length of the Project Description is limited to 1,000 characters (including spaces). **If this item is not completed, FAAST will not accept the application.**
	Applicant Details – Provide the name and address of the applicant organization.
	Project Director – The Project Director is the person responsible for filing an application, executing a grant agreement, and any subsequent amendments to the grant agreement. **Persons that are subcontractors to be paid by the grant cannot be listed as the Project Director.**
	Project Manager – The Project Manager is the day-to-day contact on the project from the Applicant Organization.
	Grant Funds Requested – Provide amount of grant funds requested for the project in dollars.
	Total Budget – Grant fund requested, funding match, and total project cost.
	Latitude/Longitude – Enter latitude/longitude coordinates of the approximate midpoint of the project location in degrees using decimal format.
	Watershed – Provide name(s) of the watershed(s) where the project is located. If the project covers multiple watersheds, list the primary watershed first.
	County – Provide the county in which the project is located. If the project covers multiple counties, select "Multiple Counties" from the drop down list.
	Responsible Regional Water Board – Provide the name of the Regional Water Quality Control Board (Regional Water Board) in which the project is located. If the project extends beyond one Regional Water Board boundary, select "Statewide" from the drop down list. **If this item is not completed, FAAST will not accept the application.**

3.	**LEGISLATIVE INFORMATION** Enter the State Assembly, State Senate, and U.S. Congressional Districts in which the project is located. For projects that include more than one district, please enter each district. Look up tables are provided in FAAST to assist with determining the appropriate districts.
4.	**COOPERATING ENTITIES** Include entities that have/will assist the applicant in Proposal development or implementation. Provide name(s) of cooperating entity(ies), role/contribution to project, first and last name of entity contact, phone number, and email address.
5.	**AGENCY CONTACTS** If the applicant has been collaborating with State and Federal agencies (Department of Water Resources [DWR], Regional Water Board, State Water Board, U.S. Environmental Protection Agency (USEPA), etc.) in project development, please provide agency name, agency contact first and last name, phone, and email address. This information is used to identify individuals who may have an understanding of a project and in no way indicates an advantage or disadvantage in the ranking process.
6.	**APPLICATION QUESTIONNAIRE** The answers to these questions will be used in processing the application and determining the eligibility and completeness of the application.
7.	**PROJECT CLASSIFICATION** These questions allow State Water Board staff to categorize the type(s) of activity(ies) the project is proposing to implement.

B. PRC § 75072 Proposal Questions	
1.	**APPLICANT TYPE**
	Q1. Select the applicant's organization type from the drop-down menu. In order to be considered eligible, the applicant must be a public agency, nonprofit organization, public college, regional agency, or State agency as defined in Appendix J.
2.	**PROJECT TYPE**
	Q2. Describe how the proposed project meets the Planning and Monitoring project types outlined in Section VI.F and Appendix F-1?
	Q3. Describe how the proposed project is necessary for the successful design, selection, and implementation of SWGP projects.
3.	**PROBLEM DEFINITION / BACKGROUND**
	Q4. Describe the proposed research or project, why it is needed, and how it is of Regional or Statewide significance.
	Q5. What is the specific topic(s)/question(s) the proposed research or project intends to address?
	Q6. If the research/project is conducted at a specific location, attach a map or diagram depicting the project location(s), and provide a photograph(s) of the proposed site(s). **(Attachment 1)**
	Q7. Is this a phased study or part of a larger project effort? Please explain the objectives, framework, and scheduling for the larger project. Note whether there is a commitment to complete the entire project.

	Q8. Describe any previous studies or data collection efforts that directly relate to the proposed research/ project. Attach copies of reports or any data **(Attachment 6)** that are available, and provide an overview of how the information relates to or informs the proposed research/project.
4.	**PROGRAM LINK**
	Q9. How will your research/project support the purpose of the SWGP, which is to implement projects that will directly prevent and reduce storm water contamination of rivers, lakes, and streams?
5.	**IS THE RESEARCH LIKELY TO BE SUCCESSFUL**
	Q10. Explain how the proposed project can or will be applied to advance the understanding and management of storm water?
	Q11. Explain the study design in the context of statistical reliability, controls, and ability to address and resolve potential confounding factors.
	Q12. Describe any computer models, management practices, specialized testing, or other extraordinary methods and materials that will be implemented or used as part of this project.
	Q13. Indicate the expected research benefits to water quality and beneficial uses.
	Q14. If necessary, provide additional information about your planning and monitoring project that are not addressed in the previous questions.
	Q15. Will your anticipated results be beneficial to other projects and/or geographic areas?
6.	**PROJECT EFFECTIVENESS**
	Q16. Explain the anticipated research/project results.
	Q17. What is the greatest challenge in the proposed research/project, and what are the potential benefits that could be attained if the challenge is successfully overcome? Describe the proposed method(s) to overcome the challenge.
	Q18. How do you propose to measure and document your project's benefits? Use the Project Performance Tables per Appendix H to quantify. Submit Project Assessment and Evaluation Plan (PAEP) tables.**(Attachment 4)**
7.	**COST EFFECTIVENESS**
	Q19. Describe how the match requirement will be met.
	Q20. Does the project leverage any existing or potential funds from the State, local, and other sources? How much and from what source(s)? How secure is each funding source(s)?
	Q21. Explain how project costs were estimated, and provide a reasonable estimate of cost for each work item (i.e., line item) contained in the Proposal, including planning and design costs, construction costs, and funding match. Provide a detailed budget. **(Attachment 5)**
8.	**READINESS TO PROCEED**
	Q22. Provide a description of all necessary environmental documents, and the status of all environmental documents required for the proposed project. All projects, even research projects, require California Environmental Quality Act (CEQA) compliance. Research projects typically require a Notice of Exemption (NOE) filed with County Clerk or State Clearing House. If an NOE has been filed please include a copy. **(Attachment 2)**

	Q23. Explain the scope and schedule of the research/project. (**Attachment 3**) Indicate the start and end date of the proposed project. The schedule should include key milestones and potential obstacles.
	Q24. Please describe the roles and qualifications of participating researcher(s) and key personnel. Indicate whether the researcher(s)/key personnel are committed to the project.
8.	**APPLICANT INFORMATION**
	Q25. Have you or any cooperating entities applied for other funds from another program for this specific project? (This includes programs not administered by the State Water Board.) If yes, identify the agency and program.
	Q26. Has the applicant or any cooperating entities entered into a contract or grant agreement: (1) that was terminated; (2) in which funds were withheld by the State Water Board; or (3) that has been the subject of an audit in which there were findings regarding the management of the project or funds by the applicant or a cooperating entity? If so, please explain in the box below, including actions taken to address the problem(s).
	Q27. Is the applicant or was the applicant a party to a current or pending legal challenge to any State Water Board or Regional Water Board regulation or order, which either requires performance of the project, or though not required, whose terms or conditions would be satisfied in whole or in part by performance of the project? If so, please explain in the box below (include the name and case number in your explanation).
9.	**BONUS POINTS**
	Q28. Describe how the project will directly benefit a disadvantaged community or address environmental justice issues. Applicants must provide strong justification to receive bonus points.
10.	**DISCLAIMER**
	Q29. _____ (Initials): The Project Director has read and understands the General Terms and Conditions of the Grant Agreement. If the Project Director does not agree with the terms and conditions, a grant award may be denied. (All applicants will be required to check the box and initial next to the statement.)

APPLICATION ATTACHMENTS

Provide the attachments listed below by attaching files, no larger than 10 megabytes, to the FAAST application. For instructions on attaching files, please refer to the FAAST User Manual and the application instructions. When attaching files, applicants must use the naming convention noted in FAAST.

Attachment #	Attachment Title	Description
Attachment 1	Project Location - Map and Photos	Map, diagram, and/or photographs of the proposed project area.
Attachment 2	Environmental Clearance Checklist and CEQA Documentation	Provide a description of the necessary environmental documents, and the status of all environmental documents required for the project. All projects, even research projects, require CEQA compliance. See Appendix G for more information.
Attachment 3	Scope of Work/Schedule	Explain the scope and schedule of the research program/project.
Attachment 4	Project Performance Measures Table(s)	Applicants are required to submit Project Performance Measures Tables specific to their project. Project Performance Measures Tables should include: project goals, desired outcomes, output indicators (measures to effectively track output), outcome indicators (measures to evaluate change that is a direct result of the work), measurement tools and methods, and targets (measurable targets that are feasible to meet during the life of the Proposal). See Appendix H for more information.
Attachment 5	Budget	See Appendix I for detailed guidance on preparation of this attachment.
Attachment 6 (If Applicable)	Previous Studies or Collected Data	Copies of related reports or data.
Attachment 7 (If Applicable)	Letters of Support or Opposition	Submit electronic copies of any letters of support for or opposition to the project or individual projects contained within the project. General letters of support or opposition will not be considered. Letters of support or opposition must clearly state how the implementation of the proposal/project will benefit or adversely impact the individual or entity providing the letter. All letters should be attached to your proposal in FAAST, and may be addressed to the Project Director.
Attachment 8 (If Applicable	Additional Information	Provide any additional information not contained in the on-line FAAST questionnaire.

CITY OF Oxnard "The City That Cares" CALIFORNIA

Meeting Date: 01/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). ________	☐ Report
☐ Res. No(s). ________	☐ Public Hearing (Info/consent)
☐ Other ________	☐ Other ________

Prepared By: Lou Balderrama, City Engineer LB Agenda Item No. I-10

Reviewed By: City Manager EM City Attorney Finance JC Public Works

DATE: January 13, 2012

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director
Public Works Department

SUBJECT: PW12-02 Blackstock South Neighborhood Street Improvement Project

RECOMMENDATION

That City Council approve Project Specification No. PW12-02 for pavement, sidewalk, curb and gutter reconstruction, and replacing street name signs, in the Blackstock South Neighborhood Street Improvement Project (bounded eastward to San Simeon Avenue, westward to Saviers Road, northward to La Canada Avenue, and southward to East Bard Road), and authorize staff to solicit bids.

DISCUSSION

The Blackstock South Neighborhood Street Improvement Project is bounded eastward to San Simeon Avenue, westward to Saviers Road, northward to La Canada Avenue, and southward to East Bard Road, as shown in Attachment No. 1. The specific work includes the furnishing of all materials, tools, equipment, and labor required to reconstruct sidewalks, curbs, gutters and other concrete structures, full width street reconstruction from curb to curb, traffic markings, and installation of new street name signs. This Project's plan and specification is designed to provide a useful life cycle of approximately 10 to 15 years to the streets, and over 20 years to curbs, gutters and sidewalks in the Blackstock South Neighborhood. The project specifications are in compliance with the Americans with Disabilities Act.

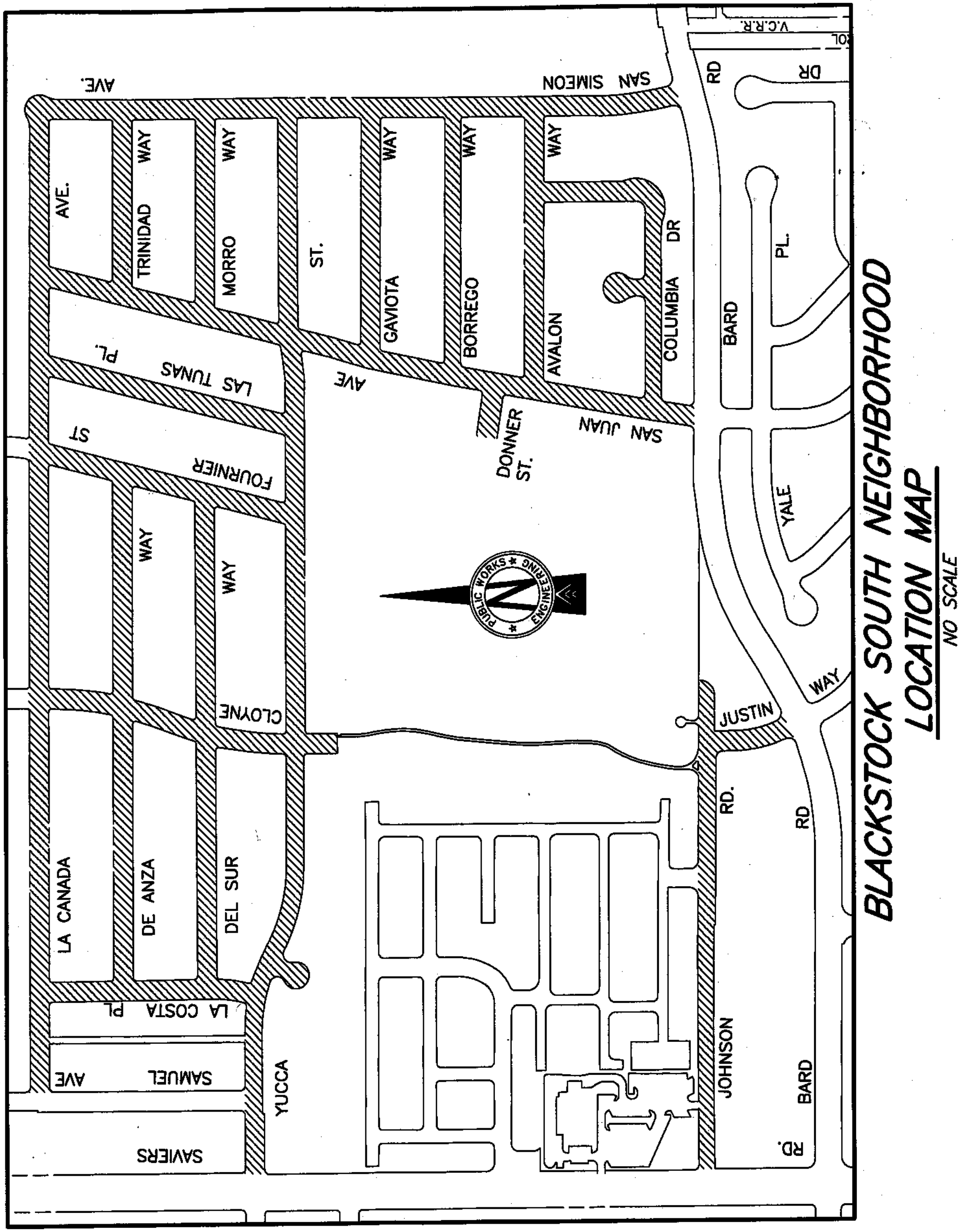
Funding for this project will come from Community Development Block Grant funds. These funds are eligible for street improvements such as reconstruction to the pavement in a very low to low income area as required by the Federal Housing and Urban Development.

FINANCIAL IMPACT

After the project bids are received and evaluated, staff will return to City Council with a recommendation to award a contract to the lowest responsible bidder. There is sufficient Community Development Block Grant (CDBG) Funds in the Blackstock South Resurfacing Project No. 123101.

Attachment #1 - Project Site Map

Note: Plans and specifications for PW02-12 for the Blackstock South Neighborhood Street Improvement Project are available for review at the Capital Improvement Projects Management Office located at the City Hall Building, 305 West Third Street - East Wing, Second Floor after 8:00 a.m. on Monday prior to the City Council meeting.



Attachment No. 1
Page 1 of 1

Item # J-1

INFORMATION ONLY

NO ACTION REQUIRED

DATE: January 11, 2012

TO: City Council

FROM: James Cameron, Chief Financial Officer
Finance Department

SUBJECT: **Monthly Budget Status Reports for the Periods Ending November 30, 2011 And December 31, 2011**

The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the periods ending November 30, 2011 and December 31, 2011. Because these reports include year-end accruals for Fiscal Year 2011, there are timing issues on offsetting revenues and expenditures.

JC:MM:tr

Attachment #1: Monthly Budget Status Report for November 2011
Attachment #2: Monthly Budget Status Report for December 2011

City of Oxnard
Monthly Budget Status Report
For the Period Ending November 30, 2011

TABLE OF CONTENTS

City of Oxnard
General Fund
Budget Status Report
For the Month Ended November 30, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes:				
Property Taxes	$ 26,246,000	$ 26,246,000	$ 851,404	a
Property Tax in-lieu of Vehicle License Fee	14,902,000	14,902,000	-	
Sales Tax	22,208,000	22,208,000	5,381,633	b
Other Taxes and Fees	12,253,000	12,253,000	5,775,115	c
Licenses and Permits	1,336,000	1,336,000	757,513	
Intergovernmental	11,389,000	11,389,000	5,075,237	c
Charges for Services	11,056,000	11,056,000	3,746,995	
Fines and Forfeitures	638,000	638,000	117,221	c
Investment Earnings	387,000	387,000	63,246	
Miscellaneous	5,621,000	5,621,000	526,565	
Total Operating Revenues	**$ 106,036,000**	**$ 106,036,000**	**$ 22,294,929**	
Operating Expenditures				
General Government	7,085,552	9,605,547	3,732,661	
Public Safety	63,438,130	63,114,149	24,455,782	
Transportation	2,718,088	2,415,727	986,716	
Community Development	9,763,403	8,681,831	3,559,236	
Culture and Recreation	18,204,444	17,377,463	6,751,234	
Total Operating Expenditures	**$ 101,209,617**	**$ 101,194,717**	**$ 39,485,629**	
NET REVENUES FROM OPERATIONS	**$ 4,826,383**	**$ 4,841,283**	**$ (17,190,700)**	

Notes:

a Current year receipts reduced for year-end accrual of $694,354.

b Current year receipts reduced for year-end accrual of $3,256,044 to prior year . Includes October collection of $1,997,855.

c Actual amounts reflect accrual reversals for receipts recognized in the prior year in the amount of $1,131,631.

City of Oxnard
General Fund
Budget Status Report
For the Month Ended November 30, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Payments on CDC loan	$ 1,030,000	$ 1,030,000	$ -	
Transfers in	-	-	-	
Sub-total Non-operating Sources	1,030,000	1,030,000	-	
Non-operating Uses				
Capital outlay	-	22,000	28,139	
Loan to CDC	1,030,560	1,030,560	1,030,560	
Transfers out	4,825,823	4,825,823	394,921	d
Sub-total Non-operating Uses	5,856,383	5,878,383	1,453,620	
NET NON-OPERATING SOURCES AND USES	**$ (4,826,383)**	**$ (4,848,383)**	**$ (1,453,620)**	
USE OF FUND BALANCE				
Use of Reserve for Encumbrances	-	-	-	
From Available Fund Balance	-	7,100	18,644,320	e
TOTAL USE OF FUND BALANCE	**$ -**	**$ 7,100**	**$ 18,644,320**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

d Transfers out are internal payments to other funds made at the time obligations are due in the target fund.

e. Temporary use of fund balance due to lag in property taxes and recognition of future years.

City of Oxnard
Measure O 1/2 Cent Sales Tax
Budget Status Report
For the Month Ended November 30, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ 10,000,000	$ 10,000,000	$ 3,614,115 a
Investment Earnings	90,000	90,000	54,171
Total Operating Revenues	**$ 10,090,000**	**$ 10,090,000**	**$ 3,668,286**
Operating Expenditures			
General Government	-	103,200	1,219
Public Safety	3,833,460	3,838,960	215,648
Transportation	-	1,163,543	372,844
Community Development	-	361,622	11,290
Culture and Recreation	-	580,690	49,609
Total Operating Expenditures	**$ 3,833,460**	**$ 6,048,015**	**$ 650,610**
NET REVENUES FROM OPERATIONS	**$ 6,256,540**	**$ 4,041,985**	**$ 3,017,676**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Proceeds from Lease Purchase Agreement	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Interest Expense	-	-	-
Payment of Principal	-	-	-
Capital Outlay	519,930	16,460,212	3,198,516
Sub-total Non-operating Uses	519,930	16,460,212	3,198,516
NET NON-OPERATING SOURCES AND USES	**$ (519,930)**	**$ (16,460,212)**	**$ (3,198,516)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
Appropriated Fund Balance	-	16,109,837	180,840
TOTAL USE OF FUND BALANCE	**$ -**	**$ 18,154,837**	**$ 180,840**
FISCAL YEAR BALANCE	**$ 5,736,610**	**$ 3,691,610**	**$ -**

Notes:

a Of $4,325,115 collected, $711,000 was accrued to prior year.

City of Oxnard
Grant Funds
Budget Status Report
For the Month Ended November 30, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Intergovernmental	$ 6,262,654	$ 8,133,131	$ 7,185,511
Fines and forfeitures	-	-	210,009
Investment Earnings	-	-	10,812
Miscellaneous	-	93,267	7,168
Total Operating Revenues	**$ 6,262,654**	**$ 8,226,398**	**$ 7,413,500**
Operating Expenditures			
General Government	-	-	800
Public Safety	271,075	3,684,667	917,399
Transportation	-	2,043	22
Community Development	4,266,151	11,280,703	2,132,274
Culture and Recreation	198,438	538,282	155,835
Total Operating Expenditures	**$ 4,735,664**	**$ 15,505,695**	**$ 3,206,330**
NET REVENUES FROM OPERATIONS	**$ 1,526,990**	**$ (7,279,297)**	**$ 4,207,170**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	2,679,357	28,433,455	10,793,842
Transfers out	-	-	-
Sub-total Non-operating Uses	2,679,357	28,433,455	10,793,842
NET NON-OPERATING SOURCES AND USES	**$ (2,679,357)**	**$ (28,433,455)**	**$ (10,793,842)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	34,560,385	10,793,842
From Available Fund Balance	1,152,367	1,152,367	(4,207,170)
TOTAL USE OF FUND BALANCE	**$ 1,152,367**	**$ 35,712,752**	**$ 6,586,672**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended November 30, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ 13,516,600	$ 13,516,600	$ 1,004,603
Licenses and Permits	730,000	730,000	758,257
Intergovernmental	4,150,941	4,150,941	3,695,335
Growth and Development Fees	1,808,100	1,808,100	3,265,772
Charges for services	94,600	94,600	20,412
Fines and forfeitures	451,700	451,700	66,444
Investment Earnings	718,433	718,433	193,259
Special Assessments	7,965,011	7,965,011	237,464
Miscellaneous	828,600	828,600	538,818
Total Operating Revenues	**$ 30,263,985**	**$ 30,263,985**	**$ 9,780,364**
Operating Expenditures			
General Government	260,084	260,084	132,866
Public Safety	18,196,706	18,196,706	6,607,575
Transportation	5,383,402	5,445,761	2,070,575
Community Development	9,400	1,700,980	1,691,263
Culture and Recreation	4,824,611	4,898,258	2,179,114
Total Operating Expenditures	**$ 28,674,203**	**$ 30,501,789**	**$ 12,681,393**
NET REVENUES FROM OPERATIONS	**$ 1,589,782**	**$ (237,804)**	**$ (2,901,029)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Proceeds from Lease Purchase Agreement	-	-	2,352,076
Transfers in	4,152,311	4,152,311	- a
Sub-total Non-operating Sources	4,152,311	4,152,311	2,352,076
Non-operating Uses			
Interest Expense	4,337,408	4,337,408	1,077,834
Payment of Principal	2,935,825	2,935,825	158,572
Capital Outlay	2,080,320	33,523,133	3,282,675
Transfers out	1,781,561	1,781,561	- a
Sub-total Non-operating Uses	11,135,114	42,577,927	4,519,081
NET NON-OPERATING SOURCES AND USES	**$ (6,982,803)**	**$ (38,425,616)**	**$ (2,167,005)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	25,586,691	3,282,675
Appropriated Fund Balance	-	7,394,380	-
From Available Fund Balance	5,393,021	5,682,349	1,785,359
TOTAL USE OF FUND BALANCE	**$ 5,393,021**	**$ 38,663,420**	**$ 5,068,034**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

City of Oxnard
Community Development
Budget Status Report
For the Month Ended November 30, 2011 (FY2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts a
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ 18,955,400	$ 18,955,400	$ 2,245,690 b
Rental Income	268,900	268,900	94,520
Miscellaneous and Reimbursements	1,958,800	1,958,800	915,504
Total Operating Revenues	**$ 21,183,100**	**$ 21,183,100**	**$ 3,255,714**
Operating Expenditures			
Salaries and Wages	1,446,711	1,446,711	484,652
County Charges	199,230	199,230	18,409
Assessment District Payment	138,915	138,915	69,458
General and Administrative	7,066,507	12,066,507	3,942,727
Total Operating Expenditures	**$ 8,851,363**	**$ 13,851,363**	**$ 4,515,246**
NET REVENUES FROM OPERATIONS	**$ 12,331,737**	**$ 7,331,737**	**$ (1,259,532)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	3,791,100	3,791,100	449,138 c
Investment Earnings	1,047,700	1,047,700	119,599
Loan	1,030,600	1,030,600	1,030,560
Sub-total Non-operating Sources	5,869,400	5,869,400	1,599,297
Non-operating Uses			
Capital Outlay	17,763,027	38,438,789	185,498
Interest Expense	2,853,090	2,853,090	1,026,896
Tax Increment Pass Through	4,131,000	4,131,000	35,030
Transfers out	3,791,100	3,791,100	449,138 c
Sub-total Non-operating Uses	28,538,217	49,213,979	1,696,562
NET NON-OPERATING SOURCES AND USES	**$ (22,668,817)**	**$ (43,344,579)**	**$ (97,265)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(2,395,560)	(2,395,560)	(1,365,000)
Designated for Authorized Projects & Encumbrances	-	16,725,764	-
Appropriated Fund Balance	-	8,950,000	-
From/(To) Operating and Capital Reserves	12,732,640	12,732,638	2,721,797
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 10,337,080**	**$ 36,012,842**	**$ 1,356,797**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Actual amounts reflect accruals for receipts recognized in the prior year.

b Property Tax Payments Received in December and April.

c Transfers out are internal payments between funds, in this case from project funds to housing set-aside fund.

City of Oxnard
Water Funds
Budget Status Report
For the Month Ended November 30, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Charges for Services	$ 39,910,000	$ 39,910,000	$ 20,051,651	
Security/Contamination Prevention Fees	750,000	750,000	105,921	
Miscellaneous and Reimbursements	212,750	212,750	39,500	
Total Operating Revenues	**$ 40,872,750**	**$ 40,872,750**	**$ 20,197,072**	
Operating Expenditures				
Salaries and Wages	4,354,003	4,354,003	1,535,951	
Contracts and Services	2,416,046	2,424,854	637,730	
Operating Supplies	1,020,600	1,020,600	209,059	
Water Acquisition	18,784,000	18,784,000	5,763,074	
General and Administrative	4,353,977	4,353,977	1,584,224	
Total Operating Expenditures	**$ 30,928,626**	**$ 30,937,434**	**$ 9,730,038**	
NET REVENUES FROM OPERATIONS	**$ 9,944,124**	**$ 9,935,316**	**$ 10,467,034**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers In	1,314,400	1,314,400	-	a
Investment Earnings	2,344,000	2,344,000	1,092,289	
Line of credit	-	-	-	
Connection Fees	460,000	460,000	427,638	
Sub-total Non-operating Sources	4,118,400	4,118,400	1,519,927	
Non-operating Uses				
Capital Outlay (non-debt financed)	2,785,000	13,251,906	1,791,874	
Interest Expense	11,599,998	11,599,998	5,225,960	
Transfers out	-	-	-	
Sub-total Non-operating Uses	14,384,998	24,851,904	7,017,834	
NET NON-OPERATING SOURCES AND USES	**$ (10,266,598)**	**$ (20,733,504)**	**$ (5,497,907)**	
DEBT FINANCING & USE OF FUND BALANCE				
Payment of Principal	(3,500,237)	(3,500,237)	(1,223,729)	
Designated for Authorized Projects & Encumbrances	-	39,976,759	828,406	
Use of Bond Principal	-	(29,501,045)	(7,501,643)	
From/(To) Capital Reserve	3,822,711	3,822,711	2,927,839	
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 322,474**	**$ 10,798,188**	**$ (4,969,127)**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Transfers in are internal payments from other funds made at the time obligations are due in the target fund.

City of Oxnard
Wastewater Funds
Budget Status Report
For the Month Ended November 30, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 23,250,000	$ 23,250,000	$ 10,475,986
Security/Contamination Prevention Fees	150,000	150,000	-
Miscellaneous and Reimbursements	610,000	610,000	104,684
Total Operating Revenues	**$ 24,010,000**	**$ 24,010,000**	**$ 10,580,670**
Operating Expenditures			
Salaries and Wages	6,108,631	5,815,631	2,143,199
Contracts and Services	5,123,127	5,578,948	1,690,299
Operating Supplies	1,744,200	1,914,200	752,634
General and Administrative	3,210,253	3,483,133	1,614,739
Total Operating Expenditures	**$ 16,186,211**	**$ 16,791,912**	**$ 6,200,871**
NET REVENUES FROM OPERATIONS	**$ 7,823,789**	**$ 7,218,088**	**$ 4,379,799**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	30,000	30,000	46,504
Investment Earnings	320,000	320,000	4,482,378
Sub-total Non-operating Sources	350,000	350,000	4,528,882
Non-operating Uses			
Capital Outlay (non-debt financed)	-	2,857,420	312,835
Interest Expense	7,151,939	7,153,939	3,287,717
Sub-total Non-operating Uses	7,151,939	10,011,359	3,600,552
NET NON-OPERATING SOURCES AND USES	**$ (6,801,939)**	**$ (9,661,359)**	**$ 928,330**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(4,276,021)	(4,288,021)	(16,147)
Designated for Authorized Projects & Encumbrances	-	3,477,123	406,536
Capital Outlay (debt financed)	-	-	-
Appropriated Fund Balance	-	-	-
From/(To) Capital Reserve	3,254,171	3,254,169	(5,698,518)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (1,021,850)**	**$ 2,443,271**	**$ (5,308,129)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Environmental Resources
Budget Status Report
For the Month Ended November 30, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 42,740,000	$ 42,740,000	$ 16,547,557
Security/Contamination Prevention Fees	-	-	-
Miscellaneous and Reimbursements	245,000	245,000	109,425
Total Operating Revenues	**$ 42,985,000**	**$ 42,985,000**	**$ 16,656,982**
Operating Expenditures			
Salaries and Wages	6,670,446	6,670,446	2,426,295
Operating Supplies	223,700	369,365	230,710
Contracts and Services	26,946,449	26,946,449	10,872,704
General and Administrative	3,712,981	3,712,981	1,567,327
Total Operating Expenditures	**$ 37,553,576**	**$ 37,699,241**	**$ 15,097,036**
NET REVENUES FROM OPERATIONS	**$ 5,431,424**	**$ 5,285,759**	**$ 1,559,946**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	179,000	179,000	16,381
Line of credit	-	-	-
Connection Fees	-	-	9,220
Sub-total Non-operating Sources	179,000	179,000	25,601
Non-operating Uses			
Capital Outlay (non-debt financed)	300,000	479,394	8,860
Interest Expense	927,746	927,746	318,159
Transfers out	62,129	62,129	- a
Sub-total Non-operating Uses	1,289,875	1,469,269	327,019
NET NON-OPERATING SOURCES AND USES	**$ (1,110,875)**	**$ (1,290,269)**	**$ (301,418)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,610,758)	(3,610,758)	(185,828)
Designated for Authorized Projects & Encumbrances	-	145,665	146,665
Appropriated Fund Balance	-	179,393	
From/(To) Capital Reserve	(709,791)	(709,790)	(1,219,365)
NET USE OF BONDS AND OTHER DEBT FINANCIN(	**$ (4,320,549)**	**$ (3,995,490)**	**$ (1,258,528)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers out are internal payments to other funds made at the time obligations are due in the target fund.

City of Oxnard
Golf
Budget Status Report
For the Month Ended November 30, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 4,000,000	$ 4,000,000	$ 1,614,080
Miscellaneous and Reimbursements	10,000	10,000	-
Total Operating Revenues	**$ 4,010,000**	**$ 4,010,000**	**$ 1,614,080**
Operating Expenditures			
Salaries and Wages	65,880	65,880	24,335
Operating Supplies	-	-	-
Contracts and Services	3,799,261	3,799,261	1,495,478
General and Administrative	184,125	184,125	72,460
Total Operating Expenditures	**$ 4,049,266**	**$ 4,049,266**	**$ 1,592,273**
NET REVENUES FROM OPERATIONS	**$ (39,266)**	**$ (39,266)**	**$ 21,807**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	2
Sub-total Non-operating Sources	-	-	2
Non-operating Uses			
Capital Outlay (non-debt financed)	49,500	62,304	-
Interest Expense	179,956	179,956	89,978
Transfers out	-	-	-
Sub-total Non-operating Uses	229,456	242,260	89,978
NET NON-OPERATING SOURCES AND USES	**$ (229,456)**	**$ (242,260)**	**$ (89,976)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(907,604)	(907,604)	-
Designated for Authorized Projects & Encumbrances	-	12,804	12,804
From/(To) Capital Reserve	1,176,326	1,176,326	55,365
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 268,722**	**$ 281,526**	**$ 68,169**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Performing Arts & Convention Center
Budget Status Report
For the Month Ended November 30, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 450,200	$ 450,200	$ 198,565
Miscellaneous	90,000	90,000	8,868
Total Operating Revenues	**$ 540,200**	**$ 540,200**	**$ 207,433**
Operating Expenditures			
Salaries and Wages	1,057,210	1,057,210	405,746
Operating Supplies	300	300	-
Contracts and Services	252,355	252,355	98,918
General and Administrative	172,511	172,511	87,170
Total Operating Expenditures	**$ 1,482,376**	**$ 1,482,376**	**$ 591,834**
NET REVENUES FROM OPERATIONS	**$ (942,176)**	**$ (942,176)**	**$ (384,401)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	947,811	947,811	394,921 a
Investment Earnings	-	-	-
Sub-total Non-operating Sources	947,811	947,811	394,921
Non-operating Uses			
Capital Outlay	-	-	-
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	**$ 947,811**	**$ 947,811**	**$ 394,921**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	(5,635)	(5,635)	(10,520)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (5,635)**	**$ (5,635)**	**$ (10,520)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers in are internal payments from other funds made at the time obligations are due.

City of Oxnard
Monthly Budget Status Report
For the Period Ending December 31, 2011

TABLE OF CONTENTS

City of Oxnard
General Fund
Budget Status Report
For the Month Ended December 31, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes:				
Property Taxes	$ 26,246,000	$ 26,246,000	$ 13,261,603	a
Property Tax in-lieu of Vehicle License Fee	14,902,000	14,902,000	-	
Sales Tax	22,208,000	22,208,000	6,575,833	b
Other Taxes and Fees	12,253,000	12,253,000	6,756,688	c
Licenses and Permits	1,336,000	1,336,000	867,899	
Intergovernmental	11,389,000	11,389,000	6,126,302	c
Charges for Services	11,056,000	11,056,000	4,420,550	
Fines and Forfeitures	638,000	638,000	200,609	c
Investment Earnings	387,000	387,000	74,092	
Miscellaneous	5,621,000	5,621,000	597,636	
Total Operating Revenues	**$ 106,036,000**	**$ 106,036,000**	**$ 38,881,212**	
Operating Expenditures				
General Government	7,085,552	9,605,547	4,765,764	
Public Safety	63,438,130	63,114,149	31,439,143	
Transportation	2,718,088	2,415,727	1,247,730	
Community Development	9,763,403	8,681,831	4,904,175	
Culture and Recreation	18,204,444	17,377,463	8,514,375	
Total Operating Expenditures	**$ 101,209,617**	**$ 101,194,717**	**$ 50,871,187**	
NET REVENUES FROM OPERATIONS	**$ 4,826,383**	**$ 4,841,283**	**$ (11,989,975)**	

Notes:

a Current year receipts reduced for year-end accrual of $694,354.

b Current year receipts reduced for year-end accrual of $3,256,044 to prior year . Includes November collection of $1,194,200.

c Actual amounts reflect accrual reversals for receipts recognized in the prior year in the amount of $1,131,631.

City of Oxnard
General Fund
Budget Status Report
For the Month Ended December 31, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Payments on CDC loan	$ 1,030,000	$ 1,030,000	$ -	
Transfers in	-	-	-	
Sub-total Non-operating Sources	1,030,000	1,030,000	-	
Non-operating Uses				
Capital outlay	-	22,000	28,139	
Loan to CDC	1,030,560	1,030,560	1,030,560	
Transfers out	4,825,823	4,825,823	473,906	d
Sub-total Non-operating Uses	5,856,383	5,878,383	1,532,605	
NET NON-OPERATING SOURCES AND USES	**$ (4,826,383)**	**$ (4,848,383)**	**$ (1,532,605)**	
USE OF FUND BALANCE				
Use of Reserve for Encumbrances	-	-	-	
From Available Fund Balance	-	7,100	13,522,580	e
TOTAL USE OF FUND BALANCE	**$ -**	**$ 7,100**	**$ 13,522,580**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

d Transfers out are internal payments to other funds made at the time obligations are due in the target fund.

e Temporary use of fund balance due to lag in property taxes and recognition of future years.

City of Oxnard
Measure O 1/2 Cent Sales Tax
Budget Status Report
For the Month Ended December 31, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 10,000,000	$ 10,000,000	$ 4,896,127	a
Investment Earnings	90,000	90,000	67,402	
Total Operating Revenues	**$ 10,090,000**	**$ 10,090,000**	**$ 4,963,529**	
Operating Expenditures				
General Government	-	103,200	1,219	
Public Safety	3,833,460	3,838,960	239,643	
Transportation	-	1,163,543	372,844	
Community Development	-	361,622	16,618	
Culture and Recreation	-	580,690	62,821	
Total Operating Expenditures	**$ 3,833,460**	**$ 6,048,015**	**$ 693,145**	
NET REVENUES FROM OPERATIONS	**$ 6,256,540**	**$ 4,041,985**	**$ 4,270,384**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Proceeds from Lease Purchase Agreement	-	-	-	
Sub-total Non-operating Sources	-	-	-	
Non-operating Uses				
Interest Expense	-	-	-	
Payment of Principal	-	-	-	
Capital Outlay	519,930	16,460,212	5,736,647	
Sub-total Non-operating Uses	519,930	16,460,212	5,736,647	
NET NON-OPERATING SOURCES AND USES	**$ (519,930)**	**$ (16,460,212)**	**$ (5,736,647)**	
DEBT FINANCING & USE OF FUND BALANCE				
Designated for Authorized Projects & Encumbrances	-	-	-	
Appropriated Fund Balance	-	16,109,837	1,466,263	
TOTAL USE OF FUND BALANCE	**$ -**	**$ 16,109,837**	**$ 1,466,263**	
FISCAL YEAR BALANCE	**$ 5,736,610**	**$ 3,691,610**	**$ -**	

Notes:

a Of $4,325,115 collected, $711,000 was accrued to prior year.

City of Oxnard
Grant Funds
Budget Status Report
For the Month Ended December 31, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Intergovernmental	$ 6,262,654	$ 8,243,077	$ 8,247,797
Fines and forfeitures	-	-	213,433
Investment Earnings	-	-	12,910
Miscellaneous	-	93,267	30,066
Total Operating Revenues	**$ 6,262,654**	**$ 8,336,344**	**$ 8,504,206**
Operating Expenditures			
General Government	-	-	800
Public Safety	271,075	3,684,667	1,084,855
Transportation	-	2,043	2,172
Community Development	4,266,151	11,280,653	3,077,727
Culture and Recreation	198,438	538,282	207,414
Total Operating Expenditures	**$ 4,735,664**	**$ 15,505,645**	**$ 4,372,968**
NET REVENUES FROM OPERATIONS	**$ 1,526,990**	**$ (7,169,301)**	**$ 4,131,238**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	2,679,357	28,543,401	11,842,472
Transfers out	-	-	-
Sub-total Non-operating Uses	2,679,357	28,543,401	11,842,472
NET NON-OPERATING SOURCES AND USES	**$ (2,679,357)**	**$ (28,543,401)**	**$ (11,842,472)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	34,560,335	11,842,472
From Available Fund Balance	1,152,367	1,152,367	(4,131,238)
TOTAL USE OF FUND BALANCE	**$ 1,152,367**	**$ 35,712,702**	**$ 7,711,234**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended December 31, 2011 (FY 2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 13,516,600	$ 13,516,600	$ 7,410,387	
Licenses and Permits	730,000	730,000	772,237	
Intergovernmental	4,150,941	4,150,941	4,142,812	
Growth and Development Fees	1,808,100	1,808,100	3,548,695	
Charges for services	94,600	94,600	24,211	
Fines and forfeitures	451,700	451,700	100,915	
Investment Earnings	718,433	718,433	240,411	
Special Assessments	7,965,011	7,965,011	4,388,422	
Miscellaneous	828,600	828,600	580,691	
Total Operating Revenues	**$ 30,263,985**	**$ 30,263,985**	**$ 21,208,781**	
Operating Expenditures				
General Government	260,084	260,084	147,439	
Public Safety	18,196,706	18,346,706	8,475,147	
Transportation	5,383,402	5,445,761	2,584,061	
Community Development	9,400	1,700,980	1,692,535	
Culture and Recreation	4,824,611	4,898,258	2,564,972	
Total Operating Expenditures	**$ 28,674,203**	**$ 30,651,789**	**$ 15,464,154**	
NET REVENUES FROM OPERATIONS	**$ 1,589,782**	**$ (387,804)**	**$ 5,744,627**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Proceeds from Lease Purchase Agreement	-	-	2,352,076	
Transfers in	4,152,311	4,152,311	-	a
Sub-total Non-operating Sources	4,152,311	4,152,311	2,352,076	
Non-operating Uses				
Interest Expense	4,337,408	4,337,408	1,380,181	
Payment of Principal	2,935,825	2,935,825	165,133	
Capital Outlay	2,080,320	33,523,133	3,464,504	
Transfers out	1,781,561	1,781,561	-	a
Sub-total Non-operating Uses	11,135,114	42,577,927	5,009,818	
NET NON-OPERATING SOURCES AND USES	**$ (6,982,803)**	**$ (38,425,616)**	**$ (2,657,742)**	
DEBT FINANCING & USE OF FUND BALANCE				
Designated for Authorized Projects & Encumbrances	-	25,586,691	3,464,504	
Appropriated Fund Balance	-	7,544,380	-	
From Available Fund Balance	5,393,021	5,682,349	(6,551,389)	
TOTAL USE OF FUND BALANCE	**$ 5,393,021**	**$ 38,813,420**	**$ (3,086,885)**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

City of Oxnard
Community Development
Budget Status Report
For the Month Ended December 31, 2011 (FY2011-2012)
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts a
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ 18,955,400	$ 18,955,400	$ 10,142,522 b
Rental Income	268,900	268,900	129,968
Miscellaneous and Reimbursements	1,958,800	1,958,800	1,081,089
Total Operating Revenues	**$ 21,183,100**	**$ 21,183,100**	**$ 11,353,579**
Operating Expenditures			
Salaries and Wages	1,446,711	1,446,711	625,787
County Charges	199,230	199,230	39,802
Assessment District Payment	138,915	138,915	69,458
General and Administrative	7,066,507	12,066,507	4,275,630
Total Operating Expenditures	**$ 8,851,363**	**$ 13,851,363**	**$ 5,010,677**
NET REVENUES FROM OPERATIONS	**$ 12,331,737**	**$ 7,331,737**	**$ 6,342,902**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	3,791,100	3,791,100	2,028,504 c
Investment Earnings	1,047,700	1,047,700	147,647
Loan	1,030,600	1,030,600	1,030,560
Sub-total Non-operating Sources	5,869,400	5,869,400	3,206,711
Non-operating Uses			
Capital Outlay	17,763,027	38,438,789	205,194
Interest Expense	2,853,090	2,853,090	1,026,896
Tax Increment Pass Through	4,131,000	4,131,000	248,088
Transfers out	3,791,100	3,791,100	2,028,504 c
Sub-total Non-operating Uses	28,538,217	49,213,979	3,508,682
NET NON-OPERATING SOURCES AND USES	**$ (22,668,817)**	**$ (43,344,579)**	**$ (301,971)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(2,395,560)	(2,395,560)	(1,365,000)
Designated for Authorized Projects & Encumbrances	-	16,725,764	-
Appropriated Fund Balance	-	8,950,000	-
From/(To) Operating and Capital Reserves	12,732,640	12,732,638	(4,675,931)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 10,337,080**	**$ 36,012,842**	**$ (6,040,931)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Actual amounts reflect accruals for receipts recognized in the prior year.

b Property Tax Payments Received in December and April.

c Transfers out are internal payments between funds, in this case from project funds to housing set-aside fund.

City of Oxnard
Water Funds
Budget Status Report
For the Month Ended December 31, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 39,910,000	$ 39,910,000	$ 23,424,796
Security/Contamination Prevention Fees	750,000	750,000	131,288
Miscellaneous and Reimbursements	212,750	212,750	489,500
Total Operating Revenues	**$ 40,872,750**	**$ 40,872,750**	**$ 24,045,584**
Operating Expenditures			
Salaries and Wages	4,354,003	4,354,003	2,001,998
Contracts and Services	2,416,046	2,474,854	882,194
Operating Supplies	1,020,600	1,020,600	285,062
Water Acquisition	18,784,000	18,784,000	7,073,144
General and Administrative	4,353,977	4,303,977	1,930,803
Total Operating Expenditures	**$ 30,928,626**	**$ 30,937,434**	**$ 12,173,201**
NET REVENUES FROM OPERATIONS	**$ 9,944,124**	**$ 9,935,316**	**$ 11,872,383**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	1,314,400	1,314,400	- a
Investment Earnings	2,344,000	2,344,000	1,117,703
Line of credit	-	-	-
Connection Fees	460,000	460,000	427,638
Sub-total Non-operating Sources	4,118,400	4,118,400	1,545,341
Non-operating Uses			
Capital Outlay (non-debt financed)	2,785,000	13,251,906	862,425
Interest Expense	11,599,998	11,599,998	6,023,740
Transfers out	-	-	-
Sub-total Non-operating Uses	14,384,998	24,851,904	6,886,165
NET NON-OPERATING SOURCES AND USES	**$ (10,266,598)**	**$ (20,733,504)**	**$ (5,340,824)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,500,237)	(3,500,237)	(1,424,979)
Designated for Authorized Projects & Encumbrances	-	39,976,759	70,569
Use of Bond Principal	-	(29,501,045)	(9,643,791)
From/(To) Capital Reserve	3,822,711	3,822,711	4,466,642
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 322,474**	**$ 10,798,188**	**$ (6,531,559)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers in are internal payments from other funds made at the time obligations are due in the target fund.

City of Oxnard
Wastewater Funds
Budget Status Report
For the Month Ended December 31, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 23,250,000	$ 23,250,000	$ 12,417,175
Security/Contamination Prevention Fees	150,000	150,000	-
Miscellaneous and Reimbursements	610,000	610,000	130,874
Total Operating Revenues	**$ 24,010,000**	**$ 24,010,000**	**$ 12,548,049**
Operating Expenditures			
Salaries and Wages	6,108,631	5,815,631	2,804,596
Contracts and Services	5,123,127	5,578,948	2,847,257
Operating Supplies	1,744,200	1,914,200	849,031
General and Administrative	3,210,253	3,483,133	1,868,565
Total Operating Expenditures	**$ 16,186,211**	**$ 16,791,912**	**$ 8,369,449**
NET REVENUES FROM OPERATIONS	**$ 7,823,789**	**$ 7,218,088**	**$ 4,178,600**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	30,000	30,000	59,036
Investment Earnings	320,000	320,000	4,513,979
Sub-total Non-operating Sources	350,000	350,000	4,573,015
Non-operating Uses			
Capital Outlay (non-debt financed)	-	2,848,587	365,283
Interest Expense	7,151,939	7,153,939	3,494,385
Sub-total Non-operating Uses	7,151,939	10,002,526	3,859,668
NET NON-OPERATING SOURCES AND USES	**$ (6,801,939)**	**$ (9,652,526)**	**$ 713,347**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(4,276,021)	(4,288,021)	(16,147)
Designated for Authorized Projects & Encumbrances	-	3,468,290	356,450
Capital Outlay (debt financed)	-	-	-
Appropriated Fund Balance	-	-	-
From/(To) Capital Reserve	3,254,171	3,254,169	(5,232,250)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (1,021,850)**	**$ 2,434,438**	**$ (4,891,947)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Environmental Resources
Budget Status Report
For the Month Ended December 31, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 42,740,000	$ 42,740,000	$ 20,524,886
Security/Contamination Prevention Fees	-	-	-
Miscellaneous and Reimbursements	245,000	245,000	131,018
Total Operating Revenues	**$ 42,985,000**	**$ 42,985,000**	**$ 20,655,904**
Operating Expenditures			
Salaries and Wages	6,670,446	6,670,446	3,194,040
Operating Supplies	223,700	400,365	247,577
Contracts and Services	26,946,449	26,915,449	13,054,496
General and Administrative	3,712,981	3,712,981	1,884,919
Total Operating Expenditures	**$ 37,553,576**	**$ 37,699,241**	**$ 18,381,032**
NET REVENUES FROM OPERATIONS	**$ 5,431,424**	**$ 5,285,759**	**$ 2,274,872**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	179,000	179,000	20,154
Line of credit	-	-	-
Connection Fees	-	-	10,797
Sub-total Non-operating Sources	179,000	179,000	30,951
Non-operating Uses			
Capital Outlay (non-debt financed)	300,000	479,394	11,111
Interest Expense	927,746	927,746	322,561
Transfers out	62,129	62,129	- a
Sub-total Non-operating Uses	1,289,875	1,469,269	333,672
NET NON-OPERATING SOURCES AND USES	**$ (1,110,875)**	**$ (1,290,269)**	**$ (302,721)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,610,758)	(3,610,758)	(290,996)
Designated for Authorized Projects & Encumbrances	-	145,665	115,689
Appropriated Fund Balance	-	179,393	
From/(To) Capital Reserve	(709,791)	(709,790)	(1,796,844)
NET USE OF BONDS AND OTHER DEBT FINANCIN(	**$ (4,320,549)**	**$ (3,995,490)**	**$ (1,972,151)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers out are internal payments to other funds made at the time obligations are due in the target fund.

City of Oxnard
Golf
Budget Status Report
For the Month Ended December 31, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 4,000,000	$ 4,000,000	$ 2,234,544
Miscellaneous and Reimbursements	10,000	10,000	-
Total Operating Revenues	**$ 4,010,000**	**$ 4,010,000**	**$ 2,234,544**
Operating Expenditures			
Salaries and Wages	65,880	65,880	31,965
Operating Supplies	-	-	-
Contracts and Services	3,799,261	3,799,261	2,129,882
General and Administrative	184,125	184,125	86,952
Total Operating Expenditures	**$ 4,049,266**	**$ 4,049,266**	**$ 2,248,799**
NET REVENUES FROM OPERATIONS	$ (39,266)	$ (39,266)	$ (14,255)
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	2
Sub-total Non-operating Sources	-	-	2
Non-operating Uses			
Capital Outlay (non-debt financed)	49,500	62,304	-
Interest Expense	179,956	179,956	89,978
Transfers out	-	-	-
Sub-total Non-operating Uses	229,456	242,260	89,978
NET NON-OPERATING SOURCES AND USES	**$ (229,456)**	**$ (242,260)**	**$ (89,976)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(907,604)	(907,604)	-
Designated for Authorized Projects & Encumbrances	-	12,804	10,917
From/(To) Capital Reserve	1,176,326	1,176,326	93,314
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 268,722**	**$ 281,526**	**$ 104,231**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Performing Arts & Convention Center
Budget Status Report
For the Month Ended December 31, 2011
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 450,200	$ 450,200	$ 217,559
Miscellaneous	90,000	90,000	10,594
Total Operating Revenues	**$ 540,200**	**$ 540,200**	**$ 228,153**
Operating Expenditures			
Salaries and Wages	1,057,210	1,057,210	524,658
Operating Supplies	300	300	-
Contracts and Services	252,355	252,355	119,217
General and Administrative	172,511	172,511	103,033
Total Operating Expenditures	**$ 1,482,376**	**$ 1,482,376**	**$ 746,908**
NET REVENUES FROM OPERATIONS	**$ (942,176)**	**$ (942,176)**	**$ (518,755)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	947,811	947,811	473,906 a
Investment Earnings	-	-	-
Sub-total Non-operating Sources	947,811	947,811	473,906
Non-operating Uses			
Capital Outlay	-	-	-
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	**$ 947,811**	**$ 947,811**	**$ 473,906**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	(5,635)	(5,635)	44,849
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (5,635)**	**$ (5,635)**	**$ 44,849**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers in are internal payments from other funds made at the time obligations are due.

Meeting Date: 1/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ________	☐ Report
☐ Res. No(s). ________	■ Public Hearing (Info/consent)
☐ Other ________	☐ Other ________

Prepared By: Mary Diamond MD Agenda Item No. K-1

Reviewed By: City Manager City Attorney Finance Other *(Specify)*

DATE: January 3, 2012

TO: City Council

FROM: Jeri Williams, Chief of Police JW
Police Department

SUBJECT: Supplemental Law Enforcement Services Funds

RECOMMENDATION

That City Council approve the appropriation of funds in the amount of $379,006 from the State Supplemental Law Enforcement Services Funds to the Police Department for partial funding of police positions and for upgrades for the department's computer systems.

DISCUSSION

The Supplemental Law Enforcement Services Fund (SLESF) is a State population based block grant intended to enhance front line police services. Government Code Section 30061(c) requires the governing body of each recipient agency to conduct a public hearing to determine how these funds will be appropriated, based on written requests from the Chief of Police. The funds must be used to support front line police services and must supplement, not supplant funding for those services.

The City has received a grant allocation of $379,006 for FY 2011-12. Since FY 1998-99, these grant funds have been used to provide a partial offset for the expiration of federal grant funds that supported additional police officer positions.

FINANCIAL IMPACT

The FY 2011-12 SLESF grant award of $379,006 will provide $270,000 for personnel costs (195-2030-802-8001 #662107) and $109,006 to support critical network upgrades for the department's computer systems (195-2030-802-8606 #662107). The award will be distributed in four installments.

Md
Attachment #1 – Request for Special Budget Appropriation

CITY OF OXNARD

REQUEST FOR SPECIAL BUDGET APPROPRIATION

To the City Manager: January 24, 2012

Request is hereby made for an appropriation of total . . . . $ 379,006

Reason for appropriation: To recognize the grant revenue and appropriate grant funding for the FY 2011-12 COPS Program (SLESF) (AB 1913) program.

FUND	DESCRIPTION/ACCOUNT	AMOUNT
State Cops (195)	**COPS Program (SLESF)** 195-2030- (662107)	
	532-7231 State Grant Revenue	379,006
	802-8001 Direct Labor-Regular	270,000
	802-8606 Capital Outlay	109,006
	Net Estimated Change to State COPS Grant Fund Balance	-0-

Manager

CHIEF FINANCIAL OFFICER

REQUIRES CITY COUNCIL APPROVAL

Disposition

Transfer by Journal Voucher ______

Approved ______

Rejected ______

City Manager

ATTACHMENT NO. 1
PAGE 1 OF 1

Meeting Date: 1/24/12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☒ Public Hearing
☐ Other ______	☐ Other ______

Prepared By: Douglas Spondello, Assistant Planner DS Agenda Item No. L-1

Reviewed By: City Manager City Attorney SMF Finance Other *(Specify)*

DATE: January 13, 2012

TO: City Council

FROM: Susan L. Martin AICP, Planning Manager SM
Development Services Department

SUBJECT: **Appeal of the Planning Commission's Approval of Special Use Permit No. 11-510-07 to Allow the Sale of Beer and Wine at the 4-Way Meat Market, Located at 508 East Date Street. Filed by Salvador Ayala, 508 East Date Street, Oxnard, CA 93033.**

RECOMMENDATION

That City Council adopt a resolution denying the appeal and upholding the Planning Commission's approval to allow the sale of beer and wine for off-site consumption at the 4-Way Meat Market, located at 508 East Date Street.

DISCUSSION

On December 15, 2011, the Planning Commission voted 4-3 to adopt Resolution No. 2011-44 to approve Special Use Permit No. 11-510-07 and allow the sale of beer and wine for offsite consumption at the 4-Way Meat Market, contrary to staff's recommendation. In their deliberation on the proposal, the Commission expressed that they were impressed with the Applicant's improvements to the market as well as the decline in the crime rate within the area since the denial of the previous application, in 2007. Commissioners also noted the proximity of the project to Elm Street Elementary School and the ardent opposition of the community as issues of concern.

Staff originally recommended that the Planning Commission deny the project, in light of the perception of undue concentration and the area's higher than average crime rate. The Commission addressed these issues in their deliberation, finding that undue concentration concerns were sufficiently rebutted by the applicant's acceptance of the conditions and the benefit to public convenience and necessity provided by the market. The Commission also considered the reduced crime rate to be a positive indicator, and found that the crime rate was not significantly higher than the citywide average.

On December 28, 2011 a Notice Requesting Review of this decision was filed by Councilmember Ramírez for review of the project by City Council, as the project is in an area where the crime rate is above the citywide average, there is an over-saturation of alcohol outlets, and a proximity to sensitive uses.

On December 29, 2011, an appeal was filed by Jeff Chancer, Superintendent of the Oxnard School District, on behalf of the District. Mr. Chancer's grounds for appeal also note an over-saturation of alcohol outlets, a crime rate above the citywide average in the vicinity of the project location, and the proximity of an elementary school, church, and public park to the proposed use.

Crime Rate: The Police Department prepared a report which analyzes the proposal (Attachment #4) pursuant to City Council Resolution No. 11,896, which adopted standards for determining applications for special use permits to sell alcoholic beverages. The report concludes that the area crime rate is 23% above the citywide average. The current crime rate is down nearly 33% from the 2007 totals, when the site had last applied for a Special Use Permit and was ultimately denied. Though the current rate is on the threshold of what the Police Department considers to be significant, the Department does not regard the area as a policing problem.

Alcohol Outlets in Vicinity: The police report indicates that there is a liquor store (Fiesta Liquor), a restaurant (Fiesta Mexican Grill), and a bar (Snooky's) serving alcohol within 350 feet of the project site. Within 1,000 feet, there is an additional restaurant serving alcohol (Sal's Mexican Inn). City Council Resolution No. 11,896 established that an undue concentration would result by adding an additional use of the same type within 350 feet of an existing use. As Fiesta Liquor is within this distance to the project site, the police report concludes there is a presumption that alcohol sales at the 4-Way Meat Market would result in an undue concentration. However, this presumption was rebutted by the Planning Commission's determination that the Market operates as a grocery store serving the public convenience and necessity, is an inherently different business than Fiesta Liquor, the significant drop in the area crime rate, and the applicant's acceptance of the Special Use Permit conditions of approval.

Proximity to Sensitive Uses: The Market is located approximately 360 feet to the north of Elm Street Elementary School, 900 feet north of Lathrop Park, and 1,100 feet from a church (though this building is currently vacant). While Resolution No. 11,896 does not include these locations as factors to be considered in evaluating alcohol SUP applications, staff recognizes that proximity to these locations are concerns of some members of the community and were the basis for the City Council's previous denial of this request in 2007.

FINANCIAL IMPACT

The sale of beer and wine from the existing market would result in negligible sales tax revenue to the City.

(DS)

Attachment #1- Draft Resolution
#2- Staff Report to Planning Commission
#3 Planning Commission Meeting Minutes (December 15, 2011)

#4- Police Report
#5- Resolution No. 2011-44
#6 Notice Requesting Review by Councilmember Ramírez
#7 Appeal by Superintendent Chancer

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING AND ZONING PERMIT NO. 11-510-07 (SPECIAL USE PERMIT – ALCOHOL), TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXISTING MARKET (4-WAY MEAT MARKET), LOCATED AT 508 EAST DATE STREET. FILED BY DESIGNATED AGENT SALVADOR AYALA, 508 EAST DATE STREET, OXNARD, CA 93033.

WHEREAS, on December 15, 2011, the Planning Commission adopted Resolution No. 2011-44, approving Planning and Zoning Permit No. 11-510-07 (Special Use Permit - Alcohol), filed by Salvador Ayala; and

WHEREAS, Resolution No. 2011-44 imposes 47 conditions of approval regulating the approved use; and

WHEREAS, City Councilmember Carmen Ramírez filed a Notice Requesting Review by the City Council, and Oxnard School District Superintendent Jeff Chancer appealed the decision of the Planning Commission; and

WHEREAS, City Council has carefully reviewed the decision of the Planning Commission and all documents constituting the Planning Commission's record pertaining to Planning and Zoning Permit No. 11-510-07; and

WHEREAS, on January 24, 2012, the City Council held a public hearing and received and reviewed written and oral comments related to Planning and Zoning Permit No. 11-510-07; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to deny the appeal and uphold the Planning Commission's decision of December 15, 2011 based on the findings and conditions set forth in Planning Commission Resolution No. 2011-44, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 24th day of January, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner

DATE: December 15, 2011

SUBJECT: Planning and Zoning Permit No. 11-510-07 (Special Use Permit - Alcohol), Located at 508 East Date Street.

1) **Recommendation:** That the Planning Commission deny Planning and Zoning Permit No. 11-510-07, as the proposal to sell alcohol from 4-Way Meat Market:
   - Would result in an overconcentration of alcohol outlets;
   - Is in the vicinity of an elementary school, church, and public park; and
   - Is located in an area with a crime rate that is 23% above the citywide average.

2) **Project Description and Applicant:** A request to sell beer and wine for off-site consumption at an existing 3,300 square foot market (4-Way Meat Market), located at 508 East Date Street. The market operates between 8:00 a.m. and 9:00 p.m., daily. Filed by Salvador Ayala, 508 East Date Street, Oxnard, CA 93033.

3) **Existing & Surrounding Land Uses:** The subject property is developed with a neighborhood grocery store with one attached apartment at the rear of the building.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial (C-2)	Commercial General (CG)	Market with Attached Apartment
North	Single-Family Residential (R-1) and C-2	Residential Low (RL) and CG	Single-Family Residence and Auto Parts Store
South	Garden Apartment (R-3) and C-2	Residential Medium (RM) and CG	Garden Apartments and Parking Lot
East	C-2	CG	Motel (Palace Inn)
West	R-3 and R-1	RL and RM	Apartments and Single-Family Residential

4) **Background Information:** On November 15, 1948, the subject commercial building was approved via Building Permit Nos. 1122 and 1456. On August 26, 1955, Building Permit No. 6512 approved the addition of two apartments to the rear of the building.

On May 20, 1999, the Planning Commission approved Special use Permit (SUP) No. 99-500-09, via Resolution No. 99-11 for the demolition of two motels at the rear of the subject property and the construction of a 106-unit apartment complex (Gateway Apartments), in their place. The subject commercial building was retained and the parking lot and access way improvements immediately northeast of the commercial building were installed.

On March 8, 2000, the Development Services Director approved a lot line adjustment resulting in the subject lot's current configuration separating the market property from the apartment complex. A reciprocal parking and access agreement was established between the Gateway Apartments and the subject property granting the market use of 24 parking stalls to the immediate northeast of the building.

On October 18, 2006, the Planning Manager approved a minor modification to SUP No. 99-500-09 granting the expansion of the market into one of the apartment units located at the adjacent market.

On June 18, 2005, the Planning Division received an application by Mr. Salvador Ayala to sell beer and wine for off site consumption. Due to an unfavorable police report at that time, that application was withdrawn prior to a public hearing on the matter.

In 2007, Mr. Ayala again applied for a special use permit to sell beer and wine for off site consumption. The Planning Commission approved SUP No. 07-510-03. However, on November 7, 2007 and with Resolution No. 13,364, the City Council denied the SUP, on an appeal supported by neighborhood concerns. The Council's findings for denial cited the proximity of Elm Street Elementary School, an area crime rate of 56% higher than the citywide average, and an overconcentration of alcohol sales outlets within 350 feet of the project site.

5) **Environmental Determination:** In accordance with Section 15270(a) of the California Environmental Quality Act (CEQA), projects which are to be denied or rejected are statutorily exempt from the requirement for environmental review.

Should the Planning Commission recommend this request for approval, staff should be directed to re-analyze and modify this environmental determination.

6) **Analysis:**

   a) ***General Discussion:*** The request to sell beer and wine for offsite consumption is equivalent to a State of California Department of Alcoholic Beverage Control (ABC)

License Type-20, which the Applicant would obtain if this special use permit is granted.

b) *General Plan Consistency:* The City's 2030 General Plan land use designation for the subject site is for Commercial General uses. Commercial General land uses include "retail centers and free-standing commercial uses along arterials, may also include... mixed uses". No development is proposed with this request and the existing market is consistent with this designation.

Within the Public Facilities and Services element of the 2030 General Plan's Goals and Policies, Goal ISC-19.2 identifies the desire to "Continue to require the Police Department to review proposed development projects and provide recommendations that enhance public safety." The Police Department reviewed the proposed use for compliance with its safety and security requirements and provided a report (Attachment C), which is summarized in Section 6(f).

c) *Conformance with Zoning Development Standards:* The project is located in the General Commercial (C-2) zone district. Markets are a permitted use in this zone and the sale of beer and wine for offsite consumption may be permitted with an approved special use permit.

City Code Section 16-534(B) prohibits submitting an application for a special use permit within 12 months of a denial for the same request, at the same property. As the previous application to sell beer and wine was denied by the City Council in 2007, the subject application conforms to the Code regulations pertaining to permit reapplication.

d) *Site Design, Circulation, and Parking:* The market is located on a 12,800 square foot parcel and is developed with a parking lot and one residential apartment unit, which is attached to the market. Vehicles access the property via a one-way driveway at East Date Street. Egress back onto Date Street is provided by an alley. Delivery vehicles park on Date Street, adjacent to the market or in the parking lot.

Twelve parking spaces are provided on-site with additional parking available at the adjoining lot to the northeast. The Code requires that the market provide 11 spaces.

e) *Building Design:* The 3,300 square foot market is accessed through the on-site parking, at the east of the building. The interior features numerous merchandise racks, a produce area, beverage coolers, and a butcher service counter and facilities.

f) *Police Department Review:* The Oxnard Police Department provided a report (Attachment C) with information required by City Council Resolution No. 11,896 for the sale of alcoholic beverages.

<u>Local Concentration of Alcohol Outlets-</u> The police report indicates that there is a liquor store (Fiesta Liquor/Type-21), a restaurant (Type-41), and a bar (type-42) serving

alcohol within 350 feet of the project site. Within 1,000 feet, there is an additional restaurant (Type-47) selling alcoholic beverages. While there is a presumption of undue concentration proposed by the proximity of the market to Fiesta Liquor, the Police Department notes:

"...the "types of business and the clientele typically served are arguably very different. Fiesta Liquor operates with alcohol sales as the focal point of their business and many residents tend to avoid such environments due to the traditional perception often associated with liquor stores as being an unsafe, uninviting setting that can be a magnet for problems. Customers may feel safer and less intimidated when visiting a legitimate neighborhood store such as the 4-Way Meat Market where residents primarily shop for products other than alcoholic beverages. The Police Department makes this point not to be an advocate for the approval of this permit, rather to recognize that the inherent risks associated with having two off-site alcohol outlets so close together may be outweighed by the benefit and convenience to the inner neighborhood who prefer to avoid settings such as a liquor store".

Crime Statistics- For comparison purposes the Police Department calculated the average number of Part I and II crimes that occur per reporting district (grid), during a selected 12-month period. For reference, Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

The average citywide, per grid base number of Part I and II crimes, is currently 117. The average number of Part I and II crimes occurring within the applicant's reporting district and all other districts within 1,000 feet of the applicant is 144 during the same 12-month time period. This is 23% higher than the average crime rate citywide which is on the threshold of what the Police Department considers to be significant. The current crime rate is down nearly 33% from the 2007 totals, when this site last applied for a special use permit to sell alcohol and was denied on appeal.

The numbers and types of police calls for service were spread relatively evenly throughout the neighborhood and were predominately petty and property related crimes. Disturbance calls were highest along South Oxnard Boulevard, both north and south of Date Street. Disturbance calls involving alcohol or drugs and are generally consistent with citywide averages.

Conclusion- The Police Department's experience is that the Type-20 License, when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues, as long as the establishment complies with these regulations and operates responsibly. However, there is a presumption of

Should the Planning Commission approve this request, it is suggested that they adopt the conditions recommended by staff (Attachment H).

7) ***Other Considerations:*** The market is located approximately 360 feet to the north of Elm Street Elementary School, 900 feet north of Lathrop Park, and 1,100 feet from a church (though this building is currently vacant). While these are not required by Resolution No. 11,896 for consideration, staff recognizes that these are concerns that formed the basis of the City Council's previous denial of this request in 2007.

8) **Community Workshop Meeting and Public Input:** On August 5, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the Cal Gisler Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on August 15, 2011. Approximately 30 people attended the meeting and 19 people spoke about the subject application. Supporters of the project praised the business as a well-managed, full-service market whose owners show an interest in the community. The applicant provided a petition of support with more than 345 signatures, supposedly by customers and residents living within 300 feet of the market (Attachment E).

The majority of the attendees opposed the use, citing concerns about overconcentration and the proximity to Elm Street Elementary School, Lathrop Park, and a church. The Planning Division received letters in opposition to the project from the Oxnard School District and a local resident (Attachment D). As such, staff recommends denial as the findings which the City Council had made when they previously denied the appeal have not changed.

9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

A. Maps (Vicinity, General Plan, Zoning)
B. Reduced Project Plans
C. Police Report
D. Public Correspondence
E. Petition
F. Resolution No. 13,364
G. Resolution of Denial
H. Draft Conditions (if approved)

Prepared by: DS
DJS

Approved by: SM
SM

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
December 15, 2011

A. ROLL CALL

At 7:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Stephen Huber, Patrick Mullin, Anthony Murguia, Gilbert Guevara, Saul Medina, Vincent Stewart, and Steven Nash were present. Chairman Mullin presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Stephen Fischer, Assistant City Attorney; Doug Spondello, Assistant Planner; Cliff Waer, Senior Police Officer; and Lori Maxfield, Recording Secretary.

Pledge of allegiance to the flag of the United States of America led by Commissioner Mullin.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda including staff's request to continue Item F-1 (PZ 10-510-12) to January 5, 2012.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – December 1, 2011

MOTION Commissioner Stewart moved and Commissioner Guevara seconded a motion to approve the minutes of December 1, 2011 as presented. The question was called and the motion carried 6-0-0-1, Commissioner Medina abstaining.

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 11-510-07 (Special Use Permit - Alcohol), a request for approval of a special use permit to sell beer and wine for off site consumption from an existing ~~convenience market (4-Way Meat Market), located at 508 East Date Street. The market operates~~ between 8:00 a.m. and 9:00 p.m., daily. No changes are proposed to the existing operating hours. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Designated Agent Joshua Kaplan, 11835 West Olympic Boulevard, Ste. 1125 E, Los Angeles, CA 90064.
PROJECT PLANNER: Doug Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; one way driveway for egress; agreement with adjacent site for parking; project history; close proximity to Elm Street School and Lathrop Park; area crime rate is 23 percent above the citywide average; and over concentration of alcohol outlets. He also displayed the location, aerial, and zoning maps; interior and exterior site photos; and site and floor plans.

Mr. Joshua Kaplan, representing the applicant, gave a presentation of the project including the market was beautifully maintained; impeccable record of serving the community; no legally substantial evidence that if granted, it would have a detrimental effect on the general welfare; Police Department's report was in support with 34 conditions; compared Fiesta Liquor with the applicant's business; courts state that mere proximity would not create an adverse effect, and is not a basis for denial; City has not codified a definition of over-concentration; alcoholic beverage control concluded that the business was under-concentrated; and the proposed resolution was contrary to State law.

Mr. Sal Ayala, applicant, indicated that he'd been in business for 20 years; has roots in the community; has expanded his business; recently purchased the La Gloria Market in downtown; working with Officer Waer, as he doesn't want loitering or drinking outside the market; has worked with the Police Department, the City, and the neighbors to make it a true neighborhood market; plans to open two or three additional markets in the area; welcomed comments on what a neighborhood market should be; want to grow and prosper in business; has less than the 20 percent allowable signage; use a shuttle to accommodate customers; and he is already implementing the proposed conditions at his other stores in the City.

Chairman Mullin opened the public testimony.

Mr. Denis O'Leary and Mr. Jorge Gutierres, Oxnard School District, spoke in opposition due to the close proximity to Elm Street School.

Mr. Sarkis Abdulhai, Fiesta Liquor owner, and Ms. Nancy Pedersen, Cal Gisler Neighborhood, spoke in opposition to the project.

Mr. Arthur Villa and Ms. Veronica Mendoza spoke in favor of the project.

Chairman Mullin closed the public testimony.

Senior Officer Waer discussed the dramatic improvements made in the area in the past ten years; significant drop in crime; Police Department took a neutral stance as far as the granting of the ~~alcohol license; and conditions could be used as leverage to keep the business in compliance.~~

Planning Commission discussed influence of alcohol sales on students; recent operation conducted by Ventura Police to see if businesses sold alcohol to minors; school accountability report indicated that Elm Street School had the lowest performance in the district; Walmart was issued an alcohol license in spite of the excessive calls for service; small business should be given an opportunity to survive; impressed with applicant's improvements to the market; approval would reduce car trips;

suggested volunteer alcohol classes by the applicant; community opposed to request; concern with meeting the community's needs; and crime rate still high in the area.

MOTION Commissioner Medina moved and Commissioner Stewart seconded a motion to adopt a resolution granting PZ 11-510-07, a Special Use Permit-Alcohol to permit the sale of beer and wine for off-site consumption at an existing market (4-Way Meat Market, located at 508 East Date Street, subject to certain findings and conditions. The question was called and the motion carried 4-3, Commissioners Murguia, Huber, Guevara voting no.

F. <u>NEW PUBLIC HEARINGS</u>

1. PLANNING AND ZONING PERMIT NO. 10-510-12 (Special Use Permit), a request to upgrade ABC License Type 20 (Off-sale Beer and Wine Sales) to ABC License Type 21 (Off-sale General) at an existing 4,460 square foot convenience market (La Colonial Market), located at 520 East Third Street. The existing hours of operation are from 7:00 a.m. to 10:00 p.m. Monday through Sunday. The project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines. Filed by Sukhi S. Phaliwal on behalf of 580 Third, LLC, 520 East Third Street Oxnard, CA 93030.
PROJECT PLANNER: Juan Martinez

MOTION Commissioner Nash moved and Commissioner Medina seconded a motion to continue Item F-1 (PZ 10-510-12) to January 5, 2012, as recommended by staff. The question was called, and the motion carried unanimously.

G. <u>PLANNING COMMISSION BUSINESS</u>

1. Discussion on stipends for Planning Commissioners.

Commissioner Guevara asked for the history of stipends for Planning Commissioners; what the stipend should be; and whether the Planning Commission should make a recommendation to the City Council.

Planning Manager Martin explained the amounts of the previous stipends to the Planning Commissioners.

Planning Commission discussed other City's reducing benefits to elected officials; good idea to investigate other City's practices regarding stipends; Planning Commissioners serve as volunteers ~~doing community service; questioned how much it costs to cut a check, and whether it would be~~ worth it.

MOTION Commissioner Guevara moved and Commissioner Murguia seconded a motion to further investigate and discuss the subject of stipends for the Planning Commissioners, and decide whether to make a recommendation to City Council. The question was called and the motion carried 4-3, Commissioners Medina, Stewart, and Nash voting no.

2. Commissioner Mullin stated that he would be absent on January 5, 2012.

3. Commissioner Murguia suggested a forecast calendar for the Planning Commission to determine in advance when meetings would be held.

   Planning Manager Martin suggested the Planning Commission limit meetings to one per month, or suspend meetings in advance, perhaps sometime in the summer, similar to the City Council.

MOTION Commissioner Murguia moved and Commissioner Huber seconded a motion to establish a Planning Commission calendar for the purpose of organizing meeting times. The question was called and the motion carried unanimously.

4. Commissioner Guevara suggested that the Planning Commission look at getting involved with special projects to improve planning in the area.

MOTION Commissioner Guevara moved and Commissioner Stewart seconded a motion to discuss Planning Commission interest and involvement in special projects. The question was called and the motion carried 6-1, Commissioner Medina voting no.

4. Commissioner Medina asked what the procedure was to have the pledge of allegiance placed on all future agendas.

   Assistant City Attorney Fischer indicated that the Planning Commission by-laws would need to be revised, and staff anticipates agendizing the revisions in the near future.

5. Commissioner Nash questioned why there was grading being done at the Haas property (PZ 11-500-10), when the project hadn't yet been approved.

   Planning Manager Martin indicated that staff would follow-up.

H. PLANNING MANAGER COMMENTS

Planning Manager Martin previewed the upcoming items tentatively scheduled for the next meeting on January 5, 2012.

I. ADJOURNMENT

At 9:02 p.m., the Planning Commission concurred to adjourn.

Patrick Mullin, Chairman

ATTEST: ______________________________
Susan L. Martin, Secretary

Police Department
Jeri Williams, Police Chief

Date: October 10, 2011

To: Douglas Spondello, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 508 E. Date Street (4-Way Meat Market) **Re: PZ 11-510-07**

Site Information:
The proposed site is an existing, occupied 5500 square foot building doing business as the Four Way Meat Market located at 508 E. Date Street. The site is situated on the northeast corner of the intersection of California Street and Date Street and is currently operating as a convenience store/meat market without the sale of alcohol. The front doors face east toward the parking lot which is separated from the adjacent Palace Inn Motel by a block wall.

The site is generally bordered by Date Street to the north, California Street to the west, The Palace Inn Motel and State Route 1 (Oxnard Blvd.) to the east and residences to the south. Other businesses nearby include the motel which offers primarily extended stay accommodations. The nearest similar alcohol outlet is the Fiesta Liquor store at 1637 S. Oxnard Boulevard which is east of the site next to the motel. The nearest residences are apartment complexes approximately 50 feet south of the site and single-family homes directly across the street to the west. The applicant has requested to obtain an ABC License Type-20 which is an Off-Sale License that allows for the sale of beer and wine.

*Alcohol outlets located within **350 feet** of the establishment include:*

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Fiesta Liquor	1637 S. Oxnard Blvd..	Type 21	Off-Sale General	Liquor Store	Beer, Wine and Spirits
2. Fiesta Mexican Grill	1635 S. Oxnard Blvd.	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine

3. Snooky's	1657 S. Oxnard Blvd.	Type 42	On-Sale Beer and Wine	Bar (Public Premise)	Beer and Wine

*Alcohol outlets located within **1000 feet** of the establishment also include:*

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Sal's Mexican Inn	1450 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 144 during the same 12-month time period. This is 23% higher than the average crime rate citywide which is on the threshold of what the Police Department considers to be significant. This current crime rate is down nearly 33% from the 2007 totals when this site last applied for a Special Use Permit to sell alcohol and was ultimately denied. The area is not generally considered to be a policing problem.

The numbers and types of police calls for service were spread relatively evenly throughout the neighborhood and were predominately petty and property crimes. Disturbance calls were highest along South Oxnard Boulevard, both north and south of date Street. Alcohol was listed as a contributing factor at a rate consistent with citywide averages.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:

The Beat Coordinator who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is not considered to be a policing problem. While there is some concern about the proximity to the Fiesta Liquor store, the area is generally not considered to have an undue concentration of alcohol outlets as the next closest Off-Sale outlet is nearly one-half mile away along Saviers Road. The Police Department is typically very cautious when there are similar off-site uses within 350 feet of each other and that close proximity is generally not desirable. In this case, the types of businesses and the clientele they typically serve are arguably very different. Fiesta Liquor operates with alcohol sales as the focal point of their business and many residents tend to avoid such environments due to the traditional perception often associated with liquor stores as being an unsafe, uninviting setting that can be a magnet for problems. Customers may feel safer and less intimidated when visiting a legitimate neighborhood store such as the 4-Way Market where residents primarily shop for products other than alcoholic beverages. The Police Department makes this point not to be an advocate for the approval of this permit, rather to recognize that the inherent risks associated with having two off-site alcohol outlets so close together may be outweighed by the benefit and convenience to the inner neighborhood who prefer to avoid settings such as a liquor store.

An additional concern of the Police Department is the site's close proximity to an elementary school that is approximately 250 to the south (Elm Street School) and a public park that is 800 feet away. Generally, it is not desirable to have alcohol outlets so close to schools due to the potential for youth exposure and access to alcohol. Numerous studies have shown that youth exposure to alcohol significantly impacts underage consumption. Increased access and exposure to alcoholic beverages are directly related to incidences of youth consumption and should be carefully considered when determining appropriate locations for new outlets.[1]-[2]

That being said, elementary school-aged students are not necessarily the most at-risk category of youth when considering the potential conflict with an alcohol outlet. The ages for typical students at an elementary school range from approximately age five to age eleven. Exposure to alcohol for this age group is of the greatest concern while access is not as critical. This age group is not the most likely to attempt to steal or purchase alcohol and employees can easily recognize that they are significantly underage. However, exposure to alcohol advertisements and "in your face" alcohol marketing practices can be problematic and is not desirable. There are now many preventative conditions that can help to minimize exposure to young people and to also reduce the access to alcohol. Prohibiting alcohol advertisements, limiting the types and sizes of alcoholic beverages and positioning the alcohol displays to be separate from other, non-alcoholic products and placed where they can be easily monitored by employees should minimize the likelihood for conflicts.

There are a few other locations in Oxnard where there are alcohol outlets near schools, including two that are in very close proximity to high schools where the students are at the highest risk of exposure and access to alcohol. One is literally across the street from a high school which posed some very unique challenges when determining the most appropriate and effective operating conditions to minimize the potential for conflicts. Fortunately, the preventative conditions we included with each of these sites appears to have been effective at preventing problems as there have been no alcohol/student related incidents at any one of the four businesses considered to be in close proximity to the high schools.

It is the conclusion of the Police Department that, while cautious and mindful of the potential for conflict with students, that the concerns can be effectively mitigated with the addition of comprehensive operating conditions and close oversight of the activity at the business. The Police Department strongly recommends that each of the preventative conditions listed below be included in the resolution.

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[1] G. Hastings, S. Anderson, E. Cooke, and R. Gordon,"Alcohol advertising and marketing and young people's drinking:a review of the research," *Journal of Public Health Policy* 26 (2005):296-311.
[2] L.B. Snyder, F.F.Milici, M. Slater, H. Sun, and Y. Strizhakova,"Effects of alcohol advertising exposure on drinking among youth," *Archives of Pediatrics and Adolescent Medicine* 160 (2006):18-24.

Community Input:
Several residents who live in the Cal-Gisler neighborhood contacted the Police Department with questions and concerns about this proposal. A few were involved the last time this applicant attempted to obtain a permit to sell alcohol in 2007 and, as they were then, were still opposed to the proposal. Specifically, residents seemed most concerned about the proximity to Elm Street School and the lack of necessity for another alcohol outlet in the immediate area. Residents were given information on how they can voice their concerns with the Planning Department and at the Planning Commission hearing.

Conclusion:
The statistical analysis shows the area to have a crime rate that is approximately 23% higher than the city-wide average which is of some concern; however, the area is not considered to be a policing problem. The overall crime rate has dropped nearly 33% during the past four years reflecting a decade-long plunge in crime for the area which was once plagued with problems. Drug and alcohol related problems had previously dominated the neighborhood and were heavily concentrated along South Oxnard Boulevard. Currently, disturbance calls and those that involve alcohol or drugs are generally consistent with citywide averages. There is one similar use within 350 feet of the proposed site (Fiesta Liquor) so there is a local presumption of undue concentration.

The primary concerns of both the Police Department and the community are how close the site is to an existing alcohol outlet and a nearby elementary school. Typically, schools are considered a sensitive use and having an alcohol outlet nearby is not desirable. In this case, the school serves students aged 5-11 which are generally not the ages most at risk from exposure and access to alcohol. There are several regulations that can be included with the resolution that can help to minimize the likelihood for conflicts with the students such as restricting advertising, prohibiting single servings, requiring alcohol displays be easily monitored by staff and prohibiting flavored malt beverages or energy drinks with alcohol that are most popular with underage drinkers.

The fact that the outlet is a successful meat market already suggests that the business will not need to rely upon excessive sales of alcohol to remain profitable and they are offering the product as a convenience to their customers. The Police Departments experience is that this type of license (Type 20 – Off-Sale Beer and Wine), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues, as long as the establishment complies with these regulations and operates responsibly. This particular proposal has a few unique concerns which is why the Police Department recommends adoption of all of the standard and special conditions listed in the attached Planning Commission resolution.

Police Standard Conditions
(Off-Sale Alcohol Establishments)

1) All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

2) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

3) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines, after due process that shall include communication with the owner, is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)

4) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.

5) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.

6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

7) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)

8) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)

9) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)

10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)

11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)

12) Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)

13) In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

14) Coolers or displays containing alcoholic beverages shall be separated from other, non-alcoholic products and shall be positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. Unless otherwise approved by the Police Department, alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)

15) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)

16) Beer, malt beverages and wine coolers, in containers of 40oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

17) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)

18) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)

19) No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)

20) Alcoholic beverages shall not be sold between the hours from 10:00 PM to 7:00 AM. (PD)

21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.

22) Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)

    a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.

    b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.

23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.

24) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.

25) Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50).

26) When used, Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.

27) Permittee shall install height gauges at all exit doors.

28) Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.

29) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols

that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.

30) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

Police Special Conditions

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1. Coolers or displays containing alcoholic beverages shall be maintained in such a way as to allow for them to be locked or inaccessible during hours of prohibited sale and shall, in fact, be secured during the hours from 9:00 PM to 8:00 AM. (PD)

2. The sale of flavored malt beverages (commonly referred to as alcopops) is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike's Hard Lemonade, Bacardi Silver and Jack Daniel's Lynchburg Lemonade. (PD)

3. The sale of energy drinks that contain any amount of alcohol is prohibited.

4. The self-checkout of alcoholic beverages is strictly prohibited. All transactions involving alcohol shall be completed by an employee who is responsible to ensure the customer is aged 21 or older and that they are not obviously intoxicated.

RESOLUTION NO. 2011-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD, APPROVING PLANNING AND ZONING PERMIT NO. PZ 11-510-07 (SPECIAL USE PERMIT - ALCOHOL) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXISTING MARKET (4-WAY MEAT MARKET), LOCATED AT 508 EAST DATE STREET, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT SALVADOR AYALA, 508 EAST DATE STREET, OXNARD, CA 93033.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-510-07, filed by Designated Agent Salvador Ayala, in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing that the following circumstances exist:

1. The proposed use is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard.

2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

5. ~~The site for the proposed use will be provided with adequate sewerage, water, fire~~ protection and storm drainage facilities.

6. The presumption of undue concentration has been rebutted by a preponderance of evidence which shows that the establishment is a grocery market where the selling of alcohol serves the public convenience and necessity, an that the crime rate in the immediate vicinity of the subject site has been steadily decreasing since the Police Department implemented a comprehensive and collaborative community strategy to reduce crime problems in the area, including improved operating

regulations and monitoring of activity at alcohol uses in the immediate vicinity. At its current level, the crime rate is not considered to be significantly higher than the average crime rate citywide. Furthermore, the presumption of undue concentration is mitigated by the applicant's acceptance of the conditions in this resolution.

7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. G-1) while some are taken from environmental documents (e.g. MND-S2).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. ~~This permit is granted for the property described in the application on file with the Planning~~ Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or

of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

4. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)

5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

6. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

7. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, *G-9*)

8. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

9. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

10. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

11. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

PLANNING DIVISION STANDARD CONDITIONS

12. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

PLANNING DIVISION SPECIAL CONDITION

13. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

POLICE DEPARTMENT STANDARD CONDITIONS

14. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

15. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

16. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines, after due process that shall include communication with the owner, is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)

17. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.

18. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.

19. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

20. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)

21. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)

22. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)

23. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)

24. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)

25. Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)

26. In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

27. Coolers or displays containing alcoholic beverages shall be separated from other, non-alcoholic products and shall be positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. Unless otherwise approved by the Police Department, alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)

28. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)

29. Beer, malt beverages and wine coolers, in containers of 40oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

30. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)

31. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)

32. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)

33. Alcoholic beverages shall not be sold between the hours from 10:00 PM to 7:00 AM. (PD)

34. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.

35. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
    a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.

    b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.

36. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.

37. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.

38. Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50).

39. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.

40. Permittee shall install height gauges at all exit doors.

41. Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.

42. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.

43. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE DEPARTMENT SPECIAL CONDITIONS

44. Coolers or displays containing alcoholic beverages shall be maintained in such a way as to allow for them to be locked or inaccessible during hours of prohibited sale and shall, in fact, be secured during the hours from 9:00 PM to 8:00 AM. (PD)

45. The sale of flavored malt beverages (commonly referred to as alcopops) is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike's Hard Lemonade, Bacardi Silver and Jack Daniel's Lynchburg Lemonade. (PD)

46. The sale of energy drinks that contain any amount of alcohol is prohibited.

47. The self-checkout of alcoholic beverages is strictly prohibited. All transactions involving alcohol shall be completed by an employee who is responsible to ensure the customer is aged 21 or older and that they are not obviously intoxicated.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of December, 2011, by the following vote:

AYES: Commissioners: Medina, Stewart, Nash, and Mullin

NOES: Commissioners: Murguia, Huber, and Guevara

ABSENT:

Patrick Mullin, Chairman

ATTEST:
Susan L. Martin, Secretary

CITY OF OXNARD
CITY CLERK

2011 DEC 28 A 9:46

NOTICE REQUESTING REVIEW

I, Carmen Ramírez, request that the City Council review the December 15, 2011 decision of the Planning Commission regarding PZ No. 11-510-07 (Special Use Permit-Alcohol), a request to sell beer and wine for off-site consumption at an existing market (4-Way Meat Market), located at 508 East Date Street, on the following grounds:

( ) To provide efficient and coordinated review of a multiple permit project.

(X) For City Council consideration of the above-referenced project, including issues of an elevated crime rate, over-saturation of alcohol outlets, and the proximity to several sensitive uses, including an elementary school.

Carmen Ramírez

Ms. Carmen Ramírez

Oxnard City Councilmember

cc: City Attorney
Development Services Director
Project Planner
Applicant

ATTACHMENT 6
PAGE 1 OF 1

CITY OF OXNARD
CITY CLERK

PLEASE PROVIDE *AN ORIGINAL AND 2 COPIES A $525 FEE MUST ACCOMPANY THIS APPEAL*

2011 DEC 29 A 9:15

TO: Oxnard City Clerk

NOTICE OF APPEAL
(from member of the public)

I, Jeff Chancer, Superintendent of Oxnard School District, am aggrieved or directly affected by
(name of person filing appeal)

and appeal the December 15, 2011 decision from the Planning Commission regarding Project No.
(date of PC meeting)

PZ 11-510-07, more particularly described as follows:

Request for approval of a special use permit to sell alcohol for offsite consumption at 4-Way Meat Market located at 508 East Date Street, Oxnard CA

The grounds for appeal are:

Proposal to sell alcohol from 4-Way Meat Market:

- Would result in/add to undue concentration of alcohol outlets in the area;
- Is in close proximity to an elementary school, church, a public park;
- Is located in an area with a crime rate that is 23% above the citywide average

I request the following relief:

City Council resolution to grant the appeal of Planning Commission decision and to deny the special use permit (PZ 11-510-07) that would permit the sale of beer and wine at 4-Way Meat Market located at 508 East Date Street, Oxnard, CA

J. Chancer
(signature)

Date: December 29, 2011

Oxnard School District Office

1051 S. A Street, Oxnard, CA 93030

(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant

Meeting Date: 01 / 24 / 12

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	■ Other City Manager's Report

Prepared By: Edmund F. Sotelo, City Manager Agenda Item No. M-1

Reviewed By: City Manager City Attorney Finance Other *(Specify)*

DATE: December 6, 2011

TO: City Council

FROM: Edmund F. Sotelo, City Manager

SUBJECT: **PARS SUPPLEMENTAL RETIREMENT BENEFIT**

RECOMMENDATION

That City Council receive and file this report.

DISCUSSION

On or about April 2002 the City explored with the Public Agency Retirement Services (PARS) the possibility of a 3% at 60 Supplemental Retirement Plan (SRP). This benefit was meant to be for certain Miscellaneous employees only. Initially, Confidential employees elected not to be included in the Plan. Council approved the Plan on January 14th, 2003. The implementation date of the Plan was January 1st, 2003.

On or about February 4th, 2003, the Plan was amended to include certain IRS requirements, i.e. a good faith EGTRRA amendment.

On or about December 15th, 2005, the Plan was amended to include domestic partnerships pursuant to changes in California State law.

On or about June 12th, 2006, the Plan was amended to include Confidential employees, who had elected to join the Plan prospectively from July 1st, 2006.

On or about March 16th, 2010 Council adopted an Early Retirement Incentive Plan (ERIP) administered by PARS. Council approved the ERIP and it was implemented. After two enrollment periods, all employees that elected to retire under the ERIP retired by August 31st, 2011. The ERIP was a one-time benefit that did not change, enhance or devalue the existing SRP already in place. In fact, employees received the ERIP benefit in addition to the SRP benefit.

On or about August 9th, 2010, PARS contacted the City regarding an IRS required restatement of the SRP based upon new remedial Economic Growth and Tax Relief Reconciliation Act (EGTRRA) requirements. The IRS had implemented remedial amendment cycles where employers were required to amend and restate their individually designed qualified governmental retirement plan document(s) every five (5) years to incorporate the most recent federal and state law statutory and regulatory changes applicable to qualified governmental plans. Many of the changes reflect the EGTRRA provisions made permanent by the Pension Protection Act of 2006. The new program also placed employers on a specific cycle. The cycle for governmental agencies with individually designed plans was extended to Cycle E with a deadline to amend and restate by January 31, 2011. PARS sent the City's IRS compliant restated Plan to the IRS on January 31st, 2011.

On or about June 27th, 2011, the Plan was amended to include updated IRS rollover language.

Plan Section 6.2, Rules and Regulations, states that the City has the authority to determine any questions arising in connection with the interpretation, application or administration of the Plan. While reviewing the SRP for IRS compliance, the City noticed that language regarding Union personnel did not accurately state the covered bargaining units. Language clarifying the correct bargaining unit names, i.e., IUOE, Local 501, was inserted to better protect the bargaining unit members. As well, the SRP restated the CalPERS policy regarding paid leave of absences. Since an employee on a paid leave continues to accumulate CalPERS time, language clarifying that policy was stated to make certain that the PARS SRP reflects the accumulations tracked by CalPERS. Also the City made clear the Plan's intent from its inception nearly ten (10) years ago as to what constitutes service time under the Plan. Lastly, the Plan stated that once an employee retired from CalPERS the employee has to stay retired to prevent double dipping under the Plan.

No benefit changes were made. Nothing about the benefit and how the employees receive their PARS benefit changed.

FINANCIAL IMPACT

None.

Attachment #1 - Original SRP Plan Document
Attachment #2 – First SRP Plan Amendment
Attachment #3 – Second SRP Plan Amendment
Attachment #4 – Third SRP Plan Amendment
Attachment #5 – January 2011 SRP Plan Restatement
Attachment #6 - Fourth SRP Plan Amendment

The City of Oxnard

PARS Supplemental Retirement Plan

Effective January 1, 2003

Defined Benefit Plan

NB1:508358.9

TABLE OF CONTENTS

TABLE OF CONTENTS
(continued)

Page

INTRODUCTION

The City Council of the City of Oxnard ("Employer") has adopted this tax qualified governmental defined benefit plan (the "Plan") for the benefit of its eligible employees to provide supplemental retirement benefits to eligible employees of the Employer in addition to the benefits employees will receive from the California Public Employees' Retirement System ("CalPERS").

This Plan and the trust established to hold the assets of the Plan shall be qualified under section 401(a) and tax-exempt under Section 501(a) of the Internal Revenue Code of 1986, together with any amendments thereto (the "Code"). The Employer further intends that this Plan and the trust established hereunder shall meet the requirements of a pension trust under California Government Code sections 53215 – 53224, or their successor sections (the "Act"). At any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries under the trust created pursuant to the this Plan, the trust assets shall not be used for, or diverted to, purposes other than the exclusive benefit of members or their beneficiaries, as prescribed in Section 401(a)(2) of the Code.

The Plan is to satisfy the requirement of the applicable provisions of the Uruguay Round Agreements Act, the Small Business Job Protection Act of 1996, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Taxpayer Relief Act of 1997, the Internal Revenue Service Restructuring and Reform Act of 1998, and the Community Renewal Tax Relief Act of 2000 (commonly referred to as the "GUST" amendments), and that the provisions of this Plan reflecting the GUST amendments are hereby made effective as of the dates required by the legislation referred to in this sentence.

ARTICLE I

PARTICIPATION

1.1 **Eligibility for Participation**

An Employee is eligible to participate in this plan if he/she is a City Councilmember who is a member of the Employer's CalPERS Plan, the City Manager, the City Attorney, a full-time regular or part-time regular department head confidential employee, a full-time regular or part-time regular employee represented by Service Employee's International Union (SEIU), a full-time regular or a part-time regular employee represented by International Union of Operating Engineers (IUOE) or a full-time regular or a part-time regular management employee of the Employer on or after January 1, 2003.

1.2 **Eligibility for Retirement Benefits.**

An Employee is eligible to receive Retirement Benefits under this plan upon meeting the requirements of one of the following tiers.

Tier I

An Employee who terminates employment with the Employer and concurrently retires under CalPERS shall be eligible to receive Retirement Benefits under this Plan if he/she:

(a) is employed as a City Councilmember who is a member of the Employer's CalPERS Plan, the City Manager, the City Attorney or a full-time regular or part-time regular department head confidential, SEIU, IUOE, or management employee of the Employer on or after January 1, 2003;

(b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of employment with the Employer as of the last day of employment with the Employer;

(d) has terminated employment with the Employer and concurrently retired under CalPERS; and

(e) has applied for benefits under this Plan.

Tier II

An Employee who terminates employment with the Employer and at a later date retires under CalPERS shall be eligible to receive Retirement Benefits under this Plan if he/she:

(a) was employed as a City Councilmember who is a member of the Employer's CalPERS Plan, the City Manager, the City Attorney or a full-time regular or par-time regular department head confidential, SEIU, IUOE, or management employee of the Employer on or after January 1, 2003;

(b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of employment with the Employer as of the last day of employment with the Employer;

(d) has not taken a distribution of his/her Employee Contribution Account;

(e) has retired under CalPERS; and

(f) has applied for benefits under this Plan.

1.3 **Commencement of Benefits**.

Benefits shall commence as of the first day of the first month after an Employee meets the eligibility requirements of Section 1.2.

1.4 **Change in Employment Classification**

(a) If an Employee is a full-time regular or part-time regular department head confidential employee, SEIU employee, IUOE employee, management employee, or the City Attorney or City Manager on or after the Plan Effective Date and later changes his/her employment classification and falls under a description other than those listed he/she will remain eligible for purposes of Section 1.1 of this Plan.

(b) If an Employee falls under a description other than those listed in the preceding sentence on or after the Plan Effective Date and later changes his/her employment classification and falls under the Employer's description of a full-time regular or part-time regular department head confidential employee, SEIU employee, IUOE employee, management employee, or the City Attorney or City Manager he/she must remain a full-time regular Employee in that employment classification and meet the requirements of 2.1 for at least 2 years prior to being eligible to receive Retirement Benefits under this Plan.

This provision, Section 1.4, shall not apply to City Councilmembers.

ARTICLE II
CONTRIBUTIONS

2.1 Amount of Employee Contribution

Each Employee listed in Section 1.1 shall contribute eight percent (8%) of his/her Compensation to the Plan each year at such times and in the manner established by the Employer.

2.2 Amount of Employer Contribution

The Employer shall contribute a percentage of each Employee's Compensation to the Trust each year. The Employer Contribution amount shall be determined by an actuarial study performed every two (2) years as long as this Plan exists.

2.3 Pick Up of Mandatory Contributions

In accordance with Section 414(h) of the Code, the mandatory Employee contributions required under Section 2.1 shall be picked up by the Employer.

2.4 Administrative Expenses

In accordance with Section 53217 of the Act, the Employer may make contributions to the Trust, in addition to the Employer Contribution set forth in Section 2.2 above, sufficient to defray all or part of the expenses of administering the Plan or may pay such expenses directly.

ARTICLE III

BENEFITS

3.1 Retirement Benefits.

Retirement Benefits shall be paid in the Normal Form of Benefit and shall be an amount equal to one-twelfth of the difference between (1) and (2) described below:

(1) The Member's Benefit Service, times the Member's Final Pay, times the PARS Age Factor.

(2) The Member's Benefit Service, times the Member's Final Pay, times the CalPERS Age Factor.

Retirement Benefits shall be subject to an annual 2% compounding cost-of-living adjustment effective beginning on the anniversary date of commencement of the Retirement Benefit.

3.2 Purchase of Military Service Credit.

An Employee who meets the requirements of Section 1.1(a) under Tier I and Tier II and has purchased service credit with PERS on or after the Effective Date of the Plan is eligible to purchase military service credit to be counted toward the Member's Benefit Service in Section 3.1(1) under the Plan. The amount of purchased military service credit shall not exceed the amount purchased through PERS. The purchase of military service credit shall be calculated pursuant to the benefit described in Section 3.1(1), and shall be funded in one lump sum payment made by the Employee at the time of purchase.

The cost to purchase military service credit shall be determined by an Enrolled Actuary. Funds to purchase service credit shall be deposited into the Trust no later than ninety (90) days prior to termination with the Employer.

If an Employee has purchased military service credit and does not meet the requirements of Section 1.1, the Employee shall receive a refund equal to his/her lump sum contribution plus an annual rate of return equal to five percent (5%). If the Employee dies prior to meeting the requirements of Section 1.1, his/her Beneficiary shall receive a refund equal to the Employee's lump sum contribution plus an annual rate of return equal to five percent (5%).

3.3 Designation of Beneficiary.

If the Employee dies prior to retirement under this Plan, the Employee's Vested Employee Contributions shall be payable to the survivor named under the Employee's CalPERs retirement system unless the Employee designates someone else by filing a designation of beneficiary form with the Employer. The rules of (d) below apply if the Employee is designating someone other than his/her spouse.

(a) Upon retirement under this Plan, Each Member shall have the right to designate a Beneficiary to receive the death benefits, if any, that are payable to a Beneficiary based on the Member's distribution choice under this Plan. Such designation does not permit the Member to change a person identified under another provision of the Plan as being eligible to receive a benefit. Such designation must be evidenced by a written instrument filed with the Employer, on a form prescribed by the Employer, and signed by the Member.

(b) The Beneficiary for a married Member shall be the Member's spouse at the date of death, unless the written consent of such spouse is provided upon a form acceptable to the Employer. Each such designation for death benefits must be evidenced by a written instrument filed with the Employer, on a form prescribed by the Employer, and signed by the Member. If no such designation is on file with the Employer at the time of the death of the Member, or if for any reason at the sole discretion of the Employer, such designation is defective, then the spouse of such Member shall be conclusively deemed to be the Beneficiary designated to receive such benefit.

(c) The signature of the Member's spouse shall be required on a designation of beneficiary form or an application for a benefit under the Plan if the spouse is not the beneficiary, unless the Member declares in writing that one of the following conditions exists:

(i) The Member is not married;

(ii) The Member does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse;

(iii) The spouse is incapable of executing the acknowledgment because of an incapacitating mental or physical condition;

(iv) The Member and spouse have executed a marriage settlement agreement that makes the community property laws inapplicable to the marriage; or

(v) The current spouse has no identifiable community property interest in the benefits.

ARTICLE IV

VESTING

4.1 **Full Vesting**.

Each Employee shall be one hundred percent (100%) Vested in his/her Retirement Benefit upon meeting all of the requirements of Section 1.2.

4.2 **Vesting in Employee Contribution Account**

Each Employee shall be one hundred percent (100%) Vested in his/her Employee Contribution Account at all times. If the Employee terminates, or is terminated from, employment with the Employer, whether voluntarily, involuntarily, by death, disability or in any other manner, before meeting all of the requirements of Section 1.2, the Employee shall receive one hundred percent (100%) of the amounts credited to his/her Employee Contribution Account plus five percent (5%) interest per annum as a lump sum distribution. If the Employee's balance is greater than five thousand dollars ($5,000.00), the Employee may choose to defer distribution until actual retirement and select either a lump sum distribution or lifetime annuity payment.

4.3 **Full or Partial Termination**.

Notwithstanding the vesting schedule, upon any full or partial termination of the Plan, the Retirement Benefit of a Member who has satisfied subsection (a), (b) and (c) of Tier I or Tier II of Section 1.2 (and, for a Member who has terminated employment as of the date of such termination of the Plan, who also satisfies subsection (d) of Tier II of Section 1.2) as of the date of such Plan termination shall become one hundred percent (100%) Vested, and such benefit shall be payable in accordance with Section 6.3.

4.4 **Attainment of Normal Retirement Age**.

A Member shall be fully vested in his/her Retirement Benefit upon attainment of Normal Retirement Age.

4.5 Effect of Vesting.

Vesting shall entitle a Member to payment during his/her lifetime of the Retirement Benefit at the times and upon the conditions specified herein, and shall entitle the Member's survivor or Beneficiary to any death benefits provided herein. Any unpaid Retirement Benefits are forfeited upon the Member's death.

ARTICLE V

DISTRIBUTIONS

5.1 Normal Form of Benefit.

Unless the Member elects another form of benefit as described under Section 5.2, payments to a Member of a Retirement Benefit shall be made in the form of monthly payments commencing pursuant to Section 1.3 and ending on the first day of the month in which the Member's death occurs, in the amount specified in Section 3.1. This form of payment shall be the "Normal Form of Benefit".

5.2 Other Forms of Benefit.

In lieu of the Normal Form of Benefit, a Member may elect a form of benefit payment of Actuarial Equivalent value to the Normal Form of Benefit in one of the following forms:

(a) **Joint and 100% Survivor.** Under this form of payment:

(1) The Member receives a reduced monthly benefit, and if the Member predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 100% of such reduced monthly benefit. The benefit shall terminate as of the first day following the Beneficiary's death.

(2) If the Beneficiary predeceases the Member, the Member's reduced monthly payment will not increase.

(2) The Member's designation of a Beneficiary shall become irrevocable upon the Member's retirement if electing this form of payment.

(b) **Joint and 100% Survivor with Pop-Up Provision.** Under this form of payment:

(1) The Member receives a reduced monthly benefit, and if the Member predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life

of the Beneficiary equal to 100% of such reduced monthly benefit. The benefit shall terminate as of the first day following the Beneficiary's death.

(2) If the Beneficiary predeceases the Member, the Member's reduced monthly payment shall increase to the Normal Form of Benefit.

(3) The Member's designation of a Beneficiary shall become irrevocable upon the Member's retirement if electing this form of payment.

(c) **Joint and 50% Survivor.** Under this form of payment:

(1) The Member receives a reduced monthly benefit, and if the Member predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 50% of such reduced monthly benefit. The benefit shall terminate as of the first day following the Beneficiary's death.

(2) If the Beneficiary predeceases the Member, the Member's reduced monthly payment will not increase.

(3) The Member's designation of a Beneficiary shall become irrevocable upon the Member's retirement if electing this form of payment.

(d) **Joint and 50% Survivor with Pop-Up Provision.**

(1) The Member receives a reduced monthly benefit, and if the Member predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 50% of such reduced monthly benefit. The benefit shall terminate as of the first day following the Beneficiary's death.

(2) If the Beneficiary predeceases the Member, the Member's reduced monthly payment shall increase to the Normal Form of Benefit.

(3) The Member's designation of a Beneficiary shall become irrevocable upon the Member's retirement if electing this form of payment.

(e) **Additional Forms of Payout**. Under this form of payment, at the option of the Member, and with agreement of the Plan Administrator, and upon completion of a form provided by the Plan Administrator, the benefit shall be paid in any other form that is actuarially equivalent to the Normal Form of Benefit.

(f) **Limitations**. In the case of a Member who attains age 70½, distribution of such Member's entire interest must commence not later than the first day of April following the later of the calendar year in which such Member attains age 70½ or the calendar year in which the Member retires. A Member who previously commenced benefits upon attainment of age 70½ may elect to stop receiving such distributions until the April 1 following the calendar year in which the Member retires. In all cases, distributions shall be made in amounts determined in accordance with Code Section 401(a)(9) and the regulations thereunder.

5.3 Actuarial Equivalence.

For the purpose of establishing actuarial equivalence, the mortality assumption shall be 1983 GAM and the interest assumption shall be 6% per annum.

5.4 Direct Rollovers.

Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Plan, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(a) **Definitions**.

(1) Eligible Rollover Distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the

distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code, any hardship distribution, and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(2) Eligible Retirement Plan.

(i) An eligible retirement plan is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, or a qualified trust described in Section 401(a) of the Code that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement plan, individual retirement account, or an individual retirement annuity.

(ii) A distributee includes an Employee or former Employee in addition, the Employee's or former Employee's surviving spouse and the Employee's or former Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.

(3) Direct Rollover. A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

ARTICLE VI

ADMINISTRATION AND AMENDMENT OF PLAN

6.1 Member's Rights Not Subject To Execution.

The right of a Member to a benefit under this Plan is not assignable and is not subject to execution or any other process whatsoever, except to the extent permitted by the Code of Civil Procedure and the Family Code of the State of California. Any payment hereunder required under the California Family Code to a person other than the Member must not alter the form or amount of benefits hereunder, except that to the extent provided in a valid court order, an Actuarially Equivalent payment may be made to the spouse or child of a beneficiary pursuant to a qualified domestic relations order (as defined in Code Section 414(p)) prior to the Member's retirement.

6.2 Rules and Regulations.

(a) The Employer has full discretionary authority to supervise and control the operation of this Plan in accordance with its terms and may make rules and regulations for the administration of this Plan that are not inconsistent with the terms and provisions hereof. The Employer shall determine any questions arising in connection with the interpretation, application or administration of the Plan (including any question of fact relating to age, employment, compensation or eligibility of Employees) and its decisions or actions in respect thereof shall be conclusive and binding upon any and all persons and parties.

(b) The Employer shall have all powers necessary to accomplish its purposes, including, but not by way of limitation, the following:

(1) To determine all questions relating to the eligibility of Employees to participate;

(2) To construe and interpret the terms and provisions of the Plan;

(3) To compute, certify to, and direct the Trustee with regard to the amount and kind of benefits payable to the Members and their Beneficiaries;

(4) To authorize all disbursements by the Trustee from the Trust;

(5) To maintain all records that may be necessary for the administration of the Plan other than those maintained by the Trustee; and

(6) To appoint a plan administrator or, any other agent, and to delegate to them or to the Trustee such powers and duties in connection with the administration of the Plan as may from time to time be prescribed, and to designate each such administrator or agent as a fiduciary with regard to matters delegated to him.

(c) With respect to management and control of investments, the Employer shall have the power to direct the Trustee in writing with respect to the investment of the Trust assets or any part thereof. Where investment authority, management and control of Trust assets have been delegated to the Trustee by the Employer, the Trustee shall be a fiduciary with respect to the investment, management and control of the Trust assets contributed by the Employer and Members with full discretion in the exercise of such investment, management and control. Where investment authority, management and control of Trust assets is not specifically delegated to the Trustee, the Trustee shall be subject to the direction of the Employer.

(d) Expenses and fees in connection with the administration of the Plan and the Trust shall be paid from the Trust assets to the fullest extent permitted by law, unless the Employer determines otherwise.

6.3 Amendment and Termination.

(a) Subject to the requirements and limitations of this Section 6.3, the Employer shall have the right to amend, terminate, or otherwise modify this Plan at any time. Such actions shall be done only by written instruction duly executed by the Employer. In the event of the termination of this Plan, the entire interest of each Member who satisfies the requirements of Section 4.3 shall immediately become 100% Vested. After all liabilities of this Plan to Members and their Beneficiaries have been satisfied, any residual assets of this Plan shall be used for such purposes as determined by the Employer, including a distribution of the assets to the general funds of the Employer.

(b) Except as required by the Act, the Code, or any other applicable law, the Employer shall not by amendment, termination, or any other modification of this Plan reduce or impair the Retirement Benefits of those Members who are receiving benefit payments at the effective time of any such amendment, termination, or other modification of this Plan. A reduction or impairment of Retirement Benefits shall include, but not be limited to, a reduction in any cost-of-living adjustment or an increase in any years of service requirements, and changes in the definitions of Benefit Service or Final Pay to the extent that any of the foregoing would have the effect of reducing the dollar value of a Member's Retirement Benefits.

(c) The Employer shall not amend, terminate, or otherwise modify this Plan in a manner which would reduce or impair the Retirement Benefits of any Member below the actuarial equivalent value that which the Employee would have been entitled had the Employee retired immediately prior to the effective time of the amendment, termination or modification, calculated by considering Benefit Service, Final Pay, the PARS Age Factor and the CalPERS Age Factor as of the date of the amendment, termination or modification. In determining the value to which the Employee would have been entitled, (i) an Employee who has not terminated employment with the Employer as of the effective time of the amendment, termination or modification shall be entitled to the actuarial equivalent value under Section 1.2, Tier I, and shall not be required to satisfy Section 1.2, Tier I (d) or (e), and (ii) an Employee who terminated employment with the Employer before the effective time of the amendment, termination or modification shall be entitled to the actuarial equivalent value under Section 1.2, Tier II, and shall not be required to satisfy Section 1.2, Tier II (e) or (f).

(d) Upon termination of this Plan, the Employer shall either (i) make available to each Employee the actuarial lump sum value of the Employee's Retirement Benefits calculated as described in Section 6.3(c) in the form of an eligible rollover distribution in accordance with Section 5.4, or (ii) purchase an annuity contract on behalf of each Employee from an insurance company in an amount equal to the Employee's Retirement Benefits calculated as described in Section 6.3(c).

6.4 Military Service.

Effective December 12, 1994 and notwithstanding any provision of this Plan to the contrary, contributions, benefits, and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the Code.

ARTICLE VII

DEFINITIONS

7.1 Definitions.

Whenever the following terms are used in the Plan, with the first letter capitalized, they shall have the meanings specified below.

"Act" means the California Government Code, sections 53215-53224.

"Anniversary Date" means January 1.

"Beneficiary" means the person, persons, trust or trusts designated by a Member, or, in the absence of a designation, entitled by will or the laws of descent and distribution, to receive the benefit specified under this Plan if the Member dies and means the Member's executor or administrator if no other beneficiary is designated and able to act under the circumstances.

"Benefit Service" means the total credited CalPERS City of Oxnard service as of the last date of employment with the Employer plus any military service purchased through CalPERS while an Employee of the Employer and prior to the Effective Date of the Plan.

"CalPERS" means the California Public Employee Retirement System.

"CalPERS Age Factor" means the 2% at age 55 age factor table used by CalPERS determined at the time of retirement under CalPERS.

"Code" means the Internal Revenue Code of 1986, as amended from time to time.

"Compensation" means, for Plan Years beginning after December 31, 1995 or 90 days after the opening of the first legislature session on or after January 1, 1996, all CalPERS reportable compensation for that portion of the Plan Year during which the Employee was a Member, paid in cash by the Employer to the Member for personal services. Compensation in excess of $150,000 shall be disregarded. Such amount shall be adjusted for increases in the cost of living in accordance with Code Section 401(a)(17), except that the dollar increase in effect on January 1 of any calendar year shall be effective for the Plan Year beginning with or within such calendar year. For any short Plan Year the Compensation limit shall be an amount equal to the Compensation limit for the calendar year in which the Plan Year begins multiplied by a ratio obtained by dividing the number of full months in the short Plan Year by twelve (12).

"Effective Date" means, unless otherwise indicated herein, January 1, 2003.

"Employee" means a person employed by the Employer.

"Employee Contribution Account" means the account by that name established pursuant to Section 2.1 hereof.

"Employer" means the City of Oxnard.

"Final Pay" means the highest average annual compensation subject to CalPERS paid to an Employee during any twelve consecutive months of employment with the Employer. CalPERS Employer Paid Member Contributions shall be included in Final Pay.

"Member" means an Employee eligible to receive benefits under this Plan.

"Normal Retirement Age" shall be sixty (60) years of age.

"Normal Form of Benefit" is the form of benefit described in Section 5.1.

"PARS Age Factor" means an age factor determined by the Member's age at the time of meeting the requirements of Section 1.2 based on the following table:

Age at Retirement	PARS Age Factor	Age at Retirement	PARS Age Factor
50.00-50.24	2.000%	55.25-55.49	2.525%
50.25-50.49	2.025%	55.50-55.74	2.550%
50.50-50.74	2.050%	55.75-55.99	2.575%
50.75-50.99	2.075%	56.00-56.24	2.600%
51.00-51.24	2.100%	56.25-56.49	2.625%
51.25-51.49	2.125%	56.50-56.74	2.650%
51.50-51.74	2.150%	56.75-56.99	2.675%
51.75-51.99	2.175%	57.00-57.24	2.700%
52.00-52.24	2.200%	57.25-57.49	2.725%
52.25-52.49	2.225%	57.50-57.74	2.750%
52.50-52.74	2.250%	57.75-57.99	2.775%
52.75-52.99	2.275%	58.00-58.24	2.800%
53.00-53.24	2.300%	58.25-58.49	2.825%
53.25-53.49	2.325%	58.50-58.74	2.850%
53.50-53.74	2.350%	58.75-58.99	2.875%
53.75-53.99	2.375%	59.00-59.24	2.900%
54.00-54.24	2.400%	59.25-59.49	2.925%
54.25-54.49	2.425%	59.50-59.74	2.950%
54.50-54.74	2.450%	59.75-59.99	2.975%
54.75-54.99	2.475%	60.00 +	3.000%
55.00-55.24	2.500%		

"Plan" means the City of Oxnard PARS Supplemental Retirement Plan.

"Plan Year" means the consecutive twelve-month period beginning on January 1 and ending on December 31.

"Plan Administrator" means the individual or position designated by the Employer to act on behalf of the Employer in matters relating to this Plan. If no designation is made, the Employer shall be the Plan Administrator. If a Plan Administrator has been appointed the word "Employer" as used in this Plan shall mean Plan Administrator unless the context indicates a different meaning is intended.

"Public Agency" means an employer authorized under California Government Code Article 1.5, sections 53215 through 53224 to establish a pension trust.

"Retirement Benefits" means the benefits payable to the Member following retirement, as described in Article III.

"Regulations" means the regulations adopted or proposed by the Department of Treasury from time to time pursuant to the Code.

"Trust" means the trust established as part of the Public Agency Retirement Trust to hold the assets of the Plan.

"Trustee" means the trustee of the Trust.

"Vested" means the nonforfeitable portion of any account maintained on behalf of a Member.

APPENDIX A

ANNUAL ADDITIONAL LIMITS

A.1 Definitions.

As used in this Appendix A, the following terms shall have the meanings specified below.

"Affiliated Company" means a company required to be aggregated with the Employer for purposes of Code Sections 414(b) and (c), provided, however, the determination under Section 414 (b) and (c) of the Code shall be made as if the phrase "more than 50 percent" were substituted for the phrase "at least 80 percent" each place it is incorporated into Section 414(b) and (c) of the Code.

"Annual Benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) under a plan to which Employees do not contribute and under which no rollover contributions are made, or to which assets have been transferred from a qualified plan that was not maintained by the Employer. If the benefit is payable in a form other than a straight life annuity, such form must be adjusted actuarially to the equivalent of a straight life annuity before applying the limitations of Section A.2(a). The actuarial adjustment to the equivalent of a straight life annuity will apply to all Plan benefits (including those benefits accrued before December 31, 1994) and shall be equal to the greater of (x) an adjustment based on 5% and the mortality table specified in Section 415(b)(2)(E) of the Code or (y) an adjustment based on the factors specified in the Plan to adjust the applicable form of benefits. No actuarial adjustment is required for the following: qualified joint and survivor annuity benefits, pre-retirement disability benefits, pre-retirement death benefits, post-retirement medical benefits, and the value of post-retirement cost-of-living increases made in accordance with the Code and Treas. Reg. Section 1.415-3(c)(2)(iii).

"Employer" means the City of Oxnard and any Affiliated Company that adopts this Plan.

"Limitation Year" means a twelve-consecutive month period ending on the Anniversary Date. If the Limitation Year is amended to a different 12-consecutive month period, the new Limitation Year must begin on a date within the Limitation Year in which the amendment is made.

"Related Plan" means any other defined benefit plan (as defined in Section 415(k) of the Code) maintained by the Employer.

"Social Security Retirement Age" shall mean the age used as the retirement age for the Member under Section 216(1) of the Social Security Act, except that such section shall be applied without regard to the age increase factor and as if the early retirement age under Section 216(1)(2) of such Act were 62.

"Year of Participation" means the Employee shall be credited with a Year of Participation for each year in which the Member is an Employee of the Employer. An Employee who is permanently and totally disabled within the meaning of Section 415(c)(3)(C)(i) of the Code for an accrual computation period shall receive a Year of Participation with respect to that period. In addition, for an Employee to receive a Year of Participation for an accrual computation period, the Plan must be established no later than the last day of such accrual computation period. In no event will more than one Year of Participation be credited for any 12-month period.

A.2 <u>Limitation on Benefits</u>.

Notwithstanding any other provision of the Plan:

(a) the Annual Benefit payable with respect to a Member under the Plan for any Limitation Year shall not exceed an amount equal to $160,000, (or, such other dollar limitation determined for the Limitation Year by automatically adjusting the $160,000 limitation by the cost of living adjustment factor prescribed by the Secretary of the Treasury under Section 415(d) of the Code in such manner as the Secretary shall prescribe). The new dollar limitation shall apply to Limitation Years ending within the calendar year of the date of the adjustment.

(b) If the Member has less than ten Years of Participation with the Employer, the dollar limitation in Section A.2(a) shall be reduced by multiplying it by a fraction, the numerator of which is the Member's full and partial Years of Participation, and the denominator of which is ten. To the extent provided in regulations or in other guidance issued by the Internal Revenue Service, the preceding sentence shall be applied separately with respect to each change in the benefit structure of the Plan. For Limitation Years commencing after December 31, 1994, the reductions provided in this paragraph do not apply to payments made to the Member if his payments commence after he has become disabled (within the meaning of Code Section 415(b)(2)(I)), and do not apply to payments made on account of the Member's death.

(c) If the Annual Benefit of a Member commences prior to age 62, the dollar limitation in Section A.2(a) shall not apply and the dollar limitation shall be the actuarial equivalent of an Annual Benefit beginning at age 62, reduced for each month by which benefits commence before the month in which the Member attains age 62. To determine actuarial equivalence, subject to Revenue Ruling 98-1, the adjustment is the greater of (x) an adjustment based on 5% and the mortality table specified in Section 415(b)(2)(E) of the Code or (y) the early retirement factors specified in the Plan that are applicable to the Member's benefit. Any decrease in the dollar limit determined in accordance with this Section A.2(c) shall not reflect the mortality decrement to the extent that benefits will not be forfeited upon the death of the Member. The reduction provided in this Subsection A.2(c) shall not reduce the limitation of Subsection A.2(a) below (x) $75,000 if benefits begin after age 55, or (y) if the benefit begins before age 55, the equivalent of the $75,000 limit at age 55. Furthermore, the reduction in this Subsection A.2(c) shall not apply for a Member who is a "qualified participant," as defined in Code Section 415(b)(2)(H).

(d) If the Annual Benefit of a Member commences after age 65, the dollar limitation in Section A.2(a) as reduced in Section A.2(b), if necessary, shall be increased so that it is the actuarial equivalent of an Annual Benefit of such dollar limitation beginning at age 65. To determine actuarial equivalence, subject to Revenue Ruling 98-1, the adjustment is the lesser of (x) an adjustment based on 5% and the mortality table specified in Section 415(b)(2)(E) of the Code or (y) the late retirement factors specified in the Plan that are applicable to the Member's benefit. Any increase in the dollar limit determined in accordance with this Section A.2(d) shall not reflect the mortality decrement to the extent that benefits will not be forfeited upon the death of the Member.

(e) If the benefit the Member would otherwise accrue in a Limitation Year would produce an Annual Benefit in excess of the limitation under Section A.2(a), the rate of accrual will be reduced so that the Annual Benefit will equal the limitation under Section A.2(a).

(f) The limitation in Section A.2(a) is deemed satisfied if the Annual Benefit payable to a Member is not more than $1,000 multiplied by the Member's number of years of service or parts thereof (not to exceed ten) with the Employer, and the Employer has not at any time maintained a defined contribution plan, a welfare benefit plan as defined in Section 419(e) of the Code, or an individual medical account as defined in Section 415(1)(2) of the Code in which such Member participated.

(g) If the Employer maintains one or more defined benefit plans, in addition to this Plan, covering an Employee who is also a Member in this Plan, the sum of the Annual Benefits of all the plans will be treated as a single benefit for the purposes of applying the limitations of Section A.2(a). If these benefits exceed, in the aggregate, the limitations of Section A.2(a), the Normal Retirement Benefits under this Plan will be reduced (but not below zero) until the sum of the benefits of the Related Plan(s) satisfy the limitations. In the case of an individual who was a Member in one or more defined benefit plans of the Employer as of the first day of the first Limitation Year beginning after December 31, 1986, the application of the limitations of this Section A.2 shall not cause the Limitation under Section A.2(a) for such individual under all such defined benefit plans to be less than the individual's Current Accrued Benefit. The preceding sentence applies only if such defined benefit plans met the requirements of Section 415 of the Code, for all Limitation Years beginning before May 6, 1986. For purposes of this Section A.2(g), an individual's Current Accrued Benefit means a Member's Accrued Benefit under the Plan, determined as if the Member had separated from service as of the close of the last Limitation Year beginning before January 1, 1987, when expressed as an annual benefit within the meaning of Section 415(b)(2) of the Code. In determining the amount of a Member's Current Accrued Benefit, the following shall be disregarded: (i) any change in the terms and conditions of the Plan after May 5, 1986; and (ii) any cost of living adjustments occurring after May 5, 1986.

ADOPTION OF CITY OF OXNARD PARS SUPPLEMENTAL RETIREMENT PLAN

The City of Oxnard PARS Supplemental Retirement Plan is hereby adopted effective January 1, 2003.

BY: ______________________

Title: City Manager

Date: 7-9-03

PLAN SUBMISSION TO THE IRS FOR A LETTER OF DETERMINATION

The decision to submit the foregoing Plan to the IRS shall be determined by the Plan Administrator pursuant to his/her **initials** below:

___ **Yes**, please submit the Plan to the IRS for a Letter of Determination.

___ **No**, do not submit this Plan to the IRS for a Letter of Determination.

If you answered Yes, please provide the following information:

Employer Tax ID# ______________________

List all qualified retirement plans offered by the City of Oxnard (e.g. CalPERS)

Name of Qualified Plan	*Defined Benefit or Defined Contribution*
CalPERS	Defined Benefit

AMENDMENT TO THE
CITY OF OXNARD
PARS SUPPLEMENTAL RETIREMENT PLAN

The City of Oxnard PARS Supplemental Retirement Plan effective January 1, 2003 is hereby amended as follows:

1. Effective January 1, 2003 (except as otherwise provided), the following Appendix B is added to read as follows:

"APPENDIX B"

GOOD FAITH EGTRRA COMPLIANCE

B.1. Adoption and Effective Date of Appendix B.

This Appendix B is adopted to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"). This Appendix B is intended as good faith compliance with the requirements of EGTRRA and is to be construed in accordance with EGTRRA and guidance issued thereunder. Except as otherwise provided, this Appendix B shall be effective as of the first day of the first Plan Year beginning after December 31, 2001. This Appendix B shall supersede the provisions of the Plan and Appendix A to the extent those provisions are inconsistent with the provisions of this Appendix B.

B.2. New Mortality Table.

Notwithstanding any other Plan provisions to the contrary, the applicable mortality table used for purposes of adjusting any benefit or limitation under Section 415(b)(2)(B), (C), or (D) of the Code is the table prescribed in Rev. Rul. 2001-62. Such table shall not be used for any other purpose under the Plan. This Section B.2 shall apply to distributions with annuity starting dates on or after December 31, 2002.

B.3. Increase in Compensation Limit.

The annual compensation of each Member taken into account in determining benefit accruals in any Plan Year beginning after December 31, 2001 shall not exceed $200,000. Annual compensation means compensation during the Plan Year or such other consecutive 12-month period over which compensation is otherwise determined under the Plan (the determination period). The $200,000 limit on annual compensation described in this Section B.3 shall be adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Code. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

For purposes of determining benefit accruals in a Plan Year beginning after December 31, 2001, the annual compensation limit described in this Section B.3 for determination periods beginning before January 1, 2002 shall be $150,000 for any determination period beginning in 1996 or earlier; $160,000 for any determination period beginning in 1997, 1998, or 1999; and $170,000 for any determination period beginning in 2000 or 2001.

Notwithstanding the foregoing, this Section B.3 shall not apply to any Member eligible for a higher limit on annual compensation under the transition rule described in Section 1.401(a)(17)-1(d)(4)(ii) of the Treasury Regulations.

B.4. Modification of Definition of Eligible Retirement Plan.

For purposes of the direct rollover provisions in the Plan, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Code and an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Section 414(p) of the Code. This Section B.4 shall apply to distributions made after December 31, 2001.

B.5. Increase in Benefits Limit.

(a) This Section B.5 shall be effective for Limitation Years ending after December 31, 2001. Notwithstanding the foregoing, this Section B.5 shall not apply to any Member eligible for higher limit on benefits under the special rule described in Section 415(b)(10) of the Code.

(b) Benefit increases resulting from the increase in the limitations of Section 415(b) of the Code shall be provided to all Employees participating in the Plan who have one hour of service on or after the first day of the first Limitation Year ending after December 31, 2001.

(c) The Annual Benefit payable with respect to a Member under the Plan for any Limitation Year shall not exceed the maximum permissible benefit.

(d) **Definitions.**

(1) **Defined benefit dollar limitation.** The "defined benefit dollar limitation" is $160,000, as adjusted, effective January 1 of each year, under Section 415(d) of the Code in such manner as the Secretary shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Section 415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(2) **Maximum permissible benefit.** The "maximum permissible benefit" is the defined benefit dollar limitation (adjusted where required, as provided in (i) and, if applicable, in (ii) or (iii) below).

(i) If the Member has fewer than ten Years of Participation in the Plan, the defined benefit dollar limitation shall be multiplied by a fraction, (i) the numerator of which is the number of full and partial Years of Participation in the Plan and (ii) the denominator of which is ten.

(ii) If the Annual Benefit of a Member begins prior to age 62, the defined benefit dollar limitation applicable to the Member at such earlier age is an Annual Benefit payable in the form of a straight life annuity beginning at the earlier age that is the actuarial equivalent of the defined benefit dollar limitation applicable to the Member at age 62 (adjusted under (A) above, if required). The defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using the interest rate and mortality table (or other tabular factor) specified in the plan for early retirement calculations and the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five percent interest rate and the applicable mortality table. Any decrease in the defined benefit dollar limitation determined in accordance with this paragraph (ii) shall not reflect a mortality decrement if benefits are not forfeited upon the death of the Member. If any benefits are forfeited upon death, the full mortality decrement is taken into account.

(iii) If the benefit of a Member begins after the Member attains age 65, the defined benefit dollar limitation applicable to the Member at the later age is the Annual Benefit payable in the form of a straight life annuity beginning at the later age that is actuarially equivalent to the defined benefit dollar limitation applicable to the Member at age 65 (adjusted under (A) above, if required). The actuarial equivalent of the defined benefit dollar limitation applicable at an age after age 65 is determined as the lesser of the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using the interest rate and mortality table (or other tabular factor) specified in the Plan for late retirement benefits, and the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five percent interest rate assumption and the applicable mortality table. For these purposes, mortality between age 65 and the age at which benefits commence shall be ignored."

2. Effective January 1, 2003, the following Appendix C is added to read as follows:

"APPENDIX C

MINIMUM DISTRIBUTION REQUIREMENTS

C.1. <u>Adoption and Effective Date of Appendix C</u>.

This Appendix C is adopted to reflect the final Treasury Regulations promulgated under Section 401(a)(9) of the Code. Except as otherwise provided, this Appendix C shall apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year. This Appendix C shall supersede the provisions of the Plan and Appendix A to the extent those provisions are inconsistent with the provisions of this Appendix C.

All distributions required under this Appendix C will be determined and made in accordance with the Treasury Regulations promulgated under Section 401(a)(9) of the Code. Notwithstanding the other provisions of this Appendix C, distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax

Equity and Fiscal Responsibility Act ("TEFRA") and the provisions of the Plan that relate to Section 242(b)(2) of TEFRA.

C.2. Time and Manner of Distribution.

(a) **Required Beginning Date.** The Member's entire interest will be distributed, or begin to be distributed, to the Member no later than the Member's Required Beginning Date.

(b) **Death of Member Before Distributions Begin.** If the Member dies before distributions begin, the Member's entire interest will be distributed, or begin to be distributed, no later than as follows:

(1) If the Member's surviving spouse is the Member's sole Designated Beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Member died, or by December 31 of the calendar year in which the Member would have attained age 70½, if later.

(2) If the Member's surviving spouse is not the Member's sole Designated Beneficiary, then distributions to the Designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Member died.

(3) If there is no Designated Beneficiary as of September 30 of the year following the year of the Member's death, the Member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Member's death.

(4) If the Member's surviving spouse is the Member's sole Designated Beneficiary and the surviving spouse dies after the Member but before distributions to the surviving spouse begin, this Section C.2(b), other than Section C.2(b)(1), will apply as if the surviving spouse were the Member.

(5) For purposes of this Section C.2(b) and Section C.5, distributions are considered to begin on the Member's Required Beginning Date (or, if Section C.2(b)(4) applies, the date distributions are required to begin to the surviving spouse under Section C.2(b)(1)). If annuity payments irrevocably commence to the Member before the Member's Required Beginning Date (or to the Member's surviving spouse before the date distributions are required to begin to the

surviving spouse under Section C.2(b)(1)), the date distributions are considered to begin is the date distributions actually commence.

(c) **Form of Distribution.** Unless the Member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first Distribution Calendar Year distributions will be made in accordance with Sections C.3, C.4 and C.5 of this Appendix C. If the Member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and the Treasury Regulations. Any part of the Member's interest which is in the form of an individual account described in Section 414(k) of the Code will be distributed in a manner satisfying the requirements of Section 401(a)(9) of the Code and the Treasury Regulations that apply to individual accounts.

C.3. Determination of Amount to be Distributed Each Year.

(a) **General Annuity Requirements.** If the Member's interest is paid in the form of annuity distributions under the Plan, payments under the annuity will satisfy the following requirements:

(1) the annuity distributions will be paid in periodic payments made at intervals not longer than one year;

(2) the distribution period will be over a life (or lives) or over a period certain not longer than the period described in Section C.4 or C.5;

(3) once payments have begun over a period certain, the period certain will not be changed even if the period certain is shorter than the maximum permitted;

(4) payments will either be nonincreasing or increase only as follows:

(i) by an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the Bureau of Labor Statistics;

(ii) to the extent of the reduction in the amount of the Member's payments to provide for a survivor benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in Section C.4 dies or is no longer the Member's Beneficiary pursuant to a qualified domestic relations order within the meaning of Section 414(p) ;

(iii) to provide cash refunds of employee contributions upon the Member's death; or

(iv) to pay increased benefits that result from a plan amendment.

(b) **Amount Required to be Distributed by Required Beginning Date**. The amount that must be distributed on or before the Member's Required Beginning Date (or, if the Member dies before distributions begin, the date distributions are required to begin under Section C.2(b)(1) or C.2(b)(2)) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the Member's benefit accruals as of the last day of the first Distribution Calendar Year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the Member's Required Beginning Date.

(c) **Additional Accruals After First Distribution Calendar Year**. Any additional benefits accruing to the Member in a calendar year after the first Distribution Calendar Year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(d) **Election to Allow Members or Beneficiaries to Elect 5-Year Rule**. Members or Beneficiaries may elect on an individual basis whether the 5-year rule or the life expectancy rule in Sections C.2(b) and C.5 of this Appendix C applies to distributions after the death of a Member who has a Designated Beneficiary. The election must be made no later than the earlier of September 30 of the calendar year in which distribution would be required to begin under Section C.2(b) of this Appendix C, or by September 30 of the calendar year which contains the fifth anniversary of the Member's (or, if applicable, surviving spouse's) death. If neither the Member nor Beneficiary makes an election under this paragraph, distributions will be made in accordance with Sections C.2(b) or C.5 of this Appendix C.

C.4. Requirements For Annuity Distributions That Commence During Member's Lifetime.

(a) **Joint Life Annuities Where the Beneficiary Is Not the Member's Spouse.** If the Member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the Member and a nonspouse Beneficiary, annuity payments to be made on or after the Member's Required Beginning Date to the Designated Beneficiary after the Member's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the Member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the Treasury Regulations. If the form of distribution combines a joint and survivor annuity for the joint lives of the Member and a nonspouse Beneficiary and a period certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the Designated Beneficiary after the expiration of the period certain.

(b) **Period Certain Annuities.** Unless the Member's spouse is the sole Designated Beneficiary and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the Member's lifetime may not exceed the applicable distribution period for the Member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the Member reaches age 70, the applicable distribution period for the Member is the distribution period for age 70 under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations plus the excess of 70 over the age of the Member as of the Member's birthday in the year that contains the annuity starting date. If the Member's spouse is the Member's sole Designated Beneficiary and the form of distribution is a period certain and no life annuity, the period certain may not exceed the longer of the Member's applicable distribution period, as determined under this Section C.4(b), or the joint life and last survivor expectancy of the Member and the Member's spouse as determined under the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Member's and spouse's attained ages as of the Member's and spouse's birthdays in the calendar year that contains the annuity starting date.

(c) **Election to Allow Designated Beneficiary Receiving Distributions Under 5-Year Rule to Elect Life Expectancy Distributions.** A Designated Beneficiary who is receiving payments under the 5-year rule may make a new election to receive payments under the life expectancy rule until December 31, 2003, provided that all amounts that would have been required to be distributed under the life expectancy rule for all Distribution Calendar Years before 2004 are distributed by the earlier of December 31, 2003 or the end of the 5-year period.

C.5. Requirements For Minimum Distributions Where Member Dies Before Date Distributions Begin.

(a) **Member Survived by Designated Beneficiary.** Except as otherwise provided, if the Member dies before the date distribution of his or her interest begins and there is a Designated Beneficiary, the Member's entire interest will be distributed, beginning no later than the time described in Section C.2(b)(1) or C.2(b)(2), over the life of the Designated Beneficiary or over a period certain not exceeding:

(1) unless the annuity starting date is before the first Distribution Calendar Year, the life expectancy of the Designated Beneficiary determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year immediately following the calendar year of the Member's death; or

(2) if the annuity starting date is before the first Distribution Calendar Year, the life expectancy of the Designated Beneficiary determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) **No Designated Beneficiary.** If the Member dies before the date distributions begin and there is no Designated Beneficiary as of September 30 of the year following the year of the Member's death, distribution of the Member's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Member's death.

(c) **Death of Surviving Spouse Before Distributions to Surviving Spouse Begin.** If the Member dies before the date distribution of his or her interest begins, the Member's surviving spouse is the Member's sole Designated Beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this Section C.5 will apply as if the surviving spouse were the Member, except that the time by which distributions must begin will be determined without regard to Section C.2(b)(1) .

C.6. Definitions.

(a) **Designated Beneficiary.** The individual who is designated as the Beneficiary consistent with the terms of the Plan and is the Designated Beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury Regulations.

(b) **Distribution Calendar Year.** A calendar year for which a minimum distribution is required. For distributions beginning before the Member's death, the first Distribution Calendar Year is the calendar year immediately preceding the calendar year which contains the Member's Required Beginning Date. For distributions beginning after the Member's death, the first Distribution Calendar Year is the calendar year in which distributions are required to begin under Section C.2(b).

(c) **Life Expectancy.** Life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury Regulations.

(d) **Required Beginning Date.** The April 1 of the calendar year following the later of either the calendar year in which the employee attains age 70½ or the calendar year in which the employee retires."

Executed this 4th day of February, 2003.

City of Oxnard

By: [signature]
Name: Ed Sotelo
Title: City Manager

NB1:508358.9

RECEIVED
DEC 19 2005

AMENDMENT
TO
THE CITY OF OXNARD
PARS SUPPLEMENTARY RETIREMENT PLAN

WHEREAS, City of Oxnard (the "Agency") has previously adopted the City of Oxnard PARS Supplementary Retirement Plan (the "Plan"); and

WHEREAS, the Agency has the right to amend that Plan; and

WHEREAS, effective as of January 1, 2005, the State of California has enacted the California Domestic Partners Rights and Responsibilities Act of 2003 (the "Act"); and

WHEREAS, certain provisions of the Plan are governed exclusively by Federal Law; and

WHEREAS, Section 297.5(k) of the California Family Code indicates that the Act does not amend or modify federal laws or the benefits, protections and responsibilities provided by those laws; and

WHEREAS, the Agency deems it to be in the best interest of the Agency and the Plan to amend the Plan to comply with the terms of the Act.

NOW, THEREFORE, BE IT RESOLVED, that Section 2.2 of the Plan is hereby amended by adding the following paragraph at the end thereof to read as follows:

"Effective as of January 1, 2005, for purposes of this Section 2.2 only: (1) all references to 'marriage' shall also include 'registered domestic partnerships,' (2) individuals in a 'registered domestic partnership' shall be considered 'married,' and (3) all references to a 'spouse' shall also include a registered domestic partner. A 'registered domestic partner' and a 'registered domestic partnership' refers to persons and partnerships satisfying the requirements of the California Family Code and officially registered as of the date of death with the Secretary of State as such in accordance with Section 298.5 of the California Family Code."

IN WITNESS WHEREOF, this Amendment is hereby adopted effective as of January 1, 2005.

DATED: December 15, 2005

City of Oxnard

By: ____________________

Its: City Manager

**AMENDMENT TO
THE CITY OF OXNARD
PARS SUPPLEMENTAL RETIREMENT PLAN #003**

WHEREAS, the City of Oxnard (the "City") has adopted the City of Oxnard PARS Supplemental Retirement Plan (the "Plan") effective January 1, 2003 for the benefit of eligible employees; and

WHEREAS, the City has reserved the right to amend the Plan in accordance with Section 6.3 of the Plan.

NOW THEREFORE, BE IT RESOLVED that effective July 1, 2006 the Plan is hereby amended to include an additional employee classification as follows:

1. Article I, Eligibility for Participation, Section 1.1, is hereby amended in its entirety to read as follows:

   An Employee is eligible to participate in this Plan is he/she is a City Councilmember who is a member of the Employer's CalPERS plan, the City Manager, the City Attorney, a full-time regular or part-time regular department head confidential Employee, a full-time regular or part-time regular Employee represented by Service Employee's International Union (SEIU), a full-time regular or a part-time regular Employee represented by International Union of Operating Engineers (IUOE), a full-time regular or a part-time regular management Employee, or an Employee listed on Schedule A, on or after January 1, 2003.

2. Article I, Eligibility for Retirement Benefits, Section 1.2(a), is hereby amended in its entirety to read as follows:

   Tier I

   An Employee who terminates employment with the Employer and concurrently retires under CalPERS shall be eligible to receive Retirement Benefits under this Plan if he/she:

   (a) is employed as a City Councilmember who is a member of the Employer's CalPERS plan, the City Manager, the City Attorney, a full-time regular or part-time regular department head confidential, SEIU, IUOE, management Employee, or an Employee listed on Schedule A, on or after January 1, 2003;

   (b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of employment with the Employer as of the last day of employment with the Employer;

(d) has terminated employment with the Employer and concurrently retired under CalPERS; and

(e) has applied for benefits under this Plan.

Tier II

An Employee who terminates employment with the Employer and at a later date retires under CalPERS shall be eligible to receive Retirement Benefits under this Plan if he/she:

(a) was employed as a City Councilmember who is a member of the Employer's CalPERS plan, the City Manager, the City Attorney, a full-time regular or part-time regular department head confidential, SEIU, IUOE, management Employee, or an Employee listed on Schedule A, on or after January 1, 2003;

(b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of employment with the Employer as of the last day of employment with the Employer;

(d) has not taken a distribution of his/her Employee Contribution Account;

(e) has retired under CalPERS; and

(f) has applied for benefits under this Plan.

3. Article I, Change in Employment Classification, Section 1.4, is hereby amended in its entirety to read as follows:

   (a) If an Employee is a full-time regular or part-time regular department head confidential Employee, SEIU Employee, IUOE Employee, management Employee, City Attorney, City Manager, or an Employee listed on Schedule A, on or after the Plan Effective Date and later changes his/her employment classification and falls under a description other than those listed he/she will remain eligible for purposes of Section 1.1 of this Plan.

(b) If an Employee falls under a description other than those listed in the preceding sentence on or after the Plan Effective date and later changes his/her employment classification and falls under the Employer's description of a full-time regular or part-time regular department head confidential Employee, SEIU Employee, IUOE Employee, management Employee, City Attorney, City Manager, or an Employee listed on Schedule A, he/she must remain a full-time Employee in that employment classification and meet the requirements of Section 2.1 for at least two (2) years prior to being eligible to receive Retirement Benefits under this Plan.

This provision, Section 1.4, shall not apply to City Councilmembers.

Executed this 12th day of June, 2006.

By: ______________________
Ed Sotelo

Title: City Manager

Schedule A

List of Participants

1. E. Lorraine Ebdon
2. Shirley Jackson
3. Catherine Kinney
4. Bonnie Martin
5. Sally Rivera
6. Suzan Sainsbury
7. Francine Gutierrez

THE CITY OF OXNARD

PUBLIC AGENCY RETIREMENT SYSTEM (PARS)

SUPPLEMENTAL RETIREMENT PLAN

AMENDED AND RESTATED

EFFECTIVE AS OF JULY 14, 2010

DEFINED BENEFIT

TABLE OF CONTENTS

Page

CONT. TABLE OF CONTENTS

ARTICLE VI - ADMINISTRATION AND AMENDMENT OF PLAN

ARTICLE VII – ANNUAL BENEFIT LIMITATIONS

ARTICLE VIII - DEFINITIONS

INTRODUCTION

The City of Oxnard ("Employer") has adopted this tax-qualified governmental defined benefit plan for the benefit of its eligible employees to provide supplemental retirement benefits to eligible employees of the Employer in addition to the benefits employees will receive from the California Public Employees' Retirement System ("CalPERS"). This document is a full and complete amendment and restatement of the City of Oxnard PARS Supplemental Retirement Plan adopted effective January 1, 2003. This Plan is amended and restated effective July 14, 2010 to reflect the addition of Tier III to Section 1.2.

It is intended that the Plan and the Trust established to hold the assets of the Plan shall be qualified under Section 401(a) and tax-exempt under Section 501(a) of the Internal Revenue Code of 1986, together with any amendments thereto ("Code"). It is further intended that the Plan and the Trust established hereunder shall meet the requirements of a pension trust under California Government Code ("Act") Sections 53215 - 53224, or their successor sections (the "Act").

At any time prior to the satisfaction of all liabilities with respect to Employees and their Beneficiaries under the Trust created pursuant to the Plan, the Trust assets shall not be used for, or diverted to, purposes other than the exclusive benefit of Employees or their Beneficiaries, as prescribed in Section 401(a)(2) of the Code.

It is intended that the Plan satisfy the requirements of the applicable provisions of the Economic Growth and Tax Relief Reconciliation Act (commonly known as "EGTRRA"), the Pension Protection Act of 2006 (commonly known as the "PPA"), the Heroes Earnings Assistance and Relief Tax Act of 2008 (commonly known as the "HEART Act") and final regulations under Section 415 of the Code, and that the provisions of the Plan reflecting such requirements are hereby made effective as of the dates required by the legislation or guidance referred to in this sentence.

ARTICLE I

PARTICIPATION

1.1 Eligibility for Participation

An Employee is eligible to participate in the Plan under Tier I or Tier II of the Plan if the Employee is a City Council Employee, the City Manager, the City Attorney, a full-time regular or part-time regular Department Head, a full-time regular or part-time regular Confidential Employee, a full-time regular or part-time regular Management Employee, a full-time regular or part-time regular Employee represented by the Service Employees International Union (SEIU) Local 721, a full-time regular or a part-time regular Employee represented by the International Union of Operating Engineers (IUOE) Local 501, or an Employee listed on Schedule A, on or after January 1, 2003, all of whom fit within the meaning of Employee under the Employer's CalPERS Plan.

1.2 Eligibility for Benefits

An Employee shall be eligible to receive Retirement Benefits under the Plan upon satisfying the requirements under one or more of the following tiers of eligibility:

<u>Tier I</u>

An Employee who terminates employment with the Employer and concurrently retires under CalPERS shall be eligible to receive Retirement Benefits under the Plan if the Employee:

(a) is employed by the Employer in one of the following classifications on or after January 1, 2003:

(i) a City Council Employee who is an Employee of the Employer's CalPERS Plan;

(ii) the City Manager, the City Attorney, a full-time regular or part-time regular Confidential Employee, a full-time regular or part-time regular Department Head, or a full-time regular or part-time regular Management Employee;

(iii) a full-time regular or part-time regular Employee of the Employer represented by the Service Employees International Union (SEIU) Local 721, or a full-time regular or part-time regular Employee of the Employer represented by the International Union of Operating Engineers (IUOE) Local 501; or

(iv) an Employee designated by the Employer as set forth on Schedule A.

(b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of continuous, uninterrupted employment with the Employer as of the last day of employment with the Employer;

(d) has terminated employment with the Employer and concurrently retired under CalPERS; and remains in retired status under CalPERS; and

(e) has applied for benefits under the Plan.

<u>Tier II</u>

An Employee who terminates employment with the Employer and at a later date retires under CalPERS shall be eligible to receive Retirement Benefits under the Plan if the Employee:

(a) is employed by the Employer in one of the following classifications on or after January 1, 2003:

(i) a City Council Employee who is an Employee of the Employer's CalPERS Plan;

(ii) the City Manager, the City Attorney, a full-time regular or part-time regular Confidential Employee, a full-time regular or part-time regular Department Head, or a full-time regular or part-time regular Management Employee;

(iii) a full-time regular or part-time regular Employee of the Employer represented by the Service Employees' International Union (SEIU) Local 721 or a full-time regular or part-time regular Employee of the Employer represented by the International Union of Operating Engineers (IUOE) Local 501; or

(iv) an Employee designated by the Employer as set forth on Schedule A.

(b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of continuous, uninterrupted employment with the Employer as of the last day of employment with the Employer;

(d) has not taken a distribution of the Employee's Employee Contribution Account;

(e) has terminated employment with the Employer;

(f) has retired under CalPERS; and remains in retired status under CalPERS; and

(g) has applied for benefits under the Plan.

<u>Tier III</u>

An Employee who terminates employment with the Employer and concurrently retires under CalPERS shall be eligible to receive Retirement Benefits under the Plan if he or she:

(a) is a full-time Miscellaneous or Non-Safety Employee of the Employer, excluding the City Attorney, City Manager, City Clerk, and City Treasurer, as of March 24, 2010;

(b) is at least fifty (50) years of age;

(c) has completed five (5) or more years of employment with the Employer as of August 31, 2010;

(d) has submitted the necessary forms to enroll in the Plan effective no later than June 18, 2010;

(e) has terminated employment with the Employer effective no later than August 31, 2010;

(f) has retired under CalPERS effective no later than September 1, 2010, and remains in retired status under CalPERS; and

(g) has applied for benefits under the Plan.

1.3 Commencement of Benefits

Benefits shall commence as of the first day of the first month after an Employee meets the eligibility requirements of Section 1.2, and may be made retroactive to such date.

1.4 Change in Employment Classification

(a) If an Employee is a full-time regular or part-time regular Department Head, a full-time regular or part-time regular Confidential Employee, a full-time regular or part-time regular Management Employee, a full-time regular or part-time regular Employee represented by the Service Employees International Union (SEIU) Local 721, a full-time regular or part-time regular Employee represented by the International Union of Operating Engineers (IUOE) Local 501, the City Attorney, the City Manager, or an Employee listed on Schedule A on or after the Plan Effective Date, and if later the Employee's classification changes, as long as the employment classification falls under a job description covered by the Plan, the Employee shall remain eligible for purposes of Section 1.1 of the Plan. Notwithstanding the foregoing, those Employees who move from a covered employment classification to a job description not covered by the Plan shall no longer be eligible to participate in the Plan, however, upon termination of employment with the Employer, will be entitled to their Vested interest in their previously accrued Employee Contribution Account, plus five percent (5%) interest per annum as a lump sum distribution in lieu of any other Retirement Benefits under the Plan. If the Employee's balance is greater than five thousand dollars ($5,000.00), the Employee may choose to defer distribution until actual retirement and select either a lump sum distribution or lifetime annuity payment.

(b) If an Employee falls under a job description other than those listed in Section 1.4(a) above on or after the Plan Effective Date and later changes employment classifications and falls under the Employer's description of a full-time regular or part-time regular Department Head, a full-time regular or part-time regular Confidential Employee, a full-time regular or part-time regular Management Employee, a full-time regular or part-time regular Employee represented by Service Employees International Union (SEIU) Local 721, a full-time regular or part-time regular Employee represented by International Union of Operating Engineers (IUOE) Local 501, the City Attorney, the City Manager, or an Employee listed on Schedule A, the Employee must remain a full-time regular or part-time regular Employee in that employment classification and meet the requirements of Section 1.1 for at least two (2) years prior to being eligible to receive Retirement Benefits under the Plan.

This provision shall not apply to City Council Employees.

1.5 Approved Leave of Absence

An Employee who is on an approved leave of absence pursuant to the Employer's personnel rules, and whose time is considered and eligible to be reported as work time under CalPERS rules, shall not incur a break in service for purposes of the Plan.

ARTICLE II

CONTRIBUTIONS

2.1 Amount of Employee Contribution

Each Employee eligible to participate in the Plan pursuant to Section 1.1 of the Plan, shall contribute an amount not to exceed eight percent (8%) of the Employee's Compensation to the Plan each year at such times and in the manner established by the Employer and in accordance with the applicable Memorandum of Understanding, Collective Bargaining Agreement, employment contract, or other governing employment relationship.

2.2 Amount of Employer Contribution

The Employer shall contribute a percentage of each Eligible Employee's Compensation to the Trust each year. The Employer Contribution amount shall be determined by an actuarial study performed every two (2) years as long as the Plan exists.

2.3 Pick Up of Mandatory Contributions

In accordance with Section 414(h) of the Code, the mandatory Employee contributions required under Section 2.1 shall be picked up by the Employer.

2.4 Administrative Expenses

In accordance with Section 53217 of the Act, the Employer may make contributions to the Trust, in addition to the Employer Contribution set forth in Section 2.2 above, sufficient to defray all or part of the expenses of administering the Plan or may pay such expenses directly.

ARTICLE III

BENEFITS

3.1 Retirement Benefits

Tier I and Tier II. For Employee's eligible under Tier I or Tier II of Section 1.2, the Retirement Benefit shall be paid in the Normal Form of Benefit and shall be an amount equal to one-twelfth (1/12) of the difference between (1) and (2) below:

(1) The Employee's Benefit Service, times the Employee's Final Pay, times the PARS Age Factor.

(2) The Employee's Benefit Service, times the Employee's Final Pay, times the CalPERS Age Factor.

Tier III. For Employee's eligible under Tier III of Section 1.2, the Retirement Benefit shall be paid in the Normal Form of Benefit and shall be an amount equal to one-twelfth (1/12) of seven percent (7%) of the Employee's base annual salary as of June 18, 2010, exclusive of differential pay, special duty pay, special assignment pay, educational incentive pay, and CalPERS Employer Paid Member Contributions (EPMC).

3.2 Survivor Continuance Benefit

No Survivor Continuance Benefit shall be provided unless the Employee elects to have the benefit paid in an Optional Form of Benefit.

3.3 Pre-Retirement Disability Benefit

No Pre-Retirement Disability Benefits shall be provided under the Plan.

3.4 Pre-Retirement Death Benefit

Pre-Retirement Death Benefits shall be provided for those actively employed Employees of the Employer who die after attaining the minimum age requirement and completing the minimum required years of service with the Employer under Section 1.2, Tier I or Tier II of the Plan. The benefit shall be equal to the Employee's Retirement Benefit, actuarially reduced as if the Employee had retired on the Employee's date of death and elected a 100% joint-and-survivor option. The benefit will be paid over the lifetime of the surviving spouse or registered domestic partner. There is no pre-retirement death benefit payable if there is no surviving spouse or registered domestic partner.

3.5 Purchase of Military Service Credit

An Employee who meets the requirements of Section 1.2(a) under Tier I or Tier II and has purchased service credit with CalPERS on or after the Effective Date of the Plan is eligible to purchase military service credit to be counted toward the Employee's Benefit Service in Section 3.1(1) under the Plan. The amount of purchased military service credit shall not exceed the amount purchased through CalPERS. The purchase of military service credit shall be calculated pursuant to the benefit described in Section 3.1(1), and shall be funded in one lump sum payment made by the Employee at the time of purchase.

The cost to purchase military service credit shall be determined by an Enrolled Actuary. Funds to purchase service credit shall be deposited into the Trust no later than ninety (90) days prior to termination of employment from the Employer.

If an Employee has purchased military service credit and does not meet the requirements of Section 1.2, the Employee shall receive a refund equal to the Employee's lump sum contribution plus an annual rate of return equal to five percent (5%). If the Employee dies prior to meeting the requirements of Section 1.2, the Employee's Beneficiary shall receive a refund equal to the Employee's lump sum contribution plus an annual rate of return equal to five percent (5%).

3.6 Designation of Beneficiary

If the Employee dies prior to retirement and has not satisfied the requirements under Section 3.4 of the Plan, the Employee's Vested Employee contributions shall be payable to the survivor named under the Employee's CalPERS retirement system unless the Employee designates someone else by filing a designation of beneficiary form with the Employer. The rules of 3.6(b) below apply if the Employee is designating someone other than the Employee's spouse.

Upon retirement under the Plan:

(a) Each Employee shall have the right to designate a Beneficiary to receive the death benefits, if any, that are payable to a Beneficiary based on the Employee's distribution choice under the Plan. Such designation does not permit the Employee to change a person identified under another provision of the Plan as being eligible to receive a benefit. Such designation must be evidenced by a written instrument filed with the Employer, on a form prescribed by the Employer, and signed by the Employee.

(b) The Beneficiary for a married Employee shall be the Employee's spouse at the date of death, unless the written consent of such spouse is provided upon a form acceptable to the Employer. Each such designation for death benefits must be evidenced by a written instrument filed with the Employer, on a form prescribed by the Employer, and signed by the Employee. If no such designation is on file with the Employer at the time of the death of the Employee, or if for any reason at the sole discretion of the Employer, such designation is defective, then the spouse of such Employee shall be conclusively deemed to be the Beneficiary designated to receive such benefit.

(c) The signature of the Employee's spouse shall be required on a designation of beneficiary form or an application for a benefit under the Plan if the spouse is not the beneficiary, unless the Employee declares in writing that one of the following conditions exists:

(i) The Employee is not married;

(ii) The Employee does not know of, and has taken all reasonable steps to determine the whereabouts of the spouse;

(iii) The spouse is incapable of executing the acknowledgment because of an incapacitating mental or physical condition;

(iv) The Employee and spouse have executed a marriage settlement agreement that makes the community property laws inapplicable to the marriage; or

(v) The current spouse has no identifiable community property interest in the benefits.

(d) Effective as of January 1, 2005, for purposes of this Section 3.6 only, all references in this Section 3.6 to the term "marriage" shall also include the term "registered domestic partnership." All references to the term "married" shall also include "registered domestic partnership" and all references in this Section 3.6 to the term "spouse" shall also include the term "registered domestic partner." The inclusion of "registered domestic partner" in the definition of "spouse" shall not apply for the purposes of Sections 5.3, 5.6 and 7.2 of the Plan.

ARTICLE IV

VESTING

4.1 Vesting

An Employee will be one hundred percent (100%) Vested in the Employee's Retirement Benefit upon meeting all of the requirements of Section 1.2.

4.2 Vesting in Employee Contribution Account

Each Employee shall be one hundred percent (100%) Vested in the Employee Contribution Account at all times. If the Employee terminates, or is terminated from employment with the Employer, whether voluntarily, involuntarily, by death, disability or in any other manner, before meeting all of the requirements of Section 1.2, the Employee shall receive one hundred percent (100%) of the amounts credited to the Employee Contribution Account plus five percent (5%) interest per annum as a lump sum distribution. If the Employee's balance is greater than five thousand dollars ($5,000.00), the Employee may choose to defer distribution until actual retirement and select either a lump sum distribution or lifetime annuity payment.

4.3 Full or Partial Termination

Notwithstanding the vesting schedule, upon any full or partial termination of the Plan, the Retirement Benefit of an Employee who has satisfied subsection (a), (b), and (c) of Tier I or Tier II of Section 1.2 (and, for an Employee who has terminated employment as of the date of such termination of the Plan, who also satisfies subsection (d) of Tier II of Section 1.2 as of the date of such Plan termination shall be Vested, and such benefit shall be payable in accordance with Section 6.3.

4.4 Attainment of Normal Retirement Age

An Employee shall be fully Vested in the Employee's Retirement Benefit upon attainment of Normal Retirement Age and by fulfilling all requirements established in Section 1.2.

4.5 Effect of Vesting

Vesting shall entitle an Employee to payment during the Employee's lifetime of the Retirement Benefit at the times and upon the conditions specified herein, and shall entitle the Employee's survivor or Beneficiary to any death benefits provided herein. Any unpaid Retirement Benefits are forfeited upon the Employee's death under the Normal Form of Benefit.

ARTICLE V

DISTRIBUTIONS

5.1 Normal Form of Benefit

Unless the Employee elects an Optional Form of Benefit under Section 5.2, payments to an Employee of a Retirement Benefit shall be made in the form of monthly payments commencing pursuant to Section 1.3 and ending on the first day of the month in which the Employee's death occurs, in the amount specified in Section 3.1. The form of payment shall be the "Normal Form of Benefit." For Employees eligible under Section 1.2, Tier I or Tier II, the Retirement Benefit shall be subject to an annual compounding cost-of-living adjustment effective on the anniversary date of commencement of the Retirement Benefit. The amount of such cost-of-living adjustment shall be two percent (2%) per year, provided that the payment for any year shall not exceed the payment that would have resulted from the cumulative application since the date of benefit commencement (on an annually compounded basis) of the lesser of:

(i) a two percent (2%) annual increase, or

(ii) an annual increase equal to the increase in the Consumer Price Index for All-Urban Consumers issued by the Bureau of Labor Statistics. For avoidance of doubt, if the application of the foregoing proviso causes the increase to the payment in any year to be less than two percent (2%), then the increase to the payment in any subsequent year may be greater than two percent (2%). Furthermore, in no circumstances shall the amount of the payment be decreased. The Retirement Benefit for Employees eligible under Section 1.2, Tier III, is not subject to the aforementioned cost-of-living adjustment.

The Retirement Benefit shall cease for any Employee who returns to active CalPERS status and shall recommence as of the first day of the month after the Employee returns to retired status under CalPERS at the same benefit amount and option immediately prior to the suspension of benefits.

5.2 Optional Forms of Benefit

In lieu of the Normal Form of Benefit, and in accordance with the Employee's tier of eligibility, an Employee may elect a form of benefit payment of Actuarial Equivalence as follows:

(a) **Joint and 100% Survivor Continuance**. Employees eligible under Section 1.2, Tier I, Tier II, or Tier III, may elect this form of payment:

(i) The Employee receives a reduced monthly benefit and if the Employee predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 100% of such reduced monthly benefit; provided, however, that if the Beneficiary is not the spouse of the Employee, this form of payment shall be available only to the extent permitted pursuant to Section 5.3(b)(iv)(A).

(ii) If the Beneficiary predeceases the Employee, the Employee's reduced monthly payment will not increase.

(iii)The Employee's designation of a Beneficiary shall become irrevocable upon the Employee's retirement if electing this form of payment.

(b) **Joint and 100% Survivor Continuance with Pop-Up Provision**. Employees eligible under Section 1.2, Tier I or Tier II, may elect this form of payment:

(i) The Employee receives a reduced monthly benefit, and if the Employee predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 100% of such reduced monthly benefit; provided, however, that if the Beneficiary is not the spouse of the Employee, this form of payment shall be available only to the extent permitted pursuant to Section 5.3(b)(iv)(A). The benefit shall terminate as of the first day following the Beneficiary's death.

(ii) If the Beneficiary predeceases the Employee, the Employee's reduced monthly payment shall increase to the Normal Form of Benefit.

(iii) The Employee's designation of a Beneficiary shall become irrevocable upon the Employee's retirement if electing this form of payment.

(c) **Joint and 50% Survivor Continuance**. Employees eligible under Section 1.2, Tier I or Tier II may elect this form of payment:

(i) The Employee receives a reduced monthly benefit, and if the Employee predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 50% of such reduced monthly benefit; provided, however, that if the Beneficiary is not the spouse of the Employee, this form of payment shall be available only to the extent permitted pursuant to Section 5.3(b)(iv)(A).

(ii) If the Beneficiary predeceases the Employee, the Employee's reduced monthly payment will not increase.

(iii)The Employee's designation of a Beneficiary shall become irrevocable upon the Employee's retirement if electing this form of payment.

(d) **Joint and 50% Survivor Continuance with Pop-Up Provision**. Employees eligible under Section 1.2, Tier I or Tier II may elect this form of payment:

(i) The Employee receives a reduced monthly benefit, and if the Employee predeceases the Beneficiary, the Beneficiary will receive a monthly payment for the life of the Beneficiary equal to 50% of such reduced monthly benefit;

provided, however, that if the Beneficiary is not the spouse of the Employee, this form of payment shall be available only to the extent permitted pursuant to Section 5.3(b)(iv)(A). The benefit shall terminate as of the first day following the Beneficiary's death.

(ii) If the Beneficiary predeceases the Employee, the Employee's reduced monthly payment shall increase to the Normal Form of Benefit.

(iii)The Employee's designation of a Beneficiary shall become irrevocable upon the Employee's retirement if electing this form of payment.

(e) **Life or Ten Years**. Employees eligible under Section 1.2, Tier III, may elect this form of payment:

(i) The Employee receives a reduced monthly benefit in equal fixed payments over the life of the Employee.

(ii) In the event the Employee dies prior to receiving a total of one hundred and twenty (120) payments, the remaining unpaid monthly payments shall continue to the Beneficiary or subsequent Beneficiaries.

(f) **Fixed-Term Payout**. Employees eligible under Section 1.2, Tier III, may elect this form of payment:

(i) The Employee receives a benefit paid over a designated period of time (not to exceed the Employee's life expectancy) that is actuarially equivalent to the Normal Form of Benefit. The Plan Administrator shall determine the term of the payment.

(ii) Any remaining payments in the fixed-term payout schedule shall continue to the Beneficiary or subsequent Beneficiaries in the event of the Employee's death.

(g) **Other Forms of Payout**.

At the option of the Employee, and with agreement of the Plan Administrator, and upon completion of a form provided by the Plan Administrator, the benefit shall be paid in any other form that is actuarially equivalent to the Normal Form of Benefit.

5.3 Limitations

(a) In the case of an Employee who attains age 70½, distribution of such Employee's entire interest must commence not later than the first day of April following the later of the calendar year in which such Employee attains age 70½ or the calendar year in which the Employee retires (the "Required Beginning Date"). In all cases, distributions shall be made in at least the amounts determined in accordance with Code Section 401(a)(9) and the regulations thereunder, as described in Section 5.3(b) below.

(b) With respect to required minimum distributions under this Section 5.3 for calendar years beginning after December 31, 2002, the following rules shall apply:

(i) All distributions required under this Section 5.3 shall be determined and made in accordance with the Treasury Regulations under Section 401(a)(9) of the Code. The requirements of this Section 5.3 will take precedence over any inconsistent provisions of the Plan, provided that this Section 5.3 shall not be considered to allow an Employee or Beneficiary to delay a distribution or elect an optional form of benefit not otherwise provided in the Plan.

(ii) Time and Manner of Distribution

(A) The Employee's entire interest will begin to be distributed to the Employee no later than the Employee's Required Beginning Date as defined in Section 5.3(a).

(B) If the Employee dies before distributions begin, then the Employee's entire interest will begin to be distributed no later than as follows:

(I) If the Employee's surviving spouse is the Employee's sole designated Beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Employee died, or by December 31 of the calendar year in which the Employee would have attained age 70½ , if later.

(II) If the Employee's surviving spouse is not the Employee's sole designated Beneficiary, then distributions to the designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Employee died.

(III) If there is no designated Beneficiary as of September 30 of the year following the year of the Employee's death, the Employee's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Employee's death.

(IV) If the Employee's surviving spouse is the Employee's sole designated Beneficiary and the surviving spouse dies after the Employee but before distributions to the surviving spouse begin, this Section 5.3(b)(ii)(B), other than Section 5.3(b)(ii)(B)(I), will apply as if the surviving spouse were the Employee.

For purposes of this Section 5.3(b)(ii)(B) and Section 5.3(b)(v), distributions are considered to begin on the Employee's Required Beginning Date (or, if Section 5.3(b)(ii)(B)(IV) applies, the date distributions are required to begin to the surviving spouse under Section 5.3(b)(ii)(B)(I)). If annuity payments irrevocably commence to the Employee before the Employee's Required Beginning Date (or to the Employee's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 5.3(b)(ii)(B)(I)), the date distributions are considered to begin is the date distributions actually commence.

(C) Unless the Employee's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first distribution calendar year distributions will be made in accordance with Sections 5.3(b)(iii), (iv) and (v). If the Employee's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and the Treasury Regulations.

(iii) Determination of Amount to be Distributed Each Year

(A) If the Employee's interest is paid in the form of annuity distributions under the Plan, payments under the annuity will satisfy the following requirements:

(I) the annuity distributions will be paid in periodic payments made at intervals not longer than one year;

(II) the distribution period will be over a life (or lives) or over a period certain not longer than the period described in Sections 5.3(b)(iv) or (v);

(III) once payments have begun under a fixed-term payout under Section 5.2 (if such a benefit is available), the fixed-term payout period will not be changed even if the period certain is shorter than the maximum permitted;

(IV) payments will either be non-increasing or increase only as follows:

(a) by an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the Bureau of Labor Statistics;

(b) to the extent of the reduction in the amount of the Employee's payments to provide for a survivor benefit upon death, but only if the Beneficiary whose life was being used to determine the distribution period described in Section 5.3(b)(iv) dies or is no longer the Employee's Beneficiary pursuant to a qualified domestic relations order within the meaning of Section 414(p) of the Code; or

(c) to pay increased benefits that result from a Plan amendment.

(B) The amount that must be distributed on or before the Employee's Required Beginning Date (or, if the Employee dies before distributions begin, the date distributions are required to begin under Sections 5.3(b)(ii)(B)(I) or (II)) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the Employee's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the Employee's Required Beginning Date.

(C) Any additional benefits accruing to the Employee in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(iv) Requirements For Annuity Distributions That Commence During Employee's Lifetime

(A) If the Employee's interest is being distributed in the form of a benefit described in Section 5.2 for the joint lives of the Employee and a non-spouse Beneficiary, annuity payments to be made on or after the Employee's Required Beginning Date to the designated Beneficiary after the Employee's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the Employee using the table set forth in Q&A-2 of Section 1.401(a)(9)-6 of the Treasury Regulations. If the form of distribution combines a benefit described in

Section 5.2 for the joint lives of the Employee and a non-spouse Beneficiary and a fixed-term payout annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the designated Beneficiary after the expiration of the fixed-term payout period.

(B) Unless the Employee's spouse is the sole designated Beneficiary and the form of distribution is a fixed-term payout annuity, the fixed-term payout period for an annuity distribution commencing during the Employee's lifetime may not exceed the applicable distribution period for the Employee under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations for the calendar year that contains the annuity starting date. If the benefit commencement date precedes the year in which the Employee reaches age 70, the applicable distribution period for the Employee is the distribution period for age 70 under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations plus the excess of 70 over the age of the Employee as of the Employee's birthday in the year that contains the benefit commencement date. If the Employee's spouse is the Employee's sole designated Beneficiary and the form of distribution is a fixed-term payout annuity, the fixed-term payout period may not exceed the longer of the Employee's applicable distribution period, as determined under this Section 5.3(b)(iv), or the joint life and last survivor expectancy of the Employee and the Employee's spouse as determined under the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Employee's and spouse's attained ages as of the Employee's and spouse's birthdays in the calendar year that contains the benefit commencement date.

(v) Requirements For Minimum Distributions Where Employee Dies Before Date Distributions Begin

(A) If the Employee dies before the date distribution of the Employee's interest begins and there is a designated Beneficiary, the Employee's entire interest will be distributed, beginning no later than the time described in Sections 5.3(b)(ii)(B)(I) or (II), over the life of the designated Beneficiary or over a fixed-term payout period not exceeding:

(I) unless the benefit commencement date is before the first distribution calendar year, the life expectancy of the designated Beneficiary is determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year immediately following the calendar year of the Employee's death; or

(II) if the benefit commencement date is before the first distribution calendar year, the life expectancy of the designated Beneficiary is determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year that contains the benefit commencement date.

(B) If the Employee dies before the date distributions begin and there is no designated Beneficiary as of September 30 of the year following the year of the Employee's death, distribution of the Employee's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Employee's death.

(C) If the Employee dies before the date distribution of the Employee's interest begins, the Employee's surviving spouse is the Employee's sole designated Beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this Section 5.3(b)(v) will apply as if the surviving spouse were the Employee, except that the time by which distributions must begin will be determined without regard to Section 5.3(b)(ii)(B)(I).

(vi) Definitions

(A) Designated Beneficiary. The individual who is designated as the Beneficiary under Section 3.6 of the Plan and is the designated Beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury Regulations.

(B) Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the Employee's death, the first distribution calendar year is the calendar year immediately preceding the calendar year that contains the Employee's Required Beginning Date. For distributions beginning after the Employee's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to Section 5.3(b)(ii)(B).

(C) Life Expectancy. Life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury Regulations.

(D) Required Beginning Date. The date set forth in Section 5.3(a).

5.4 Cash Out of Small Benefits

If the Actuarial Equivalence of an Employee's Retirement Benefit is less than $5,000.00 at termination of employment, such benefit shall be paid as a single cash lump sum in lieu of any other form of benefits hereunder.

5.5 Actuarial Equivalence

Actuarial Equivalence shall be determined using the mortality assumption based on the 1983 Group Annuity Mortality (GAM) table and the interest assumption shall be 6% per annum.

5.6 Direct Rollovers

(a) This section applies to all distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under the Plan, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. A distributee includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving spouse and the Employee's or former Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.

(b) A Beneficiary who is not the spouse of the Employee may elect a direct trustee-to-trustee transfer that qualifies as an eligible rollover distribution under this Section 5.6. Such transfer shall be made to an individual retirement plan described in Section 408(a) of the Code or an individual retirement account that is established for the purpose of receiving the distribution on behalf of such Beneficiary. Such individual retirement account shall be deemed an inherited IRA pursuant to the provisions of Section 402(c)(11) of the Code.

(i) Definitions

(A) Eligible Rollover Distribution

An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (i) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten years or more; (ii) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code, (iii) any hardship distribution, and (iv) the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities), unless such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separate accounting for the portion which is includible in gross income and the portion which is not so includible.

(B) Eligible Retirement Plan

An eligible retirement plan is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, a qualified trust described in Section 401(a) of the Code that accepts the distributee's eligible rollover distribution, an annuity contract described in Section 403(b) of the Code, a Roth IRA described in Code Section 408A (but only if the distributee satisfies the requirements of Code Section 408A(c)(3)(B)), or an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Section 414(p) of the Code. With respect to eligible rollover distributions made on or after January 1, 2008, an eligible retirement plan shall also include a Roth IRA as described in Section 408A of the Code, provided that the distributee is not restricted from making such a rollover from the Plan to a Roth IRA pursuant to Section 408A(c) of the Code.

(C) Direct Rollover

A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

ARTICLE VI

ADMINISTRATION AND AMENDMENT OF PLAN

6.1 Employee's Rights Not Subject To Execution

The right of an Employee to a benefit under the Plan is not assignable and is not subject to execution or any other process whatsoever, except to the extent permitted by the Code of Civil Procedure and the Family Code of the State of California. Any payment hereunder required under the California Family Code to a person other than the Employee must not alter the form or amount of benefits hereunder, except that to the extent provided in a valid court order, an Actuarial Equivalent payment may be made to the spouse or child of a Beneficiary pursuant to a qualified domestic relations order (as defined in Code Section 414(p)) prior to the Employee's retirement.

6.2 Rules and Regulations

The Employer has full discretionary authority to supervise and control the operation of the Plan in accordance with its terms and may make rules and regulations for the administration of the Plan that are not inconsistent with the terms and provisions hereof. The Employer shall determine any questions arising in connection with the interpretation, application or administration of the Plan (including any question of fact relating to age, employment, compensation or eligibility of Employees) and its decisions or actions in respect thereof shall be conclusive and binding upon any and all persons and parties.

The Employer shall have all powers necessary to accomplish its purposes, including, but not by way of limitation, the following:

(a) To determine all questions relating to the eligibility of Employees to participate;

(b) To construe and interpret the terms and provisions of the Plan;

(c) To compute, certify to, and direct the Trustee with regard to the amount and kind of benefits payable to the Employees and their Beneficiaries;

(d) To authorize all disbursements by the Trustee from the Trust;

(e) To maintain all records that may be necessary for the administration of the Plan other than those maintained by the Trustee; and

(f) To appoint a Plan Administrator or, any other agent, and to delegate to them or to the Trustee such powers and duties in connection with the administration of the Plan as may from time to time be prescribed, and to designate each such administrator or agent as a fiduciary with regard to matters delegated to him.

With respect to management and control of investments, the Employer shall have the power to direct the Trustee in writing with respect to the investment of the Trust assets or any part thereof. Where investment authority, management and control of Trust assets have been delegated to the Trustee by the Employer, the Trustee shall be a fiduciary with respect to the investment, management and control of the Trust assets contributed by the Employer and Employees with full discretion in the exercise of such investment, management and control. Where investment authority, management and control of Trust assets are not specifically delegated to the Trustee, the Trustee shall be subject to the direction of the Employer.

Expenses and fees in connection with the administration of the Plan and the Trust shall be paid from the Trust assets to the fullest extent permitted by law, unless the Employer determines otherwise.

To the extent determined by the Employer or its delegatee, elections and consents made by means of electronic media shall be permissible if made according to the relevant provisions of Treasury Regulation Section 1.401(a)-21.

6.3 Amendment and Termination

(a) Subject to the requirements and limitations of this Section 6.3, the Employer shall have the right to amend, terminate, or otherwise modify the Plan at any time. Such actions shall be done only by written instruction duly executed by the Employer. In the event of the termination of the Plan, the entire interest of each Employee who satisfies the requirements of Section 4.3 shall immediately become 100% Vested. After all liabilities of the Plan to Employees and their Beneficiaries have been satisfied, any residual assets of the Plan shall be used for such purposes as determined by the Employer, including a distribution of the assets to the general funds of the Employer.

(b) Except as required by the Act, the Code, or any other applicable law, the Employer shall not by amendment, termination, or any other modification of the Plan reduce or impair the Retirement Benefits of those Employees who are receiving benefit payments at the effective time of any such amendment, termination, or other modification of the Plan. A reduction or impairment of Retirement Benefits shall include, but not be limited to, a reduction in any cost-of-living adjustment or an increase in any years of service requirements, and changes in the definitions of Benefit Service or Final Pay to the extent that any of the foregoing would have the effect of reducing the dollar value of an Employee's Retirement Benefits.

(c) The Employer shall not amend, terminate, or otherwise modify the Plan in a manner which would reduce or impair the Retirement Benefits of any Employee below the actuarial equivalent value that which the Employee would have been entitled had the Employee retired immediately prior to the effective time of the amendment, termination or modification, calculated by considering Benefit Service, Final Pay, the PARS Age Factor and the CalPERS Age Factor as of the date of the amendment, termination or modification. In determining the value to which the Employee would have been entitled:

(i) an Employee who has not terminated employment with the Employer as of the effective time of the amendment, termination or modification shall be entitled to the actuarial equivalent value under Section 1.2, Tier I, and shall not be required to satisfy Section 1.2, Tier I (d) or (e); and

(ii) an Employee who terminated employment with the Employer before the effective time of the amendment, termination or modification shall be entitled to the actuarial equivalent value under Section 1.2, Tier II, and shall not be required to satisfy Section 1.2, Tier II (e) or (f).

(d) Upon termination of the Plan, the Employer shall either:

(i) make available to each Employee the actuarial lump sum value of the Employee's Retirement Benefits calculated as described in Section 6.3(c) in the form of an eligible rollover distribution in accordance with Section 5.6; or

(ii) purchase an annuity contract on behalf of each Employee from an insurance company in an amount equal to the Employee's Retirement Benefits calculated as described in Section 6.3(c).

6.4 Military Service

Effective December 12, 1994, and notwithstanding any provision of the Plan to the contrary, contributions, benefits, and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Code. In the case of an Employee who dies while performing qualified military service, the survivors of the Employee are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan had the Employee resumed and then terminated employment on account of death. An Employee receiving a "differential wage payment," as defined in Code

Section 3401(h)(2) shall be treated as an Employee of the Employer, and the differential wage payment shall be treated as compensation.

ARTICLE VII

ANNUAL BENEFIT LIMITATIONS

7.1 Definitions and Application

As used in this Article VII, the following terms shall have the meanings specified below. Unless otherwise stated below, the provisions of this Article VII shall apply to Limitation Years beginning on or after July 1, 2007.

"Affiliated Company" means a company required to be aggregated with the Employer for Purposes of Code Sections 414(b) and (c), provided, however, the determination under Section 414(b) and (c) of the Code shall be made as if the phrase "more than 50 percent" were substituted for the phrase "at least 80 percent" each place it is incorporated into Section 414(b) and (c) of the Code.

"Annual Benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) under a plan to which Employees do not contribute and under which no rollover contributions are made, or to which assets have been transferred from a qualified plan that was not maintained by the Employer. If the benefit is payable in a form other than a straight life annuity, such form must be adjusted actuarially to be the equivalent of a straight life annuity before applying the limitations of Section 7.2(a). The actuarial adjustment to the equivalent of a straight life annuity will apply to all Plan benefits except as set forth herein. The actuarial adjustment shall be made in accordance with the provisions of Treasury Regulation Section 1.415(b)-(c), which are incorporated herein by reference. No actuarial adjustment is required for the following: qualified joint and survivor annuity benefits, pre-retirement disability benefits, pre-retirement death benefits, post-retirement medical benefits, and the value of an automatic benefit increase feature made in accordance with applicable Treasury Regulations.

"Employer" means the Employer and any Affiliated Company that adopts the Plan.

"Limitation Year" means a twelve consecutive month period ending on the Anniversary Date. If the Limitation Year is amended to a different twelve consecutive month period, the new Limitation Year must begin on a date within the Limitation Year in which the amendment is made.

"Related Plan" means any other defined benefit plan (as defined in Section 415(k) of the Code) maintained by the Employer.

"Year of Participation" means the Employee shall be credited with a Year of Participation for each year in which the Employee has met the requirements of Section 1.2(a). An Employee who is permanently and totally disabled within the meaning of Section 415(c)(3)(C)(i) of the Code for an accrual computation period shall receive a Year of Participation with respect to that period. In addition, for an Employee to receive a Year of Participation for an accrual computation period, the Plan must be established no later than the last day of such accrual computation period. In no event will more than one Year of Participation be credited for any 12-month period.

7.2 Annual Limitation on Benefits

Notwithstanding any other provision of the Plan:

(a) The Annual Benefit payable with respect to an Employee under the Plan for any Limitation Year shall not exceed an amount equal to $160,000, or such other dollar limitation determined for the Limitation Year by automatically adjusting the $160,000 limitation by the cost-of-living adjustment factor prescribed by the Secretary of the Treasury under Section 415(d) of the Code in such manner as the Secretary shall prescribe. The new dollar limitation shall apply to Limitation Years ending within the calendar year of the date of the adjustment. Cost-of-living adjustments to the dollar limitation occurring after severance from employment are taken into account.

(b) If the Employee has less than ten (10) Years of Participation with the Employer, the limitation in Section 7.2(a) shall be reduced by multiplying it by a fraction, the numerator of which is the Employee's full and partial Years of Participation, and the denominator of which is ten (10). To the extent provided in Treasury Regulations or in other guidance issued by the Internal Revenue Service, the preceding sentence shall be applied separately with respect to each change in the benefit structure of the Plan. The reduction provided in this paragraph does not apply to payments made to the Employee if the Employee's payments commence after the Employee has become disabled (within the meaning of Code Section 415(b)(2)(I)), and does not apply to payments made on account of the Employee's death.

(c) If the annual Benefit of an Employee begins prior to age 62, the limitation under Section 7.2(a) applicable to the Employee at such earlier age is an annual Benefit payable in the form of a straight life annuity beginning at the earlier age that is the actuarial equivalent of the limitation applicable to the Employee at age 62 (adjusted under subsection 7.2(b) above, if required). The limitation applicable at an age prior to age 62 shall be determined in accordance with the provisions of Treasury Regulation Section 1.415(b)-1(d), which are incorporated herein by reference. The reduction in this Section 7.2(c) shall not apply for an Employee who is a "qualified participant," as defined in code Section 415(b)(2)(H).

(d) If the Annual Benefit of an Employee begins after age 65, the limitation under Section 7.2(a) applicable to the Employee at such later age is an Annual Benefit payable in the form of a straight life annuity beginning at the later age that is the actuarial equivalent of the limitation applicable to the Employee at age 65 (adjusted under subsection 7.2(b) above, if required). The limitation applicable at an age after age 65 shall be determined in accordance with the provisions of Treasury Regulation Section 1.415(b)-1(e), which are incorporated herein by reference.

(e) Pursuant to Treasury Regulation Section 1.415(b)-1(a)(7)(iii), the rate of an Employee's accrual shall not be limited by this Article VII (but at all times the annual benefit payable to the Employee is subject to the limits set forth in this Article VII).

(f) The limitation in Section 7.2(a) is deemed satisfied if the Annual Benefit payable to an Employee is not more than $1,000 multiplied by the Employee's number of years of service or parts thereof (not to exceed ten) with the Employer, and the Employer (or a predecessor employer) has not at any time maintained a defined contribution plan in which such Employee participated.

If the Employer maintains one or more defined benefit plans, in addition to the Plan, covering an Employee who is also an Employee in the Plan, the sum of the Annual Benefits of all the plans will be treated as a single benefit for the purposes of applying the limitations of Section 7.2(a). For purposes of the preceding sentence, Annual Benefits under a "qualified governmental excess benefit arrangement," as described in Section 415(m)(3) of the Code, shall be disregarded. If the Annual Benefits exceed, in the aggregate, the limitations of Section 7.2(a), the Normal Retirement Benefits under the Plan will be reduced (but not below zero) until the sum of the benefits of the Related Plan(s) satisfy the limitations. In the case of an individual who was an Employee in one or more defined benefit plans of the Employer as of the first day of the first Limitation Year beginning after December 31, 1986, the application of the limitations of this Section 7.2 shall not cause the limitation under Section 7.2(a) for such individual under all such defined benefit plans to be less than the individual's Current Accrued Benefit. The preceding sentence applies only if such defined benefit plans met the requirements of Section 415 of the Code, for all Limitation Years beginning before May 6,.1986. For purposes of this Section 7.2(f), an individual's Current Accrued Benefit means a Member's Accrued Benefit under the Plan, determined as if the Employee had separated from service as of the close of the last Limitation Year beginning before January 1, 1987, when expressed as an annual benefit within the meaning of Section 415(b)(2) of the Code. In determining the amount of an Employee's Current Accrued Benefit, the following shall be disregarded:

(i) any change in the terms and conditions of the Plan after May 5, 1986; and

(ii) any cost-of-living adjustments occurring after May 5, 1986.

(g) If an Employee makes one or more contributions to the Plan to purchase "permissive service credit," as defined in Code Section 415(n)(3), then the limitations of this Article VII shall be treated as met only if either:

(i) the limitations provided in Code Section 415(b) are met, determined by treating the accrued benefit derived from such contributions as an annual benefit for purposes of Code Section 415(b); or

(ii) the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

ARTICLE VIII

DEFINITIONS

8.1 Definitions

Whenever the following terms are used in the Plan, with the first letter capitalized, they shall have the meanings specified below.

"**Act**" means California Government Code.

"**Amended Effective Date**" means, unless otherwise indicated herein, July 14, 2010.

"**Anniversary Date**" means January 1.

"**Beneficiary**" means the person, persons, trust or trusts designated by an Employee, or, in the absence of a designation, entitled by will or the laws of descent and distribution, to receive the benefit specified under the Plan if the Employee dies and means the Employee's executor or administrator if no other beneficiary is designated and able to act under the circumstances.

"**Benefit Service**" means the total credited CalPERS City of Oxnard service completed from the most recent date of hire with the Employer, plus any military service purchased through CalPERS while an Employee of the Employer prior to the Effective Date of the Plan, plus any military service purchased in accordance with Section 3.5 of the Plan. Additional Retirement Service Credit (airtime) and any other forms of CalPERS purchased service credit shall not be included in Benefit Service under the Plan. Employees who have terminated employment with the Employer and are subsequently rehired are only credited with service under the Plan from the date of their rehire subject to the rules defined herein under Section 1.2.

"**CalPERS**" means the California Public Employees' Retirement System.

"**Code**" means the Internal Revenue Code of 1986, as amended from time to time.

"**Compensation**" means, for Plan Years beginning after December 31, 2001 or 90 days after the opening of the final legislature session or after January 1, 2002, all compensation for that portion of the Plan Year during which the Employee was an Employee, paid in cash by the Employer to the Employee for personal services. Compensation in excess of $220,000 (as adjusted through 2006) shall be disregarded. Such amount shall thereafter be adjusted for increases in the cost-of-living in accordance with Code Section 401(a)(17), except that the dollar increase in effect on January 1 of any calendar year shall be effective for the Plan Year beginning with or within such calendar year. For any short Plan Year the Compensation limit shall be an amount equal to the Compensation limit for the calendar year in which the Plan Year begins multiplied by a ratio obtained by dividing the number of full months in the short Plan Year by twelve (12).

For purposes of determining benefit accruals in a Plan Year beginning after December 31, 2001, the annual compensation limit described in this Section 8.1 for determination periods beginning before January 1, 2002 shall be $150,000 for any determination period beginning in 1996 or earlier; $160,000 for any determination period beginning in 1997, 1998, or 1999; and $170,000 for any determination period beginning in 2000 or 2001.

"**Effective Date**" means, unless otherwise indicated herein, January 1, 2003.

"**Eligible Class of Employees**" means the eligible class of employees as provided herein and in the applicable governing policies and regulations promulgated thereunder by the Employer.

"**Eligible Employee**" means an Employee who meets the requirements as described in Section 1.2.

"**Employee**" means an employee of the Employer.

"**Employee Contribution Account**" means the account by that name established pursuant to Section 2.1 hereof.

"**Employer**" means the City of Oxnard that has adopted the Plan.

"**Final Pay**" means the highest average annual compensation subject to CalPERS deductions paid to an Employee during any twelve consecutive months of employment with the Employer. CalPERS Employer Paid Member Contributions (EPMC) shall be included in Final Pay, excepting those employees under Tier III, as articulated by the rules herein.

"**Ineligible Employee**" means an ineligible employee as provided herein and in the applicable governing policies and regulations promulgated thereunder by the Employer.

"**Normal Form of Benefit**" is the form of benefit described in Section 5.1.

"**Normal Retirement Age**" means age sixty-two (62) and meeting the requirements of Section 1.2.

"**PARS Age Factor**" means an age factor determined by the Employee's age at the time of meeting the requirements of Section 1.2 based on the following table:

Age at Retirement	PARS Age Factor	Age at Retirement	PARS Age Factor
50.00-50.24	2.000%	55.25-55.49	2.525%
50.25-50.49	2.025%	55.50-55.74	2.550%
50.50-50.74	2.050%	55.75-55.99	2.575%
50.75-50.99	2.075%	56.00-56.24	2.600%
51.00-51.24	2.100%	56.25-56.49	2.625%
51.25-51.49	2.125%	56.50-56.74	2.650%
51.50-51.74	2.150%	56.75-56.99	2.675%
51.75-51.99	2.175%	57.00-57.24	2.700%
52.00-52.24	2.200%	57.25-57.49	2.725%
52.25-52.49	2.225%	57.50-57.74	2.750%
52.50-52.74	2.250%	57.75-57.99	2.775%
52.75-52.99	2.275%	58.00-58.24	2.800%
53.00-53.24	2.300%	58.25-58.49	2.825%
53.25-53.49	2.325%	58.50-58.74	2.850%
53.50-53.74	2.350%	58.75-58.99	2.875%
53.75-53.99	2.375%	59.00-59.24	2.900%
54.00-54.24	2.400%	59.25-59.49	2.925%
54.25-54.49	2.425%	59.50-59.74	2.950%
54.50-54.74	2.450%	59.75-59.99	2.975%
54.75-54.99	2.475%	60.00 +	3.000%
55.00-55.24	2.500%		

"**Plan**" means The City of Oxnard PARS Supplemental Retirement Plan (SRP), inclusive of Tier III, the Employee Retirement Incentive Plan (ERIP) and its requirements.

"**Plan Administrator**" means the individual or position designated by the Employer to act on behalf of the Employer in matters relating to the Plan. If no designation is made, the Employer shall be the Plan Administrator. If a Plan Administrator has been appointed the word "Employer" as used in the Plan shall mean Plan Administrator unless the context indicates a different meaning is intended.

"**Plan Year**" means the consecutive twelve-month period beginning on January 1 and ending on December 31.

"**Public Agency**" means an employer authorized under California Government Code Article 1.5, Sections 53215 through 53224 to establish a pension trust.

"**Regulations**" means the regulations adopted or proposed by the Department of Treasury from time to time pursuant to the Code.

"**Retirement Benefits**" means the benefits payable to the Employee following retirement, as described in Article III.

"**Trust**" means the trust established as part of the Public Agency Retirement Trust to hold the assets of the Plan.

"**Trustee**" means the trustee of the Trust.

"**Vested**" means the non-forfeitable portion of any account maintained on behalf of an Employee.

"**Year of Participation**" means any year in which an Employee has met the requirements of Section 1.2(a).

ADOPTION BY THE
CITY OF OXNARD
AMENDED AND RESTATED
PARS SUPPLEMENTAL RETIREMENT PLAN

The Amended and Restated City of Oxnard PARS Supplemental Retirement Plan is hereby adopted effective as of July 14, 2010.

By: ______________________
Edmund Sotelo

Title: City Manager

Date: 1/28/11

Plan Submission to the IRS for a Letter of Determination

The decision to submit the foregoing Plan to the IRS shall be determined by the Plan Administrator pursuant to the initials below:

___ **Yes**, please submit the Plan to the IRS for a Letter of Determination.

___ **No**, do not submit the Plan to the IRS for a Letter of Determination.

If you answered **Yes**, please provide the following information:

Employer Tax ID# ______________ Tax Year-End ______________

List all qualified retirement plans offered by City of Oxnard. (e.g. CalPERS)

Name of Qualified Plan	***Defined Benefit or Defined Contribution***
CalPERS	Defined Benefit
City of Oxnard PARS Supplemental Retirement Plan effective 7/1/1999	Defined Benefit

AMENDMENT TO THE
CITY OF OXNARD
PARS SUPPLEMENTAL RETIREMENT PLAN

WHEREAS, the City of Oxnard (the "Employer") has previously adopted the City of Oxnard PARS Supplemental Retirement Plan, adopted effective January 1, 2003 (the "Plan"); and

WHEREAS, the Employer has the right to amend said Plan in accordance with Section 6.3 of the Plan; and

WHEREAS, the Employer desires to amend the Plan to comply with recent legislation and regulations applicable to the Plan.

NOW, THEREFORE, the Plan is hereby amended as follows:

1. Effective January 1, 2007, Article V, Section 5.6(b)(i)(A), "Eligible Rollover Distribution" is hereby amended in its entirety to read as follows:

   "(A) Eligible Rollover Distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (i) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten years or more; (ii) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code, (iii) any hardship distribution, and (iv) the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities). However, such portion may be transferred only: (i) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code (or, on or after January 1, 2008, to a Roth IRA described in Section 409A of the Code) or to a qualified defined contribution plan described in Section 401(a) of the Internal Revenue Code; (ii) on or after January 1, 2007, to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code or to an annuity contract described in Section 403(b) of the Internal Revenue Code, that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible."

2. The first sentence of Article VII, Section 7.1, "Definitions and Applications" is hereby amended to read as follows:

"As used in this Article VII, the following terms shall have the meaning specified below. Unless otherwise stated below, the provisions of this Article VII shall apply to Limitation Years beginning on or after July 1, 2009."

This Amendment is hereby adopted this 27th day of June, 2011, effective as of the dates set forth above.

City of Oxnard

By: ______________________

Its: City Manager

Meeting Date: Jan. 24, 2012

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ______	■ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	☐ Other ______

Prepared By: James Cameron JC ______ Agenda Item No. O-1

Reviewed By: City Manager ______ City Attorney ______ Finance JC ______ Other *(Specify)* ______

DATE: January 18, 2012

TO: City Council

FROM: James Cameron James Cameron
Chief Financial Officer

SUBJECT: **Grow Oxnard Fund**

RECOMMENDATION

That City Council receive a report on the Grow Oxnard Fund and provide direction to staff.

DISCUSSION

The Grow Oxnard Fund would be established under the Grow America Fund offered by the National Development Council (NDC). The NDC Grow America Fund, in cooperation with community partners, provides financing to growing small businesses. This program operates as a community development lender to support the creation of jobs and the expansion of eligible small businesses in underserved areas, particularly minority and women-owned businesses. The financing provided is partially guaranteed by the U.S. Small Business Administration under the program's Small Business Lending Company license. Each dollar invested by the City in this program will provide at least $4 dollars in small business loans.

The Grow America Fund lending differs from conventional lending by providing:

- Longer Terms – Using repayment schedules up to 25 years that give the borrower smaller monthly loan payments
- Larger Loans - Providing loan amounts ranging from $100,000 to $2 million
- Lower Down Payments – Allowing higher loan-to-value ratios to preserve the business's equity and maximize growth potential
- Lower Interest Rate – Providing lower interest rates to enhance community development rather than corporate profit

- Better Structure - Matching the term of the loan to the life of the assets being financed, ensuring debt service does not exceed available cash flow

NDC is the oldest national non-profit community development organization in the U.S, founded in 1969. NDC's mission is to increase the flow of capital to underserved urban and rural areas for job creation and community development.

FINANCIAL IMPACT

The Grow America Fund will provide small business loans at a ratio of 4 to 1. While a $500,000 investment by the City (providing $2 million in loan capacity) would be a minimum requirement, a $1 million investment providing $4 million in loans would provide significant benefit to the community.