

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 SUCCESSOR AGENCY
***OXNARD FINANCING AUTHORITY**
***OXNARD HOUSING AUTHORITY**
Regular Meetings
City Council Chambers, 305 West Third Street, Oxnard
April 9, 2013
5:30 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Financing Authority and the Oxnard Housing 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 5 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

1. **SUBJECT:** Presentation of Employee of the First Quarter 2013.
2. **SUBJECT:** Presentation of Commendation to Lynn Hutton for 12 Years of Outstanding Service to the City of Oxnard.
3. **SUBJECT:** Presentation of Proclamation Designating April 7-13, 2013 as "Barbershop Harmony Week".
4. **SUBJECT:** Presentation of Proclamation Designating April, 2013 as "Sexual Assault Awareness Month".

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

City of Oxnard internet address: www.ci.oxnard.ca.us.

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: Agreements for City Council Review. (001)
RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the Interim 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: Karen Burnham Phone: 385-7430
2. SUBJECT: Approval of INCF and Neighborhood Council Bylaws; Activation of the RiverPark Neighborhood Council. (005)
RECOMMENDATION: 1) Approve the updated 2013 Inter-Neighborhood Council Forum (INCF) Bylaws; 2) Approve the updated 2013 Neighborhood Council Bylaws; and 3) Certify that the RiverPark neighborhood has completed the action necessary to participate in the Neighborhood Council Program.
Legislative Body: CC Contact: Christina Aerenlund Phone: 385-7593

Development Services Department

3. SUBJECT: Appropriate Funds for Electric Vehicle Charging Stations. (051)
RECOMMENDATION: Authorize the special budget appropriation recognizing a grant award of \$7,000 from the Ventura County Air Pollution Control District (APCD) and appropriate matching funds in the amount of \$13,000 from the Air Pollution Buy-Down Fund balance to the project "Electric Vehicle Chargers" for electric vehicle charging stations in public parking areas throughout the City.
Legislative Body: CC Contact: Cynthia Daniels Phone: 385-7871

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS – 7:15 P.M.

Development Services Department

1. SUBJECT: SB-2 Ordinance Amendment (PZ 10-580-01), Pertaining to Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing. (057)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance amending Chapter 16 of the City of Oxnard Code pertaining to emergency shelters, transitional housing, supportive housing and farmworker housing pursuant to Senate Bill 2.
Legislative Body: CC Contact: Sue Martin Phone: 385-7858

Housing Department

2. SUBJECT: TEFRA Hearing for Issuance of Multifamily Housing Revenue Bonds for Colonial House Apartments Project, Located at 705, 711, and 747 North Oxnard Boulevard. (081)
RECOMMENDATION: 1) Hold a public hearing regarding the issuance of up to \$2,000,000 of multifamily housing revenue bonds by the California Statewide Communities Development Authority to finance the acquisition, construction and development of Colonial House Apartments, a 43-unit multi-family rental housing project located at 705, 711 and 747 North Oxnard Boulevard; and 2) Adopt a resolution approving the issuance of bonds.
Legislative Body: CC Contact: Karl Lawson Phone: 385-8095

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.

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

O. REPORTS

Housing Department

1. SUBJECT: Consideration of Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan. (087)
RECOMMENDATION: Review and approve staff recommended priorities
Legislative Body: CC Contact: William E. Wilkins Phone: 385-8094

Phone: 385-7480

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 - EXISTING LITIGATION.

CC/SA SOCMI, LLC, et al. v. City of Oxnard, et al.

Ventura County Superior Court Case No. 56-2012-00427637-CU-WM-VTA

The Interim 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 – Existing Litigation. The purpose of the closed session is to report to City Council and Successor Agency on the status of the litigation.

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

SA

On the advice of the City Attorney, based on existing facts and circumstances, the Successor Agency shall decide whether to initiate litigation in one potential case, pursuant to Government Code section 54956.9(d)(4).

The Interim 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.

T. ADJOURNMENT



Meeting Date: 4/09/2013

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

Prepared By: Karen R. Burnham, Interim City Manager

Agenda Item No. I-1

Reviewed By: City Manager [Signature]

City Attorney [Signature]

Finance [Signature]

Other (Specify) _____

DATE: April 3, 2013

TO: City Council

FROM: Karen R. Burnham, Interim City Manager
City Manager's Office

SUBJECT: Agreements for City Council Review

RECOMMENDATION

That City Council, pursuant to Ordinance 2835, and Resolution No. 13,932, 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/or 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 10:00 a.m. on Thursday prior to the Council meeting.

City Council Agenda Items for 04/09/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Amendment	Development Services - Planning Chris Williamson 385-8156	Environmental Science Associates (ESA) Agreement No. 5602-11-DS Amendment 1	City and Community Energy Action Plan Amendment to add funds to cover additional expenses for Energy Action Plan updates and revisions, response to comments, graphics and word processing, additional revisions and presentation to Council. ESA was selected through an RFP process. Total Contract Amount: \$176,975 FundingSource: Southern California Edison Grant Funded	\$12,000
B	Amendment	General Services Sergio Cervantes 385-8245	Natural Green Landscape Agreement No. 5928-12-CM Amendment 1	Landscape Maintenance Services Landscape maintenance services for Sunrise/Sunset Cove, District #34. This is the second year of a three year contract. Vendor was originally selected through RFB process. Total Contract Amount: \$47,190 FundingSource: Landscape Maintenance Districts	\$25,740
C	Amendment	Public Works/CPM Lou Balderrama 340-5358	Ameron International Corp. Agreement No. 4057 Amendment 2	Fabrication of welded steel pipe for PW12-13 Hueneme Road Recycled Water Line This second amendment to the pipe purchase is for 168-feet of 42" pipe to be provided in 10-foot sections, rather than the typical 40-foot sections. The 10-foot sections are easier to maneuver into place at this location. In addition, the jacking and receiving pits have been relocated further apart to accommodate traffic control requirements. On May 29, 2012, two bids were received for the fabricaion of the welded steel pipe. Ameron International was the lowest responsible bidder. Total Contract Amount: \$2,469,150 FundingSource: Grant and Water Bond Funds	\$43,800
D	Purchase Order	Recreation and Community Services - Recreation Services Richard Arias 385-7998	Mora Xtreme Soccer, Inc. Purchase Order No. 4416	Soccer Goals for College Park Purchasing 5 sets (10 goals) for the 5 soccer fields at College Park. These soccer goals meet National Collegiate Athletic Association (NCAA) and National Federation of High School (NFHS) standards. Three bids were obtained with this vendor being the lowest bidder. This project was approved by Council on 1/11/2011. Total Contract Amount: \$30,294 FundingSource: Measure "O"	\$30,294

ATTACHMENT
PAGE 1
OF 2

City Council Agenda Items for 04/09/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
E	Purchase Order	Public Works Utilities Services - Environ. Res. Processing Grant Dunne 385-7956	Swertfeger's Equipment inc. Purchase Order No. 4415	Refuse Transport Trailer for Environmental Resources Division Among three bids received, Swertfeger's Equipment, Inc. provided the lowest responsible bid at \$76,544 for the replacement of a refuse transport trailer. Refuse transport trailers are used for hauling refuse from the Del Norte Facility to designated landfills. Total Contract Amount: \$76,544 FundingSource: Solid Waste Enterprise Fund	\$76,544
F	Change Order	Public Works/Capital Projects Management Lou Balderrama 340-5358	Toro Enterprises, Inc. Agreement No. A-7529 Change Order 2	Tierra Vista Neighborhood/Alley Resurfacing & Storm Drain Project Change Order No. 2 is for the costs associated with the relocation of Verizon phone and cable T.V. facilities that were in conflict with the construction of the storm drain portion of the project. The City directed Toro to do the relocation work to avoid delay costs and impact to the remaining street improvements. The City will invoice Verizon and seek reimbursement for the full costs of the relocations. This Contract was a Public Bid - PW 06-93. The Bid opening was held on August 1, 2012. Of the six bids received, the lowest responsible bidder was Toro Enterprises, Inc of Oxnard. Total Contract Amount: \$4,118,440 FundingSource: Measure O and Storm Drain Facility Fee	\$30,103
G	Task Order	Public Works Construction and Design Services - Eng. Design & Contract Admin. Lou Balderrama 340-5358	BTC Verticle V Agreement No. 4919-09-CM Task Order 22A	On-Call Soils and Material Testing Welding inspection services for the Hueneme Road Water Pipeline Project PW12-13. Additional funds for time and materials for shop welding inspection and field welding inspection during fabrication of pipe. As a result of a request for proposal process, the City entered into an as needed agreement with BTC Vertical V to provide on-call services. City Council approved the contract with BTC Vertical V on March 19, 2013. Total Contract Amount: \$700,000 FundingSource: Water CIP	\$81,450

ATTACHMENT 1
PAGE 2 OF 2



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

Prepared By: Christina Aerenlund, Public information Officer

Agenda Item No. I-2Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other (Specify) _____

DATE: March 21, 2013**TO:** City Council
FROM: Christina Aerenlund, Public Information Officer
 City Manager's Office [Signature]
SUBJECT: Approval of INCF and Neighborhood Council Bylaws; Activation of the RiverPark
 Neighborhood Council

RECOMMENDATION

That the City Council:

1. Approve the updated 2013 Inter-Neighborhood Council Forum (INCF) Bylaws.
2. Approve the updated 2013 Neighborhood Council Bylaws.
3. Certify that the RiverPark neighborhood has completed the action necessary to participate in the Neighborhood Council Program.

DISCUSSION

Bylaws

For approximately two years, the INCF Executive Board Bylaws Committee has worked on revisions to the Inter-Neighborhood Council Forum (INCF) Bylaws and the Neighborhood Council Bylaws.

The attached documents represent the product of the Committee's work. Both the INCF Bylaws and the Neighborhood Council Bylaws have been approved by the INCF at duly noticed meetings.

It should be noted that while the existing Bylaws require a majority vote of all Neighborhood Councils to modify the Bylaws, a number of Neighborhood Councils have not been active in the INCF and did not attend the meeting at which the Neighborhood Council Bylaws were approved. All Neighborhood Councils, however, were furnished with copies of the Bylaws to be adopted and had the opportunity to comment on them. It is the City Attorney's opinion that the City Council, having approved the Bylaws in the first instance, and having ultimate authority over the program, has the power to adopt revised Bylaws based upon the approval of the majority of a quorum at an INCF meeting (9 Neighborhood Council Chairs for the favor of approval, 2 abstained).

The differences between the existing INCF Bylaws and the Bylaws to be approved are shown on Attachment #3. The changes provide greater flexibility in such matters as holding elections. Other clarifying changes are made.

The main differences between the Neighborhood Council Bylaws as they now exist and those to be approved are shown on Attachment #4. One major change is limitation of membership in a Neighborhood Council to residents of the neighborhood. Several changes to recall election procedures have been made. Other clarifying changes have been made.

The City has received a petition from the RiverPark Neighborhood requesting City Council approval to activate the RiverPark Neighborhood Council. The petition states that the Neighborhood Council held a meeting on December 12, 2011, and approved the Bylaws of the Neighborhood Council Program. In addition, the petition identifies the following list of volunteer officers: Justin Glenn, Chair; Joe Benostro, Vice Chair; Jennifer Romero, Secretary/Treasurer; Kristin Halke, Molly Pellegrino and Phil Bacalzo, Members at Large. The boundaries of RiverPark as shown on Figure 3-4 of the 2030 General Plan are the Santa Clara River on the Northwest; Central Avenue on the Northeast, North Vineyard Avenue; Thames River Drive, Detroit Street to the Southeast and U.S. Route 101 to the Southwest. The petition submitted fully complies with the requirements of the Neighborhood Council Bylaws and certification of this new Neighborhood Council is recommended.

FINANCIAL IMPACT

Printing Neighborhood Council meeting notices that should not exceed \$1,000 per year and \$1400 for site reservation cost. Funds are available in account number 101-5201-8216 for this purpose.

CA

- Attachment #1 - 2013 Bylaws for INCF
#2 - 2013 Bylaws for Neighborhood Council
#3 - Red lined 2013 Bylaws for INCF
#4 - Red lined 2013 Bylaws for Neighborhood Council
#5 - Petition to Activate RiverPark Neighborhood Council
#6 - City of Oxnard Neighborhoods Map



INTER-NEIGHBORHOOD COUNCIL FORUM (INCF) BYLAWS

ARTICLE I

NEIGHBORHOOD COUNCIL PROGRAM

The City Council of the City of Oxnard (the City) established the Neighborhood Council Program (the Program), which is conducted by Neighborhood Councils for individual neighborhoods in the City and by the Inter-Neighborhood Council Forum of the City of Oxnard (the INCF).

ARTICLE II

PURPOSES OF THE INCF

- A. Serve as a forum for the exchange of information and experience among participants in the Program.
- B. Encourage the formation and maintenance of Neighborhood Councils.
- C. Foster cooperation and good will within neighborhoods.
- D. Assist Neighborhood Councils to achieve their objectives.
- E. Assist Neighborhood Councils to communicate with the City Council and staff.
- F. Maintain and develop the Program.

ARTICLE III

POWERS OF THE INCF

- A. The INCF shall advise the City Council, its various appointed bodies and City staff on any citywide matter which is of interest and concern to Neighborhood Councils.
- B. The INCF shall conduct official business only at meetings called and conducted in accordance with these Bylaws.
- C. The INCF may raise funds to support its activities.
- D. The INCF shall interpret the Neighborhood Council Bylaws as provided by these Bylaws.
- E. The INCF shall deem a Neighborhood Council inactive as provided in these Bylaws.
- F. The INCF shall submit recommendations to the City Council and City staff concerning matters of interest to the INCF or Neighborhood Councils.
 - 1. Recommendations adopted by majority vote of the General Membership shall be submitted in writing or presented verbally by the Chair or another member of the Executive Board designated by the Chair. Recommendations submitted in writing shall be directed to City staff assigned to the Program with a copy to the City Manager.

2. Recommendations adopted by majority vote of the Executive Board, which require transmittal before a General Membership meeting can be held, may be submitted as provided in Subsection F (1) of this article, accompanied by the written or verbal statement that although such recommendations were approved by the Executive Board, they have not yet been acted on by the General Membership.
 3. A recommendation that has not been approved by the General Membership, or the Executive Board, shall accompany such recommendation with the statement that the recommendation is made in such member's individual capacity and not on behalf of the INCF.
- G. The INCF may assist in direct action programs, working alone or in cooperation with private or public agencies, to respond to the needs of the City.

ARTICLE IV

ORGANIZATION OF THE INCF

A. GENERAL MEMBERSHIP

1. The General Membership of the INCF consists of the Chair of each active Neighborhood Council.
2. If a Neighborhood Council Chair is absent from an INCF meeting, the Vice-Chair may act for the Chair.
3. If both the Chair and Vice-Chair are absent, another member of the Executive Board or a general member of that Neighborhood Council, designated by the Neighborhood Council Chair, may act for the Chair if, before the meeting begins, the INCF Chair or Executive Secretary is notified verbally or in writing.
4. Only a General Member who is present at a General Membership meeting may vote.
5. General Members or Executive Board Members of Neighborhood Councils not designated in Subdivision (3) of this Section A may attend meetings of the INCF General Membership and may participate as members of the public, but are not General Members or Executive Board Members of the INCF and may not make motions or vote.

B. EXECUTIVE BOARD

1. The Executive Board consists of the positions of Chair, First Vice-Chair, Second Vice Chair, Third Vice-Chair and Fourth Vice-Chair. The Executive Secretary shall be a City employee designated by the City Manager. The Executive Secretary is not a member of the Executive Board or the General Membership and may not vote.
2. Each member of the Executive Board shall also be the Chair of a Neighborhood Council; provided, however, that a member of the Executive Board whose term as Neighborhood Council Chair expires during his or her term as a member of the INCF Executive Board may complete his or her term as a member of the INCF Executive Board.

3. If a member of the Executive Board resigns his or her position as a Neighborhood Council Chair, such resignation constitutes an immediate resignation from the INCF Executive Board.
4. No more than one member of the Executive Board of the same Neighborhood Council (or person who was a member of the Neighborhood Council Executive Board when elected to the INCF Executive Board) may serve on the INCF Executive Board at the same time.
5. Only a member of the Executive Board present at a meeting of the Executive Board may vote on Executive Board issues.

C. ELECTION OF THE EXECUTIVE BOARD

1. The Executive Board shall be elected at the annual election meeting of the General Membership of the INCF, which shall be held in November.
2. At the next to last General Membership meeting, which will ordinarily be in September, before the annual election meeting, the business conducted shall include calling for volunteers to serve on the Nominating Committee, appointment of the Nominating Committee by majority vote of the General Membership and announcement that at the next meeting the Nominating Committee will make nominations for the annual election of the Executive Board.
3. At the last General Membership meeting, before the annual election meeting, which will ordinarily be in October, the business conducted shall include nominations by the Nominating Committee and the consideration of additional nominations from the floor. Nominations will be accepted only of persons who are eligible to hold the office and who are present at the meeting or have notified a member of the Executive Board, or the Executive Secretary, that they will accept nomination.
4. The Executive Secretary shall prepare a notice of the annual election meeting including a statement that Executive Board members will be elected at that meeting. The Executive Secretary shall mail or e-mail this notice in sufficient time that the General Membership receives it at least seven (7) working days prior to said meeting. Failure of any person to receive notice shall not be grounds to cancel the meeting or to invalidate any vote taken at the annual election meeting.
5. At the annual election meeting in November, additional nominations from the floor may be taken. Before the vote is taken, each nominee may make a brief statement concerning his or her candidacy. Each member of the Executive Board shall be elected by majority vote of the General Members attending the meeting.
6. At the annual election meeting, the Executive Secretary shall have prepared a written ballot containing the names of the candidates for office, leaving spaces available for candidates nominated from the floor.
7. The Executive Secretary shall make certain that each person given a ballot is the authorized representative of the Neighborhood Council. If a person other than the Neighborhood Chair is representing a Neighborhood Council, that person shall present the Executive Secretary with a written, signed and dated letter from the Neighborhood Council Chair prior to the meeting being called to order.

8. Each Neighborhood Council Chair, or authorized representative, shall be handed a ballot by the Executive Secretary. The ballots will be marked and returned to the Executive Secretary.
9. The Executive Secretary and at least one other person shall, in open session, open and tally the ballots calling out the name of the person the vote is cast for and the name of the person voting and announce the results.
10. In the event of a tie between two candidates for one seat, the INCF Executive Secretary shall first recount the votes. If the result remains the same, additional votes will be taken until a candidate is elected.
11. Any general member of the INCF may challenge the vote tally by submitting a written request to the INCF Executive Secretary to review the ballots before the election meeting is adjourned.
12. The ballots shall be retained in accordance with the retention schedule adopted by the City for similar documents and be made available to any person wishing to review them, in accordance with the Public Records Act.
13. Absentee or proxy voting shall not be permitted.
14. Elected Executive Board members shall take office at the first meeting held after the beginning of the calendar year and shall continue in office until a new Executive Board takes office at the first meeting held after the beginning of the next calendar year.

D. TERM OF OFFICE AND RESIGNATIONS

1. Each member of the Executive Board shall serve until a successor is elected; provided, however, that resignations shall take effect earlier if the notice of resignation so states. The term of office shall be one year. If a successor is not elected at the annual election meeting, the term shall continue until a successor is elected. If the member of the Executive Board was elected to fill a position that was vacated after the annual election meeting, the term shall continue until a successor is elected at the next annual election meeting.
2. A member of the Executive Board may resign at any time by notifying the INCF Chair in writing, specifying the effective date of the resignation. Resignation from the Executive Board automatically includes resignation from all appointed positions in the INCF.
3. In the event of the resignation of the Chair, the position shall be filled in accordance with Article IV. E.2a and Article V. C

E. DUTIES

1. The duties of the Chair are to:
 - a. Preside over all regular and special meetings of the General Membership and of the Executive Board.
 - b. Be an ex-officio member of all standing committees.
 - c. Represent the INCF before other agencies and organizations as directed by the General Membership or the Executive Board by motion and vote.

2. The duties of the First Vice-Chair are to:

- a. Perform the duties of the Chair in his/her absence or resignation until an election is held pursuant to the provisions of Article V. C.
- b. Account for and keep safe any and all funds of the INCF.
- c. Spend such funds only as authorized by majority vote of the General Membership.
- d. Prepare and present a statement of finances to the General Membership at the first meeting of each calendar year.
- e. Prepare and present a statement of finances to the Executive Board, or to the General Membership, as directed by a majority of the Executive Board or the General Membership.

3. The duties of the Second Vice-Chair are to:

- b. Perform the duties of the Chair in the absence of the Chair and First Vice-Chair.
- c. Perform the duties of the First Vice-Chair in his or her absence.

4. The duties of the Third Vice-Chair are to:

- a. Perform the duties of the Chair in the absence of the Chair, First Vice-Chair and Second Vice-Chair.
- b. Perform the duties of the First Vice-Chair in the absence of the First Vice-Chair and Second Vice-Chair.
- c. Perform the duties of the Second Vice-Chair in his or her absence.

5. The duties of the Fourth Vice-Chair are to:

- a. Perform the duties of the Chair in the absence of the Chair, First Vice-Chair, Second Vice Chair and Third Vice-Chair.
- b. Perform the duties of the First Vice-Chair in the absence of the First Vice-Chair, Second Vice-Chair and Third Vice-Chair.
- c. Perform the duties of the Third Vice-Chair in the absence of the Third Vice-Chair.

6. The duties of the Executive Secretary are to:

- a. Carry on the official correspondence of the INCF.
- b. Prepare and e-mail and/or mail notices of INCF meetings as provided in these Bylaws.
- c. Prepare and distribute an agenda for each meeting of the General Membership and Executive Board.
- d. Keep minutes of all meetings of the General Membership and Executive Board.
- e. Sign the minutes after approved by the General Membership or Executive Board.

7. The duties of the Executive Board are to:

- a. Plan and direct the work of the INCF.
- b. Prepare an agenda for each General Membership and Executive Board meeting.
- c. Represent the INCF before other agencies, organizations, groups or individuals, subject to the direction and review of the General Membership.
- d. Deem a Neighborhood Council inactive, as provided in Article VIII.

F. COMMITTEES

1. The Executive Board, with the approval of a majority of the General Membership, may appoint standing committees to consider matters likely to be of long term interest to the INCF. The Executive Board, with approval of a majority of the General Membership, may appoint ad hoc committees (other than the Nominating Committee) to consider matters likely to be of short-term interest. The Executive Board, with the approval of a majority of the General Membership, shall dissolve committees that have accomplished their purpose or are no longer desired.
2. Standing and ad hoc committees shall be comprised of three (3) or five (5) members. The committee members shall choose a Chair. When requested, the committee Chair shall advise the Executive Board of activities.
3. Each committee shall present its findings and recommendations to the Executive Board for review. At least once a year, each committee shall present its findings and recommendations, as reviewed and approved by the Executive Board, to the General Membership, which may vote to take action on the recommendations. No committee member shall purport to represent the INCF or present any findings or recommendations of the committee, except as directed by these Bylaws or the General Membership.

ARTICLE V**GENERAL MEMBERSHIP MEETINGS**

- A. The INCF shall hold at least four (4) General Membership meetings each calendar year, including one meeting designated the annual election meeting, which shall be held in November. The Executive Board may schedule additional General Membership meetings. In addition, the Chair shall schedule a General Membership meeting to be held no later than four (4) weeks after receiving a written request for the meeting signed by at least eleven (11) General Members.
- B. The Executive Secretary shall mail or e-mail written notice of a General Membership meeting to all General Members in sufficient time to be received at least seven (7) working days before such meeting. Failure of any General Member to receive such notice shall not be grounds to cancel the meeting or to invalidate any vote taken at the meeting.
- C. At any General Membership meeting the General Members, by majority vote, may fill vacancies in Executive Board positions from among General Members nominated from the floor and present at the meeting.
- D. A quorum for a General Membership meeting shall be eleven (11) General Members.
- E. No matter may be adopted or approved at a General Membership meeting unless approved by majority vote of those members present and eligible to vote.
- F. Any General Member may request an item be placed on the agenda for the following General Membership meeting by a majority vote of the General Membership.

ARTICLE VI SPECIAL/EMERGENCY MEETINGS

- A. Special meetings shall be held in accordance with California Government Code Section 54956 (Ralph M. Brown Act).
- B. Emergency meetings shall be held in accordance with California Government Code Section 54956.5 (Ralph M. Brown Act).

ARTICLE VII EXECUTIVE BOARD MEETINGS

- A. Meetings of the Executive Board shall be scheduled at the request of the Chair or a majority of the Executive Board. At least five (5) calendar days before scheduled Executive Board meetings, the Executive Secretary shall mail or e-mail written notice to all members. Failure of any member to receive notice shall not be grounds to cancel the meeting or invalidate any vote taken at the meeting.
- B. A quorum for an Executive Board meeting shall be three (3) Executive Board Members.
- C. Any Neighborhood Council Chair shall have an item placed on an INCF Executive Board agenda by making such request to the INCF Chair or Executive Secretary at least seven (7) calendar days prior to said meeting.

ARTICLE VIII RULES OF PROCEDURE

A. OPEN MEETINGS

- 1. All meetings of the General Membership, the Executive Board, standing and ad hoc committees shall be open to the public. Meetings of the General Membership, the Executive Board and standing committees shall be conducted in accordance with Government Code Section 54950 et seq. (the Ralph M. Brown Act).
- 2. The current revision of Robert's Rules of Order shall govern the conduct of meetings unless otherwise stated by these Bylaws.

B. RECORDS AVAILABLE FOR INSPECTION

All approved minutes of General Membership and Executive Board meetings and all financial records of the INCF shall be made available for inspection on request of any person.

C. ORDERLY CONDUCT AT MEETINGS

- 1. While a General Membership or Executive Board meeting is in session, members shall preserve order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other member or refuse to obey the orders of the presiding officer except as otherwise herein provided.
- 2. A member of the public shall not engage in conduct that disrupts, disturbs or impedes the orderly conduct of a General Membership meeting during any portion of such meeting, including during public comments or comments about items on the agenda. The prohibited conduct may include making loud, threatening, abusive, personal, impertinent or profane remarks that disrupt, disturb or impede the meeting. At the discretion of the presiding

officer, a person engaging in such conduct may be ordered to be silent, barred from further communication during that meeting, ejected from the meeting or arrested.

3. A designee of the Chief of Police shall be Ex-Officio Sergeant-At-Arms. The Sergeant-At-Arms shall follow instructions given by the Chair or by a majority of the General Members for the purpose of maintaining order and decorum during INCF meetings.

D. PRESIDING OFFICER

1. The presiding officer shall assume the Chair at the hour appointed for the General Membership meeting or Executive Board meeting and call the meeting to order.
2. The chair shall preserve order and decorum at all meetings, state the questions before the meeting and announce all decisions made.

E. ADDRESSING THE GENERAL MEMBERSHIP/EXECUTIVE BOARD

1. Any person wishing to address a meeting of the General Membership or the Executive Board shall first be recognized by the Chair. The Chair shall not refuse to recognize a person because the person wishes to make a point of order based on the Chair's breach of the Bylaws or other adopted rules of procedure.
2. On being recognized, the person shall address all remarks to the Chair and confine his or her remarks to the matter under consideration. No other person shall enter into the discussion before he or she is recognized by the Chair. A speaker who has been recognized shall not be interrupted unless called to order by the Chair or by majority vote of the General Members present at a General Membership meeting or by a majority vote of the Executive Board members present at an Executive Board meeting. When a speaker is called to order, the speaker shall remain silent until the question of order is determined and shall resume speaking only if directed by the Chair or such majority to proceed.

F. ROLL CALL VOTE

1. On request of any General Member the Executive Secretary shall call the name of each General Member present and record each General Member's vote on any question.
2. Roll call vote shall not be used for elections of the Executive Board members.

G. MINUTES

1. The Executive Secretary shall prepare minutes of the General Membership meetings and Executive Board meetings. The minutes shall include:
 - a. Whether a quorum is present and the names of the persons constituting the quorum;
 - b. Votes cast in any matter;
 - c. Any action taken on items on the agenda;
 - d. The Neighborhood Council of any person addressing a meeting or submitting a written comment card:
 - (1) A description of the matter on which the person spoke or commented, and whether the person supported or opposed the matter;

- (2) On the request of any General Member or Executive Board Member, made on the record at a meeting, their reasons for supporting, dissenting, or protesting any action taken at the meeting;
 - (3) On request of a General Member or Executive Board Member, the Executive Secretary need not include in the minutes the remarks of any person.
2. Unless an Executive Board member requests the reading of minutes at an Executive Board meeting, the minutes may be approved without reading.
 3. Corrected minutes approved by the INCF General Membership/Executive Board shall be made available to the General Membership for review at the next scheduled INCF meeting.

H. REMOVAL OF EXECUTIVE BOARD MEMBERS

1. At any General Membership meeting under New Business, a General Member may make a motion to request that an election to recall a member of the Executive Board be placed on the agenda at the next General Membership meeting. If a majority of the General Members vote in favor of the request, the Executive Secretary shall schedule the recall election. Said meeting shall be held within sixty (60) working days.
2. At the meeting, proponents of the recall may address the General Membership concerning the reasons to vote for the recall. Opponents of the recall may then address the General Membership concerning the reasons not to vote for the recall. The Chair shall allow each person no more than five (5) minutes to address the issue. Rebuttals shall be allowed by majority vote of the General Membership.
3. The General Membership shall then vote on the recall.
4. If a majority of the General Members present vote in favor of the recall, that Executive Board member shall be deemed recalled. The position shall be filled by majority vote of the General Members from among those nominated from the floor; provided, however, that the person recalled may not be elected to that position for one year from the date of the recall.

I. INTERPRETATION OF BYLAWS

The Chair, with the approval of a majority of the Executive Board, shall interpret these Bylaws on request of a General Member. The General Membership may, by a two-thirds (2/3rds) vote, appeal the interpretation to the City Council. The appeal shall be in writing, directed to the City Clerk, and shall state the reason for the General Membership's disagreement with the interpretation.

J. AMENDMENT OF BYLAWS

1. By majority vote of the General Membership, these Bylaws may be amended.
2. The INCF Chair or Executive Secretary shall request the City Council to approve the amending of these Bylaws. The request shall be in writing, directed to the City Clerk, and shall identify the portion of the Bylaws to be amended and shall include the proposed wording.
3. The City Council shall decide whether the proposed amended Bylaws be approved.

K. ADOPTION OF ADDITIONAL POLICIES AND PROCEDURES

1. These Bylaws are intended only to provide a basic structure for the INCF, not to provide detailed rules of procedure for the conduct of meetings or other business of the INCF. The INCF is authorized and encouraged to adopt, by majority vote of the General Membership, additional written policies and procedures that are consistent with these Bylaws. The General Membership, by majority vote, may interpret and amend policies and procedures so adopted.
2. Any issue not addressed, or called into question in the Bylaws shall be governed by Robert's Rules of Order, Current Revision. These Bylaws shall take precedence over Robert's Rules of Order.

ARTICLE IX**DEEMING A NEIGHBORHOOD COUNCIL INACTIVE**

- ~~A. The Executive Board may deem a Neighborhood Council inactive after finding either that said Council's annual election was not conducted and completed in accordance with the Neighborhood Council Bylaws or that said Council did not conduct at least two (2) General Membership meetings in a calendar year.~~
- B. Residents of an inactive Neighborhood Council are welcome and encouraged to attend INCF General Membership meetings, but those persons shall have no vote at the meetings.
- C. Residents of an inactive Neighborhood Council are encouraged to bring to the INCF any matters they would like to be addressed concerning their neighborhood.
- D. The INCF Executive Board shall encourage formation of an inactive Neighborhood Council and shall participate in scheduling a meeting for said Neighborhood Council in order to activate said Neighborhood Council.

- END -

NEIGHBORHOOD COUNCIL
BYLAWS

ARTICLE I

PURPOSES OF THE PROGRAM

- A. The City Council of the City of Oxnard (the City) established the Neighborhood Council Program (the Program) and approved these Bylaws for adoption by each of the Neighborhood Councils that participate in the Program.
- B. The purposes of the Program are to:
1. Encourage neighborhood residents to take action to improve their neighborhoods.
 2. Foster cooperation and goodwill within neighborhoods.
 3. Promote greater understanding of the needs and expectations of the City's neighborhoods and of the City's responsibilities.
 4. Provide a structure for advocacy of neighborhoods' interests.
 5. Facilitate communication within neighborhoods and between neighborhoods and the City.
 6. Allow neighborhoods to participate in City decisions affecting neighborhoods.
 7. Help the City identify neighborhood problems and needs; and to provide a process for neighborhoods and the City to respond to such problems and needs.
 8. Provide a mechanism to facilitate two-way communication between residents and City government.
 9. Encourage residents and property owners to undertake action programs to improve the physical and social environment of their neighborhoods.
 10. Serve as an advocate of the interests of a neighborhood before any agency, public or private, or before any group or individual requesting the view of that neighborhood.
- C. All neighborhood council meetings shall be for the purpose of conducting the business of the neighborhood. Examples of neighborhood business are election meetings, general meetings and neighborhood clean-up events.

ARTICLE II

CITY INFORMATION AND SUPPORT OF NEIGHBORHOOD COUNCILS

- A. Each Neighborhood Council adopting these Bylaws acknowledges that the City Council defines neighborhoods for purposes of the Program. The City Council may define neighborhoods, as they are identified in the City's 2030 General Plan or otherwise.

- B. A neighborhood, as defined by the City Council for purposes of the Program, may form a Neighborhood Council and participate in the Program and in the Inter-Neighborhood Council Forum (INCF) if the City Council certifies that within one hundred and twenty (120) days before such certification at least eleven (11) persons eighteen (18) years of age or older who reside in the neighborhood, attended the formation meeting, that a majority of those persons approved these Bylaws, and that an Interim Executive Board of at least three (3) persons has been selected for the proposed Neighborhood Council.
- C. The persons constituting the Interim Executive Board shall meet the qualifications for Executive Board members set out in these Bylaws. Such persons may volunteer or, on request of any person present at the meeting at which the Interim Executive Board is selected, shall be selected by written ballot. Within one year after City Council certification, the Neighborhood Council shall conduct a regular election of Executive Board members as set out in these Bylaws.

ARTICLE III

POWERS OF NEIGHBORHOOD COUNCILS

- A. A Neighborhood Council may only conduct official business at General Membership meetings and Executive Board meetings called and conducted in accordance with these Bylaws.
- B. A Neighborhood Council may address the needs of the neighborhood by any lawful means.
- C. A Neighborhood Council may raise funds to support its activities.
- D. A Neighborhood Council may initiate direct action programs, working alone, or in cooperation with private or public agencies, to respond to the needs of that neighborhood.
- E. A Neighborhood Council may submit recommendations to the City Council and City staff concerning matters of interest to the neighborhood.
 - 1. Recommendations adopted by majority vote of the General Membership shall be submitted in writing or presented verbally by the Chair or another member of the Executive Board designated by the Chair.
 - 2. Recommendations submitted in writing to City staff shall be directed to City staff assigned to the Program with a copy to the City Manager.
 - 3. Recommendations submitted in writing to other agencies shall include submitting a copy of each recommendation to City staff assigned to the Program.
 - 4. Recommendations of the Executive Board, which require transmittal to the City before a General Membership meeting is held, may be submitted as provided in subsection E (1) of this article, accompanied by the written or verbal statement that such recommendations were approved by the Executive Board, but have not been acted on by the General Membership.
 - 5. Any person who submits a recommendation to the City or another organization/person without the approval of the Executive Board or General Membership shall state that the recommendation is made on behalf of that individual, and not on behalf of the Neighborhood Council.

ARTICLE IV
ORGANIZATION OF NEIGHBORHOOD COUNCILS

A. General Membership

1. For purposes of determining the vote of the General Membership, the General Membership consists of all persons eighteen (18) years of age or older who reside in the neighborhood and who are present at the General Membership meeting when the vote is taken.
2. Only a general member who is present at a General Membership meeting may vote at the meeting.
3. Membership in a neighborhood council shall be open to all residents located within the boundaries of that neighborhood council, as defined by The City of Oxnard. Only those who reside in a neighborhood are eligible for election to a neighborhood council executive board. Business owners and property owners that do not actually reside in a neighborhood cannot be elected to a neighborhood council executive board, nor can they vote at neighborhood council meetings.

B. Executive Board

1. The Executive Board consists of the positions of Chair, Vice-Chair, Secretary and/or Treasurer, and may include from one to three Members-at-Large. As so constituted, the Executive Board shall consist of at least three (3), but not more than seven (7) members.
2. Each member of the Executive Board shall reside in the neighborhood.
3. No member of the Executive Board may hold an elected office with any public agency.
4. Each member of the Executive Board who is present at a meeting of the General Membership or the Executive Board may vote.

C. Election of Executive Board

1. Each year City staff assigned to the Program shall prepare a written notice for each Neighborhood Council announcing that neighborhood's annual election. Such neighborhood shall advise City staff of the date, time and location of the meeting.
2. At least three (3) days, but not more than thirty (30) working days, before the annual election meeting, such notice will be distributed, as determined by the current Executive Board, by leaving a copy of the notice at each residence in the neighborhood.
3. Failure of any person to receive notice shall not be grounds to cancel the annual election meeting or invalidate any vote taken at such meeting.
4. At the annual election meeting, general members and Executive Board members may nominate persons for a specific office who are eligible to hold such office and who are present at the meeting or who have notified an Executive Board member they will accept nomination. Executive Board members shall be elected by majority vote of those eligible to vote.

5. The current Neighborhood Council Secretary shall prepare and submit to City staff assigned to the Program the minutes of the annual election meeting, which shall include election results and the meeting sign-in sheet. If the election of the Executive Board is not completed at the annual election meeting, the Neighborhood Council shall hold such additional General Membership meetings as are necessary to complete the election, within sixty (60) working days of the date of the failed annual election meeting. The new Executive Board shall take office when a quorum has been met.
6. The Secretary, or the Treasurer if no Secretary was elected, shall make a list of each person attending the annual election meeting who is eligible to vote. At the discretion of the general members present, votes may be taken by group voice vote, individual voice vote or written ballot. Absentee or proxy voting shall not be permitted.
7. The name, address, telephone number, e-mail address and position of those elected must be submitted to the INCF Executive Secretary within ten (10) working days after the election. A copy of the sign-in sheet from the annual election meeting shall be included.
8. All correspondence for distribution to neighborhood residents purporting to be from the neighborhood council under the auspice of Neighborhood Council business shall be approved by Neighborhood Services staff and/or the INCF Executive Board prior to being distributed.

D. Term of Office

Each member of the Executive Board shall serve until a new Executive Board takes office, as provided in Article V, Section B. The term shall be for one year, or until a successor is elected as provided in Article V, Section B. An Executive Board member elected to fill a position that was vacated after the annual election meeting shall serve the remainder of the term.

E. Duties

1. *The duties of the Chair are to:*
 - a. *Preside over all regular and special meetings of the General Membership and of the Executive Board.*
 - b. *Appoint all committees with the approval of a majority of the Executive Board.*
 - c. *Dissolve any committee with the approval of a majority of the Executive Board.*
 - d. *Be an ex-officio member of all standing committees.*
 - e. *Respond to questions concerning procedures and business of the Neighborhood Council.*
 - f. *Perform other acts not in conflict with these Bylaws.*
 - g. Attend INCF General Membership meetings as a voting member.
2. The duties of the Vice Chair are to:
 - a. Perform the duties of the Chair in his or her absence.

- b. Promote participation in the Neighborhood Council.
3. The duties of the Secretary are to:
- a. Prepare and distribute an agenda for each meeting of the General Membership and of the Executive Board.
 - b. Keep minutes of all meetings of the General Membership and of the Executive Board, including whether a quorum is present and if so, the names of the persons constituting the quorum.
 - c. Record motions made and whether the motions passed or failed.
 - d. Note in the minutes any action taken on items on or not on the agenda.
 - e. Carry on the official correspondence of the Neighborhood Council, and to note in the minutes any correspondence received.
 - f. Sign all minutes after approval by the General Membership or the Executive Board.
 - g. Perform the duties of the Treasurer, if none is elected.
4. The duties of the Treasurer are to:
- a. Account for and secure any funds.
 - b. Spend such funds only as authorized by majority vote of the General Membership or the Executive Board.
 - c. Prepare and present a statement of the finances to the Executive Board or to the General Membership at each meeting.
 - d. Perform the duties of the Secretary if none is elected.
5. The duties of Members-at-large are to undertake special projects as directed by the Executive Board.
6. The duties of the Executive Board are to:
- a. Plan and direct the work of the Neighborhood Council.
 - b. Represent the Neighborhood Council before any group or individual, subject to the direction and review of the General Membership.
7. Neighborhood Council chairs and board members must promote unbiased good will and cooperation in their respective neighborhood. Board members shall not use their positions to promote or further their personal agendas.

F. Committees

1. *The Chair, with the approval of a majority of the Executive Board, may appoint standing or ad hoc committees to consider matters likely to be of interest to the Neighborhood Council.*
2. Committees shall present their findings and recommendations to the General Membership and/or the Executive Board at each meeting.
3. No committee or member thereof shall purport to represent the Neighborhood Council or present any findings or recommendations of the committee to any entity, except as directed by the General Membership.
4. The majority of the committee shall decide whether meetings of standing or ad hoc committees shall be open to the public.
5. ~~At the annual election meeting, all committees whether standing or ad hoc, are deemed dissolved.~~

ARTICLE V**GENERAL MEMBERSHIP MEETINGS**

- A. A Neighborhood Council shall hold at least two (2) General Membership meetings each calendar year; including one meeting designated as the annual election meeting.
- B. Each January, City staff assigned to the Program shall prepare and distribute to each Neighborhood Council a schedule of dates for the annual election meeting of each Neighborhood Council. At the annual election meeting, the Neighborhood Council shall elect a new Executive Board, which shall take office at the end of the meeting; the current Executive Board shall report on its year's activities; and the current Treasurer shall prepare a Treasurer's report.
- C. Notices of the meetings shall be distributed throughout the neighborhood by leaving a copy of the notice at each residence. Failure of any person to receive notice shall not be grounds to cancel the meetings or invalidate any vote taken at the meetings. At such meetings, in addition to any other business, the General Members by majority vote may fill vacancies in Executive Board positions.
- D. On written request submitted to the Chair and signed by at least eleven (11) General Members or Executive Board members of the Neighborhood Council, the Chair shall call and give notice of a General Membership meeting and hold such meeting within thirty (30) calendar days of receipt of such written request.
- E. A quorum for a General Membership meeting shall be eleven (11) members of the Neighborhood Council.
- F. The General Membership may by majority vote place an item on the agenda of a General Membership meeting.
- G. To ensure that a quorum of a neighborhood council is present at a neighborhood council meeting, a sign-in sheet will be provided to attendees and submitted to the executive secretary of Neighborhood Services within 30 days of said meeting. Sign in sheets shall include the names, addresses and phone numbers of all attendees. Persons that refuse to sign in will not be counted as having attended the meeting.

ARTICLE VI

EXECUTIVE BOARD MEETINGS

- A. Meetings of the Executive Board shall be scheduled at the request of the Chair or of a majority of the Executive Board. Failure of any Executive Board member to receive notice shall not be grounds to cancel the meeting or invalidate any vote taken at the meeting.
- B. A quorum for an Executive Board meeting shall be a majority of the Executive Board members.
- C. All Executive Board meetings shall be open to all residents of that neighborhood.
- D. Any three (3) General Members of the neighborhood may submit a written request for a meeting with the Executive Board of the neighborhood.

ARTICLE VII

RULES OF PROCEDURE

- A. **Open Meetings**
All meetings of the General Membership shall be open to the public. No such meeting is subject to Government Code section 54950 et seq. (the Ralph M. Brown Act).
- B. **Records Available for Inspection**
All minutes of General Membership and Executive Board meetings and all financial records of the Neighborhood Council shall be made available for inspection within seven (7) working days after receipt of a written request from any General Member of the neighborhood.
- C. **Orderly Conduct at Meetings**
Persons attending General Membership meetings and Executive Board meetings shall not disrupt the orderly conduct of the meetings. The Chair shall direct persons to refrain from disrupting, delaying, preventing or disturbing the meeting and from addressing anyone other than the Chair. By majority vote of the General Membership present at a General Membership meeting or the Executive Board present at an Executive Board meeting, persons failing to comply with such direction shall be required to leave the meeting.
- D. **Removal of Executive Board Members**
 - 1. Any General member may submit a petition signed by twenty five (25) General Members of that neighborhood to the Secretary, or the Secretary/Treasurer, directing the Secretary or Secretary/Treasurer to place on the agenda of a General Membership meeting the issue of a recall of a member of the Executive Board. In such event the General Membership meeting must be held within sixty (60) calendar days of the date the Secretary or Secretary/Treasurer receives the petition.
 - 2. At the General Membership meeting held pursuant to Section 1 above, a motion may be made for recall of any member of the Executive Board. If a majority votes in favor of the request, the recall shall be placed on an agenda within sixty (60) calendar days.

3. At the meeting, proponents of the recall may address the General Membership concerning the reasons to vote for the recall. Opponents of the recall may then address the General Membership concerning the reasons not to vote for the recall. The Chair shall allow each person no more than five minutes to address the issue of recall. Rebuttals shall be allowed by majority vote of the General Membership.
4. A vote shall then be taken. The Board Member subject to the recall shall not be entitled to vote. If a two third (2/3) majority of those present vote for recall, such Executive Board member(s) shall be deemed recalled. If a quorum is not present at the scheduled meeting, the matter shall be continued as necessary until it is heard at a duly noticed meeting with a quorum present.
5. The vacated position shall be filled by majority vote of the General Membership at the recall election meeting. The recalled person(s) may not be elected to that position for one (1) year.

E. Interpretation of Bylaws

1. The Chair, directed by majority vote of the General Membership, shall make a written request of the INCF to interpret any portion of these Bylaws that is unclear or ambiguous. The request shall identify the portion in question, and describe the different interpretations.
2. The General Membership may, by majority vote, appeal the interpretation of the INCF to the City Council. The appeal shall be in writing, directed to the City Clerk, and shall state the reason for the General Membership's disagreement with the interpretation of the INCF. Copies of the request from the Neighborhood Council to the INCF and the INCF's response shall be attached to the appeal.

F. Amendment of Bylaws

1. By majority vote of the General Membership, a Neighborhood Council may request that the INCF recommend the City Council amend these Bylaws. The request shall be in writing, directed to the INCF Executive Secretary, and shall identify the portion of the Bylaws to be amended, describe the reason for the amendment, and attach the proposed wording of the amendment.
2. The INCF Executive Secretary shall place the amendment request on the agenda of an INCF General Membership meeting to be held within sixty (60) calendar days of the date received.
3. If a majority of the INCF General Membership votes in favor of the request, the INCF Executive Secretary shall forward the request to the City Council with a letter stating that a majority of the INCF General Membership recommends the City Council grant the request.
4. The City Council shall decide to approve or disapprove the amended Bylaws.

G. Adoption of Additional Policies and Procedures

These Bylaws are intended only to provide a structure for the Program, not to provide detailed rules of procedure for the conduct of meetings or other business of Neighborhood Councils. Neighborhood councils are authorized and encouraged to adopt, by majority vote of the General Members, additional written policies and procedures that are consistent with these Bylaws. The General Membership by majority vote may interpret and amend policies and procedures so adopted.

ARTICLE VIII
INTER-NEIGHBORHOOD COUNCIL FORUM

- A. All Neighborhood Councils are encouraged to seek assistance from the INCF and to attend and participate in INCF meetings.
- B. The General Members of the INCF are the Chairs of all the Neighborhood Councils or their designees, as set out in the INCF Bylaws. Each General Member may vote at INCF meetings, as set out in the INCF Bylaws.

ARTICLE IX
CITY SUPPORT

- A. Consistent with the stated purposes of the Program and recognizing the special insight, which its participants can provide, the City Council agrees to solicit and consider carefully information and recommendations from each Neighborhood Council regarding matters affecting the neighborhood.
- B. Staff members of City departments will furnish information and assistance to the Program upon written request of any Neighborhood Council within ten (10) working days.
- C. City staff will provide, supporting staff services, including, but not limited to, staff services and advice as may be required to establish and maintain an active meaningful Program.
- D. In adopting the City's annual operating budget in future years, the City Council shall appropriate funds to the Program sufficient to meet reasonable expenses for paper, duplicating and postage.

ARTICLE X
DEEMING NEIGHBORHOOD COUNCIL INACTIVE

- A. The Executive Board of the INCF shall deem a Neighborhood Council to be inactive after finding either that such Neighborhood Council's annual election was not conducted and completed in accordance with these Bylaws or that such Neighborhood Council did not conduct at least two (2) General Membership meetings in a calendar year.
- B. An inactive Neighborhood Council may not participate in the Program or receive funding or staff support from the City.
- C. The Chair of an inactive Neighborhood Council is not a member of the INCF.
- D. Persons who reside in or own property in a neighborhood with an inactive Neighborhood Council are welcome and encouraged to attend INCF General Membership meetings, but shall not vote at the meetings.
- E. Persons who reside in or own property in a neighborhood with an inactive Neighborhood Council are encouraged to bring to the INCF any matters they would like to be addressed concerning their neighborhood.

- F.** City staff assigned to the Program shall be custodian of all funds for an inactive Neighborhood Council until reactivated.
- G.** An inactive Neighborhood Council may be reactivated and restored to participation in the Program by the procedure set out in Article II, Section B of these Bylaws.

- End -



**INTER-NEIGHBORHOOD COUNCIL FORUM (INCF)
BYLAWS**

**INTER-NEIGHBORHOOD COUNCIL FORUM (INCF)
BYLAWS**

ARTICLE I

NEIGHBORHOOD COUNCIL PROGRAM

The City Council of the City of Oxnard (the City) established the Neighborhood Council Program (the Program), which is conducted by Neighborhood Councils for individual neighborhoods in the City and by the Inter-Neighborhood Council Forum of the City of Oxnard (the INCF).

ARTICLE II

PURPOSES OF THE INCF

- A. Serve as a forum for the exchange of information and experience among participants in the Program.
- B. Encourage the formation and maintenance of Neighborhood Councils.
- C. Foster cooperation and good will within neighborhoods.
- D. Assist Neighborhood Councils to achieve their objectives.
- E. Assist Neighborhood Councils to communicate with the City Council and staff.
- F. Maintain and develop the Program.

ARTICLE III

POWERS OF THE INCF

- A. The INCF shall advise the City Council, its various appointed bodies and City staff on any citywide matter which is of interest and concern to Neighborhood Councils.
- B. The INCF shall conduct official business only at meetings called and conducted in accordance with these Bylaws.
- C. The INCF may raise funds to support its activities.
- D. The INCF shall interpret the Neighborhood Council Bylaws as provided by these Bylaws.
- E. The INCF shall deem a Neighborhood Council inactive as provided in these Bylaws.
- F. The INCF shall submit recommendations to the City Council and City staff concerning matters of interest to the INCF or Neighborhood Councils.
 - 1. Recommendations adopted by majority vote of the General Membership shall be submitted in writing or presented verbally by the Chair or another member of the Executive Board designated by the Chair.

Recommendations submitted in writing shall be directed to City staff assigned to the Program with a copy to the City Manager.

2. Recommendations adopted by majority vote of the Executive Board, which require transmittal before a General Membership meeting can be held, may be submitted as provided in Subsection F (1) of this article, accompanied by the written or verbal statement that although such recommendations were approved by the Executive Board, they have not yet been acted on by the General Membership.
3. A recommendation that has not been approved by the General Membership, or the Executive Board, ~~shall accompany such recommendation with the statement that the recommendation is made in such member's individual capacity and not on behalf of the INCF.~~

- G.** The INCF may assist in direct action programs, working alone or in cooperation with private or public agencies, to respond to the needs of the City.

ARTICLE IV

ORGANIZATION OF THE INCF

A. GENERAL MEMBERSHIP

1. The General Membership of the INCF consists of the Chair of each active Neighborhood Council.
2. If a Neighborhood Council Chair is absent from an INCF meeting, the Vice-Chair may act for the Chair.
3. If both the Chair and Vice-Chair are absent, another member of the Executive Board or a general member of that Neighborhood Council, designated by the Neighborhood Council Chair, may act for the Chair if, before the meeting begins, the INCF Chair or Executive Secretary is notified verbally or in writing.
4. Only a General Member who is present at a General Membership meeting may vote.
5. General Members or Executive Board Members of Neighborhood Councils not designated in Subdivision (3) of this Section A may attend meetings of the INCF General Membership and may participate as members of the public, but are not General Members or Executive Board Members of the INCF and may not make motions or vote.

B. EXECUTIVE BOARD

1. The Executive Board consists of the positions of Chair, First Vice-Chair, Second Vice Chair, Third Vice-Chair and Fourth Vice-Chair. The Executive Secretary shall be a City employee designated by the City Manager. The Executive Secretary is not a member of the Executive Board or the General Membership and may not vote.
2. Each member of the Executive Board shall also be the Chair of a Neighborhood Council; provided, however, that a member of the Executive Board whose term as Neighborhood Council Chair expires during his or her term as a member of the INCF Executive Board may complete his or her term as a member of the INCF Executive Board.
3. If a member of the Executive Board resigns his ~~or~~ her position as a Neighborhood Council Chair, such resignation constitutes an immediate resignation from the INCF Executive Board.

4. No more than one member of the Executive Board of the same Neighborhood Council (or person who was a member of the Neighborhood Council Executive Board when elected to the INCF Executive Board) may serve on the INCF Executive Board at the same time.
5. Only a member of the Executive Board present at a meeting of the Executive Board may vote on Executive Board issues.

C. ELECTION OF THE EXECUTIVE BOARD

1. The Executive Board shall be elected at the annual election meeting of the General Membership of the INCF, which shall be held in November.
2. At the next to last General Membership meeting, which will ordinarily be in September, before the annual election meeting, the business conducted shall include calling for volunteers to serve on the Nominating Committee, appointment of the Nominating Committee by majority vote of the General Membership and announcement that at the next meeting the Nominating Committee will make nominations for the annual election of the Executive Board.
3. At the last General Membership meeting, before the annual election meeting, which will ordinarily be in October, the business conducted shall include nominations by the Nominating Committee and the consideration of additional nominations from the floor. Nominations will be accepted only of persons who are eligible to hold the office and who are present at the meeting or have notified a member of the Executive Board, or the Executive Secretary, that they will accept nomination.
4. The Executive Secretary shall prepare a notice of the annual election meeting including a statement that Executive Board members will be elected at that meeting. The Executive Secretary shall mail or e-mail this notice in sufficient time that the General Membership receives it at least seven (7) working days prior to said meeting. Failure of any person to receive notice shall not be grounds to cancel the meeting or to invalidate any vote taken at the annual election meeting.
5. At the annual election meeting in November, additional nominations from the floor may be taken. Before the vote is taken, each nominee may make a brief statement concerning his or her candidacy. Each member of the Executive Board shall be elected by majority vote of the General Members attending the meeting.
6. At the annual election meeting, the Executive Secretary shall have prepared a written ballot containing the names of the candidates for office, leaving spaces available for candidates nominated from the floor.
7. The Executive Secretary shall make certain that each person given a ballot is the authorized representative of the Neighborhood Council. If a person other than the Neighborhood Chair is representing a Neighborhood Council, that person shall present the Executive Secretary with a written, signed and dated letter from the Neighborhood Council Chair prior to the meeting being called to order.
8. Each Neighborhood Council Chair, or authorized representative, shall be handed a ballot by the Executive Secretary. The ballots will be marked and returned to the Executive Secretary.
9. The Executive Secretary and at least one other person shall, in open session, open and tally the ballots calling out the name of the person the vote is cast for and the name of the person voting.

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Bylaws Committee

INCF DRAFT 4

4/30/12

Page 4 of 11

~~9. The ballots shall be retained with the official public records of and announce the results.~~

~~10. In the event of a tie between two candidates for one seat, the INCF Executive Secretary shall first recount the votes. If the result remains the same, additional votes will be taken until a candidate is elected.~~

~~11. Any general member of the INCF may challenge the vote tally by submitting a written request to the INCF Executive Secretary to review the ballots before the election meeting is adjourned.~~

~~9.12 The ballots shall be retained in accordance with the retention schedule adopted by the City for similar documents and be made available to any person wishing to review them, in accordance with the Public Records Act.~~

~~10.13 Absentee or proxy voting shall not be permitted.~~

~~11.14. Elected Executive Board members shall take office at the first meeting held after the beginning of the calendar year and shall continue in office until a new Executive Board takes office at the first meeting held after the beginning of the next calendar year.~~

D. TERM OF OFFICE AND RESIGNATIONS

1. Each member of the Executive Board shall serve until a successor is elected; provided, however, that resignations shall take effect earlier if the notice of resignation so states. The term of office shall be one year. If a successor is not elected at the annual election meeting, the term shall continue until a successor is elected. If the member of the Executive Board was elected to fill a position that was vacated after the annual election meeting, the term shall continue until a successor is elected at the next annual election meeting.

2. A member of the Executive Board may resign at any time by notifying the INCF Chair in writing, specifying the effective date of the resignation. Resignation from the Executive Board automatically includes resignation from all appointed positions in the INCF. ~~Vacancies created by~~

~~2.3. In the event of the resignation of Executive Board members the Chair, the position shall be filled in accordance with Article V, Section IV, E.2a and Article V. C of the INCF Bylaws.~~

E. DUTIES

1. The duties of the Chair are to:

- a. Preside over all regular and special meetings of the General Membership and of the Executive Board.
- b. Be an ex-officio member of all standing committees.
- c. Represent the INCF before other agencies and organizations as directed by the General Membership or the Executive Board by motion and vote.

2. The duties of the First Vice-Chair are to:

- a. Perform the duties of the Chair in his or her absence or resignation until an election is held pursuant to the provisions of Article V. C.
- b. Account for and keep safe any and all funds of the INCF.

Attachment 3

Page 4 of 11

- c. Spend such funds only as authorized by majority vote of the General Membership.
 - d. Prepare and present a statement of finances to the General Membership at the first meeting of each calendar year.
 - e. Prepare and present a statement of finances to the Executive Board, or to the General Membership, as directed by a majority of the Executive Board or the General Membership.
- 3. The duties of the Second Vice-Chair are to:**
- b. Perform the duties of the Chair in the absence of the Chair and First Vice-Chair.
 - c. Perform the duties of the First Vice-Chair in his or her absence.
-
- 4. The duties of the Third Vice-Chair are to:**
- a. Perform the duties of the Chair in the absence of the Chair, First Vice-Chair and Second Vice-Chair.
 - b. Perform the duties of the First Vice-Chair in the absence of the First Vice-Chair and Second Vice-Chair.
 - c. Perform the duties of the Second Vice-Chair in his or her absence.
- 5. The duties of the Fourth Vice-Chair are to:**
- a. Perform the duties of the Chair in the absence of the Chair, First Vice-Chair, Second Vice Chair and Third Vice-Chair.
 - b. Perform the duties of the First Vice-Chair in the absence of the First Vice-Chair, Second Vice-Chair and Third Vice-Chair.
 - c. Perform the duties of the Third Vice-Chair in the absence of the Third Vice-Chair.
- 6. The duties of the Executive Secretary are to:**
- a. Carry on the official correspondence of the INCF.
 - b. Prepare and e-mail and/or mail notices of INCF meetings as provided in these Bylaws.
 - c. Prepare and distribute an agenda for each meeting of the General Membership and Executive Board.
 - d. Keep minutes of all meetings of the General Membership and Executive Board.
 - e. Sign the minutes after approved by the General Membership or Executive Board.
- 7. The duties of the Executive Board are to:**
- a. Plan and direct the work of the INCF.
 - b. Prepare an agenda for each General Membership and Executive Board meeting.
 - c. Represent the INCF before other agencies, organizations, groups or individuals, subject to the direction and review of the General Membership.
 - d. Deem a Neighborhood Council inactive, as provided in Article VIII.

F. COMMITTEES

1. The Executive Board, with the approval of a majority of the General Membership, may appoint standing committees to consider matters likely to be of long term interest to the INCF. The Executive Board, with approval of a majority of the General Membership, may appoint ad hoc committees (other than the Nominating Committee) to consider matters likely to be of short-term interest. The Executive Board, with the approval of a majority of the General Membership, shall dissolve committees that have accomplished their purpose or are no longer desired.
2. Standing and ad hoc committees shall be comprised of three (3) or five (5) members. The committee members shall choose a Chair. When requested, the committee Chair shall advise the Executive Board of activities.
3. Each committee shall present its findings and recommendations to the Executive Board for review. At least once a year, each committee shall present its findings and recommendations, as reviewed and approved by the Executive Board, to the General Membership, which may vote to take action on the recommendations. No committee member shall purport to represent the INCF or present any findings or recommendations of the committee, except as directed by these Bylaws or the General Membership.

ARTICLE V

GENERAL MEMBERSHIP MEETINGS

- A. The INCF shall hold at least four (4) General Membership meetings each calendar year, including one meeting designated the annual election meeting, which shall be held in November. The Executive Board may schedule additional General Membership meetings. In addition, the Chair shall schedule a General Membership meeting to be held no later ~~than~~ four (4) weeks after receiving a written request for the meeting signed by at least eleven (11) General Members.
- B. The Executive Secretary shall mail or e-mail written notice of a General Membership meeting to all General Members in sufficient time to be received at least seven (7) working days before such meeting. Failure of any General Member to receive such notice shall not be grounds to cancel the meeting or to invalidate any vote taken at the meeting.
- C. At any General Membership meeting the General Members, by majority vote, may fill vacancies in Executive Board positions from among General Members nominated from the floor and present at the meeting.
- D. A quorum for a General Membership meeting shall be eleven (11) General Members.
- E. No matter may be adopted or approved at a General Membership meeting unless approved by majority vote of those members present and eligible to vote.

- F. Any General Member may request an item be placed on the agenda for the following General Membership meeting by a majority vote of the General Membership.

ARTICLE VI SPECIAL/EMERGENCY MEETINGS

- A. Special meetings shall be held in accordance with California Government Code Section 54956 (Ralph M. Brown Act).
- B. Emergency meetings shall be held in accordance with California Government Code Section 54956.5 (Ralph M. Brown Act).

ARTICLE VII EXECUTIVE BOARD MEETINGS

- A. Meetings of the Executive Board shall be scheduled at the request of the Chair or a majority of the Executive Board. At least five (5) calendar days before scheduled Executive Board meetings, the Executive Secretary shall mail or e-mail written notice to all members. Failure of any member to receive notice shall not be grounds to cancel the meeting or invalidate any vote taken at the meeting.
- B. A quorum for an Executive Board meeting shall be three (3) Executive ~~Board~~ Board Members.
- C. Any Neighborhood Council Chair shall have an item placed on an INCF Executive Board agenda by making such request to the INCF Chair or Executive Secretary at least seven (7) calendar days prior to said meeting.

ARTICLE VIII RULES OF PROCEDURE

A. OPEN MEETINGS

1. All meetings of the General Membership, the Executive Board, standing and ad hoc committees shall be open to the public. Meetings of the General Membership, the Executive Board and standing committees shall be conducted in accordance with Government Code Section 54950 et seq. (the Ralph M. Brown Act).
2. The current revision of Robert's Rules of Order shall govern the conduct of meetings unless otherwise stated by these Bylaws.

B. RECORDS AVAILABLE FOR INSPECTION

All approved minutes of General Membership and Executive Board meetings and all financial records of the INCF shall be made available for inspection on request of any person.

C. ORDERLY CONDUCT AT MEETINGS

1. While a General Membership or Executive Board meeting is in session, members shall preserve order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor

disturb any other member or refuse to obey the orders of the presiding officer except as otherwise herein provided.

2. A member of the public shall not engage in conduct that disrupts, disturbs or impedes the orderly conduct of a General Membership meeting during any portion of such meeting, including during public comments or comments about items on the agenda. The prohibited

conduct may include making loud, threatening, abusive, personal, impertinent or profane remarks that disrupt, disturb or impede the meeting. At the discretion of the presiding officer, a person engaging in such conduct may be ordered to be silent, barred from further communication during that meeting, ejected from the meeting or arrested.

3. A designee of the Chief of Police shall be Ex-Officio Sergeant-At-Arms. The Sergeant-At-Arms shall follow instructions given by the Chair or by a majority of the General Members for the purpose of maintaining order and decorum during INCF meetings.

D. PRESIDING OFFICER

1. The presiding officer shall assume the Chair at the hour appointed for the General Membership meeting or Executive Board meeting and call the meeting to order.
2. The chair shall preserve order and decorum at all meetings, state the questions before the meeting and announce all decisions made.

E. ADDRESSING THE GENERAL MEMBERSHIP/EXECUTIVE BOARD

1. Any person wishing to address a meeting of the General Membership or the Executive Board shall first be recognized by the Chair. The Chair shall not refuse to recognize a person because the person wishes to make a point of order based on the Chair's breach of the Bylaws or other adopted rules of procedure.
2. On being recognized, the person shall audibly state his or her name and Neighborhood Council or other affiliation for the record; address all remarks to the Chair and confine his or her remarks to the matter under consideration. No other person shall enter into the discussion before he or she is recognized by the Chair. A speaker who has been recognized shall not be interrupted unless called to order by the Chair or by majority vote of the General Members present at a General Membership meeting or by a majority vote of the Executive Board members present at an Executive Board meeting. When a speaker is called to order, the speaker shall remain silent until the question of order is determined and shall resume speaking only if directed by the Chair or such majority to proceed.

F. ROLL CALL VOTE

1. On request of any General Member the Executive Secretary shall call the name of each General Member present and record each General Member's vote on any question.
2. Roll call vote shall not be used for elections of the Executive Board members.

G. MINUTES

1. The Executive Secretary shall prepare minutes of the General Membership meetings and Executive Board meetings. The minutes shall include:
 - a. Whether a quorum is present and the names of the persons constituting the quorum;
 - b. Votes cast in any matter;
 - c. Any action taken on items on the agenda;
 - d. The Neighborhood Council of any person addressing a meeting or submitting a written comment card:
 - (1) A description of the matter on which the person spoke or commented, and whether the person supported or opposed the matter;
 - (2) On the request of any General Member or Executive Board Member, made on the record at a meeting, their reasons for supporting, dissenting, or protesting any action taken at the meeting;
 - e. On request of a General Member or Executive Board Member, the Executive Secretary need not include in the minutes the remarks of any person.
2. ~~The Executive Secretary shall mail a copy of the minutes of a General Membership meeting to each Neighborhood Council Chair and a copy of the minutes of an Executive Board meeting to each member of the Executive Board and Neighborhood Council Chair within seven (7) working days of said meeting. These may be included in the weekly packet sent to each Neighborhood Council Chair.~~
3. ~~Unless an Executive Board member requests the reading of minutes at an Executive Board meeting, the minutes may be approved without reading, unless the Executive Secretary has not mailed a copy of the minutes to each Executive Board member.~~
3. Corrected minutes approved by the INCF General Membership/Executive Board shall be made available to the General Membership for review at the next scheduled INCF meeting.

H. REMOVAL OF EXECUTIVE BOARD MEMBERS

1. At any General Membership meeting under New Business, a General Member may make a motion to request that an election to recall a member of the Executive Board be scheduled for placed on the agenda at the next General Membership meeting. if a majority of the General Members vote in favor of the request, the Executive Secretary shall schedule the recall election. Said meeting shall be held within ~~thirty (30)~~sixty (60) working days.

2. At the meeting, proponents of the recall may address the General Membership concerning the reasons to vote for the recall. Opponents of the recall may then address the General Membership concerning the reasons not to vote for the recall. The Chair shall allow each person no more than five (5) minutes to address the issue. Rebuttals shall be allowed by majority vote of the General Membership.
3. The General Membership shall then vote on the recall.
4. If a majority of the General Members present vote in favor of the recall, that Executive Board member shall be deemed recalled. The position shall be filled by majority vote of the General Members from among those nominated from the floor; provided, however, that the person recalled may not be elected to that position for one year from the date of the recall.

I. INTERPRETATION OF BYLAWS

The Chair, with the approval of a majority of the Executive Board, shall interpret these Bylaws on request of a General Member. The General Membership may, by a two-thirds (2/3rds) vote, appeal the interpretation to the City Council. The appeal shall be in writing, directed to the City Clerk, and shall state the reason for the General Membership's disagreement with the interpretation.

J. AMENDMENT OF BYLAWS

1. By majority vote of the General Membership, these Bylaws may be amended.
2. The INCF Chair or Executive Secretary shall request the City Council to approve the amending of these Bylaws. The request shall be in writing, directed to the City Clerk, and shall identify the portion of the Bylaws to be amended and shall include the proposed wording.
3. The City Council shall decide whether the proposed amended Bylaws be approved.

K. ADOPTION OF ADDITIONAL POLICIES AND PROCEDURES

1. These Bylaws are intended only to provide a basic structure for the INCF, not to provide detailed rules of procedure for the conduct of meetings or other business of the INCF. The INCF is authorized and encouraged to adopt, by majority vote of the General Membership, additional written policies and procedures that are consistent with these Bylaws. The General Membership, by majority vote, may interpret and amend policies and procedures so adopted.
2. Any issue not addressed, or called into question in the Bylaws shall be governed by Robert's Rules of Order, Current Revision. These Bylaws shall take precedence over Robert's Rules of Order.

ARTICLE IX

DEEMING A NEIGHBORHOOD COUNCIL INACTIVE

- A. The Executive Board ~~shall~~may deem a Neighborhood Council inactive after finding either that said Council's annual election was not conducted and completed in

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Bylaws Committee

INCF DRAFT 4

4/30/12

Page 11 of 11

accordance with the Neighborhood Council Bylaws or that said Council did not conduct at least two (2) General Membership meetings in a calendar year.

- | B. Residents ~~or property owners~~ of an inactive Neighborhood Council are welcome and encouraged to attend INCF General Membership meetings, but those persons shall have no vote at the meetings.
- | C. Residents ~~or property owners~~ of an inactive Neighborhood Council are encouraged to bring to the INCF any matters they would like to be addressed concerning their neighborhood.
- | D. The INCF Executive Board shall encourage formation of an inactive Neighborhood Council and shall ~~schedule~~ participate in scheduling a meeting for said Neighborhood Council in order to activate said Neighborhood Council.

- END -



NEIGHBORHOOD COUNCIL
BYLAWS
NEIGHBORHOOD COUNCIL
BYLAWS

ARTICLE I

PURPOSES OF THE PROGRAM

- A. The City Council of the City of Oxnard (the City) established the Neighborhood Council Program (the Program) and approved these Bylaws for adoption by each of the Neighborhood Councils that participate in the Program.
- B. The purposes of the Program are to:
1. Encourage neighborhood residents and property owners to take action to improve their neighborhoods.
 2. Foster cooperation and goodwill within neighborhoods.
 3. Promote greater understanding of the needs and expectations of the City's neighborhoods and of the City's responsibilities.
 4. Provide a structure for advocacy of neighborhoods' interests.
 5. Facilitate communication within neighborhoods and between neighborhoods and the City.
 6. Allow neighborhoods to participate in City decisions affecting neighborhoods.
 7. Help the City identify neighborhood problems and needs; and to provide a process for neighborhoods and the City to respond to such problems and needs.
 8. Provide a mechanism to facilitate two-way communication between residents and City government.
 9. Encourage residents and property owners to undertake action programs to improve the physical and social environment of their neighborhoods.
 10. Serve as an advocate of the interests of a neighborhood before any agency, public or private, or before any group or individual requesting the view of that neighborhood.
- C. All neighborhood council meetings shall be for the purpose of conducting the business of the neighborhood. Examples of neighborhood business are election meetings, general meetings and neighborhood clean-up events.

ARTICLE II

CITY INFORMATION AND SUPPORT OF NEIGHBORHOOD COUNCILS

- A. Each Neighborhood Council adopting these Bylaws acknowledges that the City Council defines neighborhoods for purposes of the Program. The City Council may define neighborhoods, as they are identified in the City's 2020 City's 2030 General Plan or otherwise.
- B. A neighborhood, as defined by the City Council for purposes of the Program, may form a Neighborhood Council and participate in the Program and in the Inter-Neighborhood Council Forum (INCF) if the City Council certifies that within ~~forty-five (45)~~ one hundred and twenty (120) days before such certification at least eleven (11) persons eighteen (18) years of age or older who reside or own real property in the neighborhood, attended the formation meeting, that a majority of those persons approved these Bylaws, and that an Interim Executive Board of at least three (3) persons has been selected for the proposed Neighborhood Council.
- C. The persons constituting the Interim Executive Board shall meet the qualifications for Executive Board members set out in these Bylaws. Such persons may volunteer or, on request of any person present at the meeting at which the Interim Executive Board is selected, shall be selected by written ballot. Within one year after City Council certification, the Neighborhood Council shall conduct a regular election of Executive Board members as set out in these Bylaws.

ARTICLE III
POWERS OF NEIGHBORHOOD COUNCILS

- A. A Neighborhood Council may only conduct official business at General Membership meetings and Executive Board meetings called and conducted in accordance with these Bylaws.
- B. A Neighborhood Council may address the needs of the neighborhood by any lawful means.
- C. A Neighborhood Council may raise funds to support its activities.
- D. A Neighborhood Council may initiate direct action programs, working alone, or in cooperation with private or public agencies, to respond to the needs of that neighborhood.
- E. A Neighborhood Council may submit recommendations to the City Council and City staff concerning matters of interest to the neighborhood.
 - 1. Recommendations adopted by majority vote of the General Membership shall be submitted in writing or presented verbally by the Chair or another member of the Executive Board designated by the Chair.
 - 2. Recommendations submitted in writing to City staff shall be directed to City staff assigned to the Program with a copy to the City Manager.
 - 3. Recommendations submitted in writing to other agencies shall include submitting a copy of each recommendation to City staff assigned to the Program.
 - 4. Recommendations of the Executive Board, which require transmittal to the City before a General Membership meeting is held, may be submitted as provided in subsection E (1) of this article, accompanied by the written or verbal statement that such recommendations were approved by the Executive Board, but have not been acted on by the General Membership.

5. Any person who submits a recommendation to the City or another organization/person without the approval of the Executive Board or General Membership shall state that the recommendation is made on behalf of that individual, and not on behalf of the Neighborhood Council.

ARTICLE IV ORGANIZATION OF NEIGHBORHOOD COUNCILS

A. General Membership

1. For purposes of determining the vote of the General Membership, the General Membership consists of all persons eighteen (18) years of age or older who reside or own real property in the neighborhood and who are present at the General Membership meeting when the vote is taken.
2. Only a general member who is present at a General Membership meeting may vote at the meeting.
- ~~3. Persons who conduct or are employed by businesses located within the neighborhood, but do not reside or own real property in the neighborhood, are not general members and may not vote. However, such persons may attend meetings of the General Membership and participate in discussions as members of the public.~~
3. Membership in a neighborhood council shall be open to all residents located within the boundaries of that neighborhood council, as defined by The City of Oxnard. Only those who reside in a neighborhood are eligible for election to a neighborhood council executive board. Business owners and property owners that do not actually reside in a neighborhood cannot be elected to a neighborhood council executive board, nor can they vote at neighborhood council meetings.

B. Executive Board

1. The Executive Board consists of the positions of Chair, Vice-Chair, Secretary and/or Treasurer, and may include from one to three Members-at-Large. As so constituted, the Executive Board shall consist of at least three (3), but not more than seven (7) members.
2. Each member of the Executive Board shall reside in the neighborhood, ~~provided, however, one Member-at-Large may be an owner of real property in the neighborhood who does not reside in the neighborhood.~~
3. No member of the Executive Board may hold an elected office with any public agency.
4. Each member of the Executive Board who is present at a meeting of the General Membership or the Executive Board may vote.

C. Election of Executive Board

1. Each year City staff assigned to the Program shall prepare a written notice for each Neighborhood Council announcing that neighborhood's annual election. Such neighborhood shall advise City staff of the date, time and location of the meeting.
2. At least three (3) days, but not more than thirty (30) working days, before the annual election meeting, such notice will be distributed, as determined by the current Executive Board, by leaving a copy of the notice at each residence in the neighborhood.

3. Failure of any person to receive notice shall not be grounds to cancel the annual election meeting or invalidate any vote taken at such meeting.
4. At the annual election meeting, general members and Executive Board members may nominate persons for a specific office who are eligible to hold such office and who are present at the meeting or who have notified an Executive Board member they will accept nomination. Executive Board members shall be elected by majority vote of those eligible to vote.
5. The current Neighborhood Council Secretary shall prepare and submit to City staff assigned to the Program the minutes of the annual election meeting, which shall include election results and the meeting sign-in sheet. If the election of the Executive Board is not completed at the annual election meeting, the Neighborhood Council shall hold such additional General Membership meetings as are necessary to complete the election, within sixty (60) working days of the date of the failed annual election meeting. The new Executive Board shall take office when all new members have a quorum has been elected met.
6. The Secretary, or the Treasurer if no Secretary was elected, shall make a list of each person attending the annual election meeting who is eligible to vote. At the discretion of the general members present, votes may be taken by group voice vote, individual voice vote or written ballot. Absentee or proxy voting shall not be permitted.
7. The name, address, telephone number, e-mail address and position of those elected must be submitted to the INCF Executive Secretary within ten (10) working days after the election. A copy of the sign-in sheet from the annual election meeting shall be included.
8. All correspondence for distribution to neighborhood residents purporting to be from the neighborhood council under the auspice of Neighborhood Council business shall be approved by Neighborhood Services staff and/or the INCF Executive Board prior to being distributed.

D. Term of Office

Each member of the Executive Board shall serve until a new Executive Board takes office, as provided in Article V, Section B. The term shall be for one year, unless or until a successor is not elected at the annual election meeting as provided in Article V, Section B. An Executive Board member elected to fill a position that was vacated after the annual election meeting shall serve the remainder of the term.

E. Duties

1. *The duties of the Chair are to:*
 - a. *Preside over all regular and special meetings of the General Membership and of the Executive Board.*
 - b. *Appoint all committees with the approval of a majority of the Executive Board.*
 - c. *Dissolve any committee with the approval of a majority of the Executive Board.*
 - d. *Be an ex-officio member of all standing committees.*
 - e. *Respond to questions concerning procedures and business of the Neighborhood Council.*
 - f. *Perform other acts not in conflict with these Bylaws.*
 - g. Attend INCF General Membership meetings as a voting member.
2. The duties of the Vice Chair are to:
 - a. Perform the duties of the Chair in his or her absence.

- b. Promote participation in the Neighborhood Council.
- 3. The duties of the Secretary are to:
 - a. Prepare and distribute an agenda for each meeting of the General Membership and of the Executive Board.
 - b. Keep minutes of all meetings of the General Membership and of the Executive Board, including whether a quorum is present and if so, the names of the persons constituting the quorum.
 - c. Record motions made and whether the motions passed or failed.
 - d. Note in the minutes any action taken on items on or not on the agenda.
 - e. Carry on the official correspondence of the Neighborhood Council, and to note in the minutes any correspondence received.
 - f. Sign all minutes after approval by the General Membership or the Executive Board.
 - g. Perform the duties of the Treasurer, if none is elected.
- 4. The duties of the Treasurer are to:
 - a. Account for and secure any funds.
 - b. Spend such funds only as authorized by majority vote of the General Membership or the Executive Board.
 - c. Prepare and present a statement of the finances to the Executive Board or to the General Membership at each meeting.
 - d. Perform the duties of the Secretary if none is elected.
- 5. The duties of Members-at-large are to undertake special projects as directed by the Executive Board.
- 6. The duties of the Executive Board are to:
 - a. Plan and direct the work of the Neighborhood Council.
 - b. Represent the Neighborhood Council before any group or individual, subject to the direction and review of the General Membership.
- 7. Neighborhood Council chairs and board members must promote unbiased good will and cooperation in their respective neighborhood. Board members shall not use their positions to promote or further their personal agendas.

F. Committees

- 1. *The Chair, with the approval of a majority of the Executive Board, may appoint standing or ad hoc committees to consider matters likely to be of interest to the Neighborhood Council.*
- 2. Committees shall present their findings and recommendations to the General Membership and/or the Executive Board at each meeting.
- 3. No committee or member thereof shall purport to represent the Neighborhood Council or present any findings or recommendations of the committee to any entity, except as directed by the General Membership.
- 4. The majority of the committee shall decide whether meetings of standing or ad hoc committees shall be open to the public.

5. At the annual election meeting, all committees whether standing or ad hoc, are deemed dissolved.

ARTICLE V

GENERAL MEMBERSHIP MEETINGS

- A. A Neighborhood Council shall hold at least two (2) General Membership meetings each calendar year; including one meeting designated as the annual election meeting.
- B. Each January, City staff assigned to the Program shall prepare and distribute to each Neighborhood Council a schedule of dates for the annual election meeting of each Neighborhood Council. At the annual election meeting, the Neighborhood Council shall elect a new Executive Board, which shall take office at the end of the meeting; the current Executive Board shall report on its year's activities; and the current Treasurer shall prepare a Treasurer's report.
- C. Notices of the meetings shall be distributed throughout the neighborhood by leaving a copy of the notice at each residence. Failure of any person to receive notice shall not be grounds to cancel the meetings or invalidate any vote taken at the meetings. At such meetings, in addition to any other business, the General Members by majority vote may fill vacancies in Executive Board positions.
- D. On written request submitted to the Chair and signed by at least eleven (11) General Members or Executive Board members of the Neighborhood Council, the Chair shall call and give notice of a General Membership meeting and hold such meeting within thirty (30) calendar days of receipt of such written request.
- E. A quorum for a General Membership meeting shall be eleven (11) members of the Neighborhood Council.
- F. The General Membership may by majority vote place an item on the agenda of a General Membership meeting.
- G. To ensure that a quorum of a neighborhood council is present at a neighborhood council meeting, a sign-in sheet will be provided to attendees and submitted to the executive secretary of Neighborhood Services within 30 days of said meeting. Sign in sheets shall include the names, addresses and phone numbers of all attendees. Persons that refuse to sign in will not be counted as having attended the meeting.

ARTICLE VI

EXECUTIVE BOARD MEETINGS

- A. Meetings of the Executive Board shall be scheduled at the request of the Chair or of a majority of the Executive Board. Failure of any Executive Board member to receive notice shall not be grounds to cancel the meeting or invalidate any vote taken at the meeting.
- B. A quorum for an Executive Board meeting shall be a majority of the Executive Board members.
- ~~B.C.~~ All Executive Board meetings shall be open to all residents of that neighborhood.
- ~~C.D.~~ Any three (3) General Members of the neighborhood may submit a written request for a meeting with the Executive Board of the neighborhood.

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ARTICLE VII
RULES OF PROCEDURE

A. Open Meetings

All meetings of the General Membership shall be open to the public. No such meeting is subject to Government Code section 54950 et seq. (the Ralph M. Brown Act).

B. Records Available for Inspection

All minutes of General Membership and Executive Board meetings and all financial records of the Neighborhood Council shall be made available for inspection within seven (7) working days after receipt of a written request from any General Member of the neighborhood.

C. Orderly Conduct At Meetings

Persons attending General Membership meetings and Executive Board meetings shall not disrupt the orderly conduct of the meetings. The Chair shall direct persons to refrain from disrupting, delaying, preventing or disturbing the meeting and from addressing anyone other than the Chair. By majority vote of the General Membership present at a General Membership meeting or the Executive Board present at an Executive Board meeting, persons failing to comply with such direction shall be required to leave the meeting.

D. Removal of Executive Board Members

1. Any General member may submit a petition signed by ~~eleven (11)~~ twenty five (25) General Members of that neighborhood ~~shall direct to the Secretary, or the Secretary/Treasurer, directing the Secretary or Secretary Treasurer to place on the agenda of a General Membership meeting the issue of a recall of a member of the Executive Board. This. In such event the General Membership meeting must be held within sixty (60) calendar days of the date the Secretary or Secretary/Treasurer receives the petition.~~
2. ~~At the General Membership meeting~~ meeting held pursuant to Section 1 above, a motion may be made for recall of any- member of the Executive Board. If a majority votes in favor of the request, the recall shall be placed on an agenda within ~~thirty (30)~~ sixty (60) calendar days.
3. At the meeting, proponents of the recall may address the General Membership concerning the reasons to vote for the recall. Opponents of the recall may then address the General Membership concerning the reasons not to vote for the recall. The Chair shall allow each person no more than five minutes to address the issue of recall. Rebuttals shall be allowed by majority vote of the General Membership.
4. A vote shall then be taken. The Board Member subject to the recall shall not be entitled to vote. If a two third (2/3) majority votes of those present vote for recall, such Executive Board member(s) shall be deemed recalled. If a quorum is not present at the scheduled meeting, the matter shall be continued as necessary until it is heard at a duly noticed meeting with a quorum present.
5. The vacated position shall be filled by majority vote of the General Membership at the recall election meeting. The recalled person(s) may not be elected to that position for one (1) year.

E. Interpretation of Bylaws

1. The Chair, directed by majority vote of the General Membership, shall make a written request of the INCF to interpret any portion of these Bylaws that is unclear or ambiguous. The request shall identify the portion in question, and describe the different interpretations.
2. The General Membership may, by majority vote, appeal the interpretation of the INCF to the City Council. The appeal shall be in writing, directed to the City Clerk, and shall state the reason for the General Membership's disagreement with the interpretation of the INCF. Copies of the request from the Neighborhood Council to the INCF and the INCF's response shall be attached to the appeal.

F. Amendment of Bylaws

1. By majority vote of the General Membership, a Neighborhood Council may request that the INCF recommend the City Council amend these Bylaws. The request shall be in writing, directed to the INCF Executive Secretary, and shall identify the portion of the Bylaws to be amended, describe the reason for the amendment, and attach the proposed wording of the amendment.
2. The INCF Executive Secretary shall place the amendment request on the agenda of an INCF General Membership meeting to be held within sixty (60) calendar days of the date received.
3. If a majority of the INCF General Membership votes in favor of the request, the INCF Executive Secretary shall forward the request to the City Council with a letter stating that a majority of the INCF General Membership recommends the City Council grant the request.
4. The City Council shall decide to approve or disapprove the amended Bylaws.

G. Adoption of Additional Policies and Procedures

These Bylaws are intended only to provide a structure for the Program, not to provide detailed rules of procedure for the conduct of meetings or other business of Neighborhood Councils. Neighborhood councils are authorized and encouraged to adopt, by majority vote of the General Members, additional written policies and procedures that are consistent with these Bylaws. The General Membership by majority vote may interpret and amend policies and procedures so adopted.

ARTICLE VIII

INTER-NEIGHBORHOOD COUNCIL FORUM

- A. All Neighborhood Councils are encouraged to seek assistance from the INCF and to attend and participate in INCF meetings.
- B. The General Members of the INCF are the Chairs of all the Neighborhood Councils or their designees, as set out in the INCF Bylaws. Each General Member may vote at INCF meetings, as set out in the INCF Bylaws.

ARTICLE IX

CITY SUPPORT

- A. Consistent with the stated purposes of the Program and recognizing the special insight, which its participants can provide, the City Council agrees to solicit and consider carefully information and recommendations from each Neighborhood Council regarding matters affecting the neighborhood.

- B. Staff members of City departments will furnish information and assistance to the Program upon written request of any Neighborhood Council within ten (10) working days.
- C. City staff will provide, supporting staff services, including, but not limited to, staff services and advice as may be required to establish and maintain an active meaningful Program.
- D. In adopting the City's annual operating budget in future years, the City Council shall appropriate funds to the Program sufficient to meet reasonable expenses for paper, duplicating and postage.

ARTICLE X

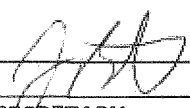
DEEMING NEIGHBORHOOD COUNCIL INACTIVE

- A. The Executive Board of the INCF shall deem a Neighborhood Council to be inactive after finding either that such Neighborhood Council's annual election was not conducted and completed in accordance with these Bylaws or that such Neighborhood Council did not conduct at least two (2) General Membership meetings in a calendar year.
- B. An inactive Neighborhood Council may not participate in the Program or receive funding or staff support from the City.
- C. The Chair of an inactive Neighborhood Council is not a member of the INCF.
- D. Persons who reside in or own property in a neighborhood with an inactive Neighborhood Council are welcome and encouraged to attend INCF General Membership meetings, but shall not vote at the meetings.
- E. Persons who reside in or own property in a neighborhood with an inactive Neighborhood Council are encouraged to bring to the INCF any matters they would like to be addressed concerning their neighborhood.
- F. City staff assigned to the Program shall be custodian of all funds for an inactive Neighborhood Council until reactivated.
- G. An inactive Neighborhood Council may be reactivated and restored to participation in the Program by the procedure set out in Article II, Section B of these Bylaws.

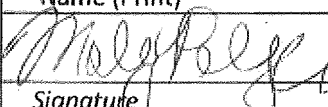
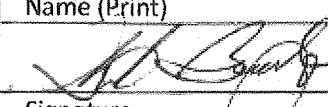
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PETITION TO ACTIVATE NEIGHBORHOOD COUNCIL

This petition to certify River Park Neighborhood is filed on behalf of the River Park Neighborhood within the City of Oxnard, in order to activate the River Park Neighborhood for purposes of participation in the City's Neighborhood Council Program and the Inter-Neighborhood Council Forum (INCF). The River Park Neighborhood is within the Del Norte, as shown on the 2030 General Plan (attached). The petition states that the neighborhood held a meeting on December 12, 2011. The boundaries of the River Park Neighborhood are as shown on Figure 3-4 of the 2030 General Plan (attached). The boundaries of the River Park Neighborhood are the Santa Clara River on the Northwest; Central Avenue on the Northeast, North Vineyard Avenue, Thames River Drive, Detroit Street to the Southeast and U.S. Route 101 to the Southwest. Submitted below is a list of interim volunteer neighborhood council officers. We request that the City Council certify the list of interim neighborhood council officers submitted, March 8, 2013.

INTERIM CHAIR			
Justin Glenn	Volunteer	3221 N. Ventura Road	603-3940
Name (Print)		Address	Phone number
Signature 			
INTERIM VICE-CHAIR			
Joe Buenostro	Volunteer	3138 Lisbon Lane	205-5550
Name (Print)		Address	Phone number
Signature 			
INTERIM SECRETARY			
Jennifer Romero	Volunteer	466 Garonne Street	
Name (Print)		Address	Phone number
Signature 			
INTERIM TREASURER			
Jennifer Romero	Volunteer	466 Garonne Street	290-5874
Name (Print)		Address	Phone number
Signature 			
MEMBER-AT-LARGE			
Kristin Halle	Volunteer	3043 Moss Landing	949-842-6560
Name (Print)		Address	Phone number
Signature 			

ATTACHMENT 5
PAGE 1 OF 2

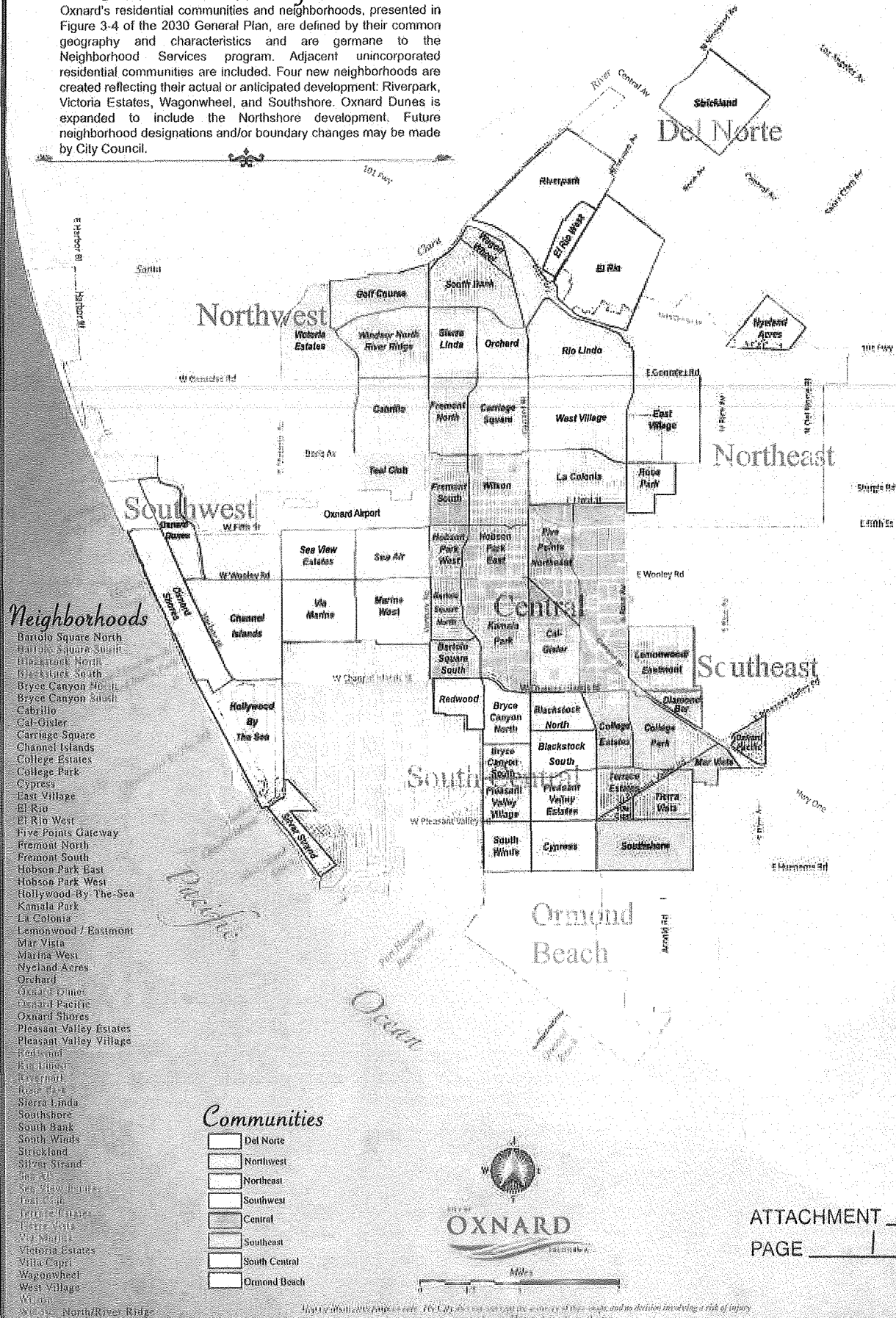
MEMBER-AT-LARGE			
Molly Pellegrino	Volunteer	3154 Moss Landing	619-838-3961
Name (Print)		Address	Phone number
			
<i>Signature</i>			
MEMBER-AT-LARGE			
Phil Bacalzo	Volunteer	768 Forest Park	218-4594
Name (Print)		Address	Phone number
			
<i>Signature</i>			

ATTACHMENT 5
PAGE 2 OF 2

City of Oxnard Neighborhoods Map

Communities & Neighborhoods

Oxnard's residential communities and neighborhoods, presented in Figure 3-4 of the 2030 General Plan, are defined by their common geography and characteristics and are germane to the Neighborhood Services program. Adjacent unincorporated residential communities are included. Four new neighborhoods are created reflecting their actual or anticipated development: Riverpark, Victoria Estates, Wagonwheel, and Southshore. Oxnard Dunes is expanded to include the Northshore development. Future neighborhood designations and/or boundary changes may be made by City Council.



Meeting Date: 4/9/2013

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

Prepared By: Cynthia Daniels *CD*Agenda Item No. *I-3*Reviewed By: City Manager *YBP*City Attorney *RA*Finance *HC*Other (Winegar) *RW***DATE:** March 26, 2013**TO:** City Council**FROM:** Cynthia Daniels, Project Manager
Development Services Department *Cynthia Daniels***SUBJECT:** Appropriate Funds for Electric Vehicle Charging Stations**RECOMMENDATION**

That City Council authorize the special budget appropriation recognizing a grant award of \$7,000 from the Ventura County Air Pollution Control District (APCD) and appropriate matching funds in the amount of \$13,000 from the Air Pollution Buy-Down Fund balance to the project "Electric Vehicle Chargers" for electric vehicle charging stations in public parking areas throughout the city.

DISCUSSION

Staff requests approval to establish a project for electric vehicle charging stations citywide on public property readily accessible to the public. The city received a grant from the APCD for \$7,000 to be used toward the installation of five electric vehicle charging stations (Agreement No. 6113-13-DS). APCD will reimburse the city up to \$7,000 if the installation is completed by November 13, 2013. The charging stations must operate for at least five years. The California Energy Commission (CEC) is supporting the spread of electric vehicle charging stations through its program, Reconnect California. ClipperCreek, Inc. received Reconnect California funding from the CEC and will provide five free charging stations to the city (Agreement No. 6123-13-DS). Three charging stations will be installed by their partner, EV Connect, at two locations: two chargers at the Oxnard Transit Center's E. Fifth Street parking lot at 255 E. Fifth Street, and one charger at the downtown parking garage at 324 South B Street. Installing the supply equipment for two chargers at the third location, College Park, was too expensive so staff is looking for other locations for the remaining two chargers.

The chargers will have a keypad for the customer to pay by phone for electricity at a rate to be set by the city. A \$6 monthly fee would be paid by the city for the keypad service at each charger, estimated to be a total of \$1,800 for five years for five chargers. The pay-by-phone service provider charges a fee for service to the customer (the car's driver). The city would set the rate for electricity to recoup the cost of the pay-by-phone service and electricity. Staff does not know how much electricity would be used or how often the chargers would be used. The city has a separate agreement with EV Connect for

\$7,584 to install the electric vehicle supply equipment at the two locations (Agreement No. 6167-13-DS). The net cost to the city is estimated to be \$13,000 for five chargers.

FINANCIAL IMPACT

Grant funding from APCD for \$7,000 will be matched with \$13,000 from the Air Pollution Buy-Down Fund (Fund 118) fund balance. Adequate funds are available in the Air Pollution Buy-Down Fund (Fund 118) fund balance to cover the requested appropriation of \$13,000 to the "Electric Vehicle Chargers" Project (Project No. 133115).

CD

Attachment #1 - Special Budget Appropriation
#2 – Brochure about charging station, access control, and point of sale

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Development Services
Project/Program
Manager: Cynthia Daniels

Date: April 9, 2013

Phone: 385-7871

Reason for Appropriation:

To appropriate Air Pollution Buy-Down funding and recognize grant revenue awarded by Ventura County Air Pollution Control District (APCD) (Agreement 6113-13-DS) for Electric Vehicle Chargers

Accounts and Descriptions

AMOUNT

Fund: **AIR POLLUTION BUYDOWN (118)**

Expenditures/Transfers Out

ELECTRIC VEHICLE CHARGERS (Project 133115)

118-3109-826.84-51	OTHER SERVICES / SERVICES FROM OTHER PROG	5,000
118-3109-826.86-06	CAPITAL OUTLAY / MACHINERY AND EQUIPT.-NEW	8,000

Sub-total Expenditures 13,000

Net Change to Fund Balance (13,000)

Fund: **STATE/LOCAL-MY GRANTS (219)**

Revenues/Transfers In

TRAFFIC ENGR-CIP (ELECTRIC VEHICLE CHARGERS)

219-2030-532.72-31	STATE/LOCAL SOURCES/STATE GRANT REVENUES	7,000
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Sub-total Revenues 7,000

Expenditures/Transfers Out

ELECTRIC VEHICLE CHARGERS (Project 133115)

219-2030-826.86-06	CAPITAL OUTLAY / MACHINERY AND EQUIP NEW	7,000
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Sub-total Expenditures 7,000

Net Change to Fund Balance 0

Net Appropriation Change 20,000

Approvals

Department Director

Chief Financial Officer

City Manager

ATTACHMENT

PAGE 1 OF 1

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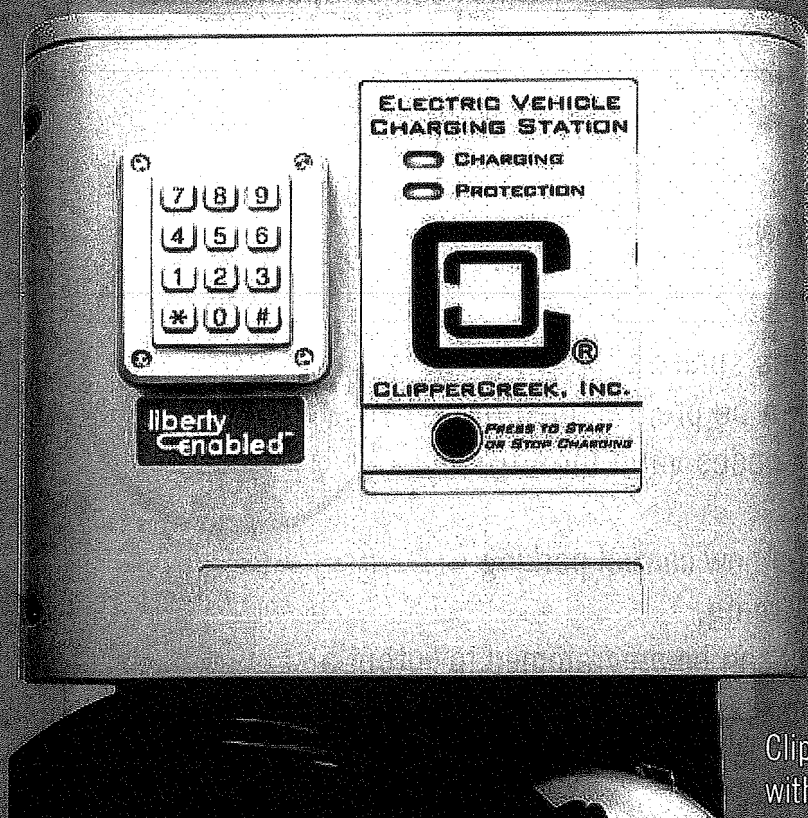
BA Doc# (Finance Use Only) _____

Revised : 2/23/2012

REQUIRES CITY COUNCIL AUTHORIZATION

ClipperCreek Charging Station Access Control & Point of Sale Solutions

ClipperCreek offers the most innovative,
cost-effective Access Control Solution in the industry.



ClipperCreek's CS Series
with Access Control

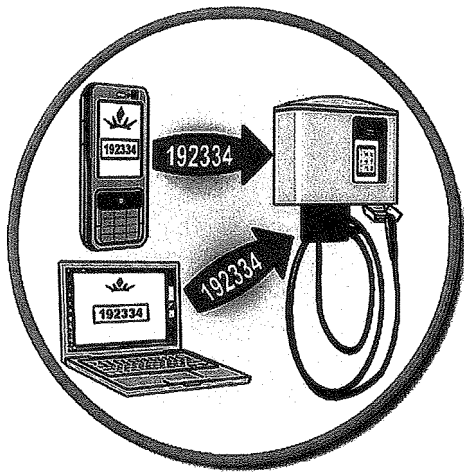
Control your charging. ClipperCreek's CS series of charging stations now come with synchronous management from Liberty PlugIns. This unique system can be used as a simple access control or as a billing system for reimbursement of charging costs.

- Access Control—access codes generated at predetermined intervals (monthly, quarterly, yearly).
- Online Managed Account—users get codes delivered directly to their cell phone.
- Public Access Management—allow users to register an account online and bill their credit card for use of the charging station.



ClipperCreek.com

ATTACHMENT 2
PAGE 1 OF 2



FLEET APPLICATIONS

Fixed Codes —

Codes assigned to individual users, or as needed, which can be updated based on a predetermined schedule.

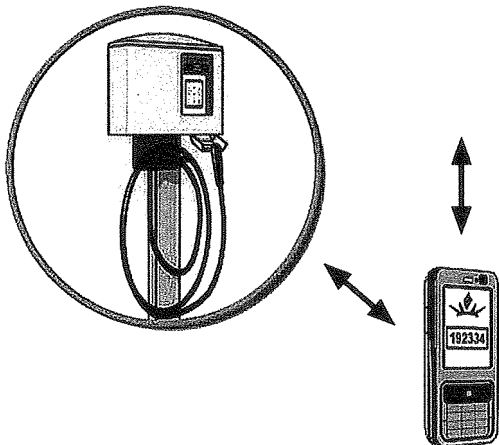
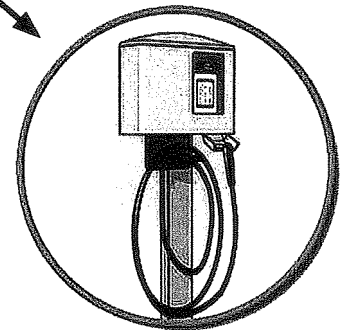
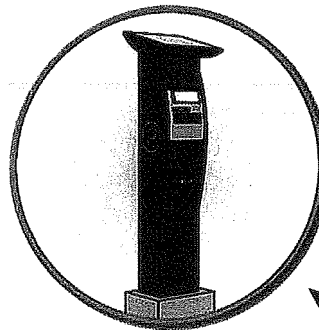
PARKING APPLICATIONS

Digital Pay Stations —

Digital pay stations such as those offered by Cale can be programmed to output activation codes valid for a fixed amount of time.

Parking system can now control parking as well as PEV charging.

Gated pay systems can be programmed to output a ticket with the appropriate code.



PUBLIC CHARGING

Random User—

Drivers can access their codes via text message or online. This gives the EV driver the flexibility of using any station at any time.

QUESTIONS?

Call 530-887-1674 or Information@ClipperCreek.net



CLIPPERCREEK
THE Electric Vehicle Charging Station

ClipperCreek.com

ATTACHMENT 2

PAGE 2 OF 2



Meeting Date: 04/09/2013

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

Prepared By: Stephanie Diaz, Contract Planner *SD*Agenda Item No. *L-1*Reviewed By: City Manager *JPB* City Attorney *SMF* Finance *J.C.* Other (Specify) _____

DATE: March 26, 2013

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *SM*
Development Services DepartmentSUBJECT: SB-2 Ordinance Amendment (PZ 10-580-01), Pertaining to Emergency Shelters,
Transitional Housing, Supportive Housing and Farmworker Housing.**RECOMMENDATION**

That City Council approve the first reading by title only and subsequent adoption of an ordinance amending Chapter 16 of the City of Oxnard Code pertaining to emergency shelters, transitional housing, supportive housing and farmworker housing pursuant to Senate Bill 2.

SUMMARY

Senate Bill 2 (SB-2) requires the City to include homeless housing issues in the General Plan Housing Element and to provide an implementation program through the zone code. This proposed zone text amendment (ZTA) will carry out the provisions of SB-2 and the Housing Element Implementation Plan. The ZTA addresses definitions and zoning for emergency shelters, transitional housing, supportive housing, farmworker housing and related terms. SB-2 requires emergency shelters to be allowed by right (i.e., a "permitted use") in at least one zone district. Supportive and transitional housing are considered residential uses subject only to the restrictions that apply to other residential dwellings of the same type in the same zone. SB-2 also permits a city to develop objective development and operation standards for emergency shelters in several specific categories. The draft ordinance is provided in Attachment 1. A summary of the uses, zones and permit requirements contained in the draft ordinance is presented in Attachment 2.

BACKGROUND

The City Council held hearings on July 17, 2012 and September 25, 2012 to consider the proposed ZTA as well as a recommendation for adoption from the Planning Commission (see Attachment 3). A number of issues regarding the ordinance text were raised during these hearings including the definition of "family," restrictions on the number of felons, adding emergency shelters for families in residential zones, and distance separation requirements between shelters. The Council requested additional staff review and clarification of issues and continued the matter to a later date.

DISCUSSION

In response to City Council direction, staff met on October 24, 2012 with operators of emergency shelters, transitional housing and supportive housing. This group commented on the limited zones that would allow SB-2 uses, expressed concerns regarding impacts to their existing facilities and specifically reviewed the “Emergency Shelter Development and Operation Standards” as proposed in the ordinance. Staff received valuable information regarding the day-to-day operation of housing for the homeless and the needs for various groups of homeless individuals. In response, the proposed ordinance text has been modified regarding shelter operations. Additionally, the restriction on felons in shelters was removed as information provided by the operators indicated that housing for felons in a supportive environment meant they were less likely to become involved in criminal activities.

On November 5, 2012, the Commission on Homelessness held a public hearing and on November 26, 2012, the Commission held a workshop with shelter operators to discuss the draft SB-2 ordinance. As a result of the meetings, the Commission on Homelessness expressed general support for the staff proposed revisions to the ordinance. These revisions included the following: (1) allowing shelters for families in multi-family residential zones (R-2, R-3 and R-4) with a Special Use Permit (SUP), (2) deleting the restrictions on felons in shelters, (3) removing the requirement for an administrative permit for on-site services, (4) providing an appropriate list of shelter operating standards and, (5) removing the 300 foot separation requirement between shelters. The draft ordinance in Attachment 1 reflects these revisions.

There are several remaining details raised in meetings with the Commission on Homelessness and shelter operators that the City Council may wish to consider:

- Transitional and supportive housing should be a “permitted use” and not require an SUP in the C-2 (general commercial) and C-M (Commercial-Light Manufacturing) zones. (Currently, residential uses in the C-2 zone require an SUP and residential uses are not permitted in the C-M zone. Therefore, staff included the SUP requirement for these housing types consistent with the intent of these zone districts.)
- Emergency shelters for families should be a “permitted use” in all residential zones; whereas the draft ordinance requires an SUP in the R-2, R-3 and R-4 (multi-family) residential zones with development and operational standards (Staff included the requirement for an SUP in residential zones to provide review for neighborhood compatibility. It should be noted that the draft ordinance permits such shelters by right in M-L, C-M and C-2 zones.)
- Allow existing shelters and related SB-2 uses to expand in the zone where they are located when the ZTA will not permit the use. This issue will need to be addressed on a case-by-case basis depending on the zone, the use and any existing permits for the use. If the adoption of this ZTA would cause a use to become legally non-conforming (i.e. the use was legal until the ZTA was adopted), section 16-511 of the zone code contains an exemption that allows expansion of such uses in the interest of public health, safety and welfare. If a use is currently located in a zone without a proper permit and the ZTA would not allow the use, the options for that use include a zone map change, if permitted, a subsequent zone text amendment to allow the use or

relocation to a zone that allows the use. (Staff recommends that these options be considered on a case-by-case basis.)

As proposed, the ZTA will ensure that housing opportunities provide an environment which addresses support and/or recovery for homeless and disabled persons. Regulations will provide consistency between SB-2 uses and businesses in the commercial zones and preserve the characteristics of residential neighborhoods.

FINANCIAL IMPACT

Those SB-2 housing facilities that require a permit will be charged the appropriate permit fee as adopted by the City Council to recover the costs associated with permit processing. Policing and Code Compliance costs may be reduced as the housing facilities addressed in this zone text amendment will provide clear descriptions of the use, the proper zone and any permit requirements.

SLD/sld

- Attachment #1- Draft City Council Ordinance
#2- Summary of SB-2 Uses and Proposed Zone Districts
#3- Planning Commission Resolution 2012-13.
#4- CEQA Notice of Exemption

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADDRESS EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO. 2.

(PZ 10-580-01).

WHEREAS, the City Council seeks to carry out the provisions of Senate Bill No. 2 and related housing element legislation (“the housing element statutes”) to locate zone districts where emergency shelters, housing for low- and very low income and disabled households including farmworker housing are permitted by right; and

WHEREAS, the housing element statutes require the City’s zoning regulations to permit supportive and transitional housing as residential uses subject only to restrictions applicable to other residential dwellings of the same type in the same zone; and

WHEREAS, the City has inventoried potential sites for emergency shelters and has found the most suitable locations for such facilities are in the City’s “C-2,” “C-M” and “M-L” zones because properties with these zoning designations are generally located near the City center, allow for these structures with minimal setbacks, consist of vacant lots and buildings with adequate space for emergency shelter operations, and are accessible to public transportation, medical and commercial services with the “M-L” zone as appropriate for permanent emergency shelters to be allowed by right; and

WHEREAS, this ordinance defines emergency shelters, supportive, transitional and farmworker housing consistent with Senate Bill No.2 and provides zones for location of these housing types; and

WHEREAS, in enacting this ordinance, the City Council seeks to preserve the residential characteristics of residential neighborhoods from the impacts of housing-related businesses while providing housing opportunities for persons considered disabled under State and federal law, and to ensure that these housing opportunities provide an environment which addresses support and/or recovery for disabled persons; and

WHEREAS, the City Council has determined that the California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, under Section 15061(b)(3); and

WHEREAS, the City Council finds that the zone text amendment PZ 10-580-01 is consistent with the 2030 General Plan and the 2006 to 2014 Housing Element; and

WHEREAS, on October 20, 2011 and June 21, 2012 the Planning Commission conducted noticed public hearings on zone text amendment PZ 10-580-01, accepted comments and recommended approval to the City Council; and

WHEREAS, the City Council conducted noticed public hearings on zone text amendment PZ 10-580-01 at which comments were accepted on July 17, 2012, September 25, 2012, and March 26, 2013.

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

Part 1. Subsection (A) of section 16-10 of the City Code is hereby amended by deleting definition (19) ("BOARDINGHOUSE").

Part 2. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definitions, which subsection shall be reordered alphabetically and renumbered accordingly:

"EMERGENCY SHELTER FOR FAMILIES – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled, pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No family shall be denied emergency shelter because of an inability to pay. For purposes of this definition, "disabled" means persons with special needs, including mental disabilities, developmental disabilities, AIDS, substance abuse or chronic health conditions."

"EMERGENCY SHELTER, PERMANENT – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, TEMPORARY – A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a twelve-month period. No individual or household shall be denied emergency shelter because of an inability to pay."

"FAMILY – A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses; but not including residents of commercial group living such as hotels, dormitories and fraternities."

“FARMWORKER – An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming including cultivating and tillage of soil, the raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market.”

“FARMWORKER HOUSING – Deed-restricted housing for agricultural workers that is available to and occupied only by low and very low income farmworker households, and that is subject to standards that apply to other residential dwellings of the same type and in the same zone.”

“SUPPORTIVE HOUSING – Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

“TRANSITIONAL HOUSING – Five or more dwelling unit(s) used as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient. Supportive services are provided to facilitate the movement of homeless individuals and their families to permanent housing. An eligible person(s) may live in the dwelling for up to two years, pursuant to Cal. Health and Safety Code sections 50675.2(h) and 50801(i). Some units may be designated for transition in place, where person(s) may stay in the unit for more than two years. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

Part 3. Subsection (B) of section 16-21 of the City Code is amended by adding the following subsections and reordering the subsections alphabetically:

“Farmworker housing;”

“Supportive housing;”

Part 4. Subsection (B)(1) of section 16-21 of the City Code is amended by deleting the following text from item (B)(1):

“ Boardinghouses are not permitted.”

Part 5. Section 16-40 of the City Code is hereby amended to read as follows:

“This zone shall provide a district of low density multi-family dwellings as well as emergency shelters for families and supportive housing pursuant to statutory requirements that maintain a residential character suitable for locations abutting single-family dwellings.”

Part 6. Section 16-42 is hereby amended by adding the following subsection and reordering the section alphabetically:

“Emergency shelters for families;”

Part 7. Section 16-55 of the City Code is hereby amended to read as follows:

“This zone shall provide a district of moderate density multiple-family dwellings as well as emergency shelters for families, transitional housing and supportive housing pursuant to statutory requirements, suitable for locations abutting commercial centers and in other locations where moderate density is warranted.”

Part 8. Section 16-56 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Transitional housing;”

Part 9 Section 16-64 of the City Code shall be deleted.

Part 10. Section 16-70 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for high density, high rise multi-family dwellings, emergency shelters for families, transitional housing and supportive housing pursuant to statutory requirements, and other uses suitable for location within the city core and in other selected areas.”

Part 11. Section 16-85 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for the development of mobile home parks and to permit mobile home use for single-family, farmworker housing, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.”

Part 12. Subsection (B) of section 16-86 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Farmworker housing;”

“Supportive housing;”

Part. 13. Subsection (A) of section 16-135 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters for families, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Emergency shelters, temporary, except that such facilities shall not be permitted in the airport hazard overlay zone;”

Part 14. Subsection (A) of section 16-136 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters, permanent, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Farmworker housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Supportive housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Transitional housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

Part 15. Section 16-143 of the City Code is hereby deleted.

Part 16. Subsection (I) of section 16-149 of the City Code is hereby amended to read:

“Social services (including soup kitchens, charitable food distribution centers, drug/alcohol treatment and rehab centers that serve more than six persons) and emergency shelters;”

Part 17. Subsection (F) of section 16-149 of the City Code is hereby deleted and the section is reordered alphabetically.

Part 18. Section 16-160 of the City Code is hereby amended to read as follows:

“The purpose of this division is to provide a zone for selected commercial retail sales and services, for light manufacturing, including warehousing, distributing, storage and wholesale activities, with development standards suitable for commercial and industrial districts, as well as permanent and temporary emergency shelters and emergency shelters for families, supportive and transitional housing and farmworker housing pursuant to statutory requirements.”

Part 19. Subsection (B) of section 16-162 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Emergency shelters for families;”

“Emergency shelters, temporary;”

Part 20. Section 16-163 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Emergency shelters, permanent;”

“Farmworker housing;”

“Supportive housing;”

“Transitional housing;”

Part 21. Subsection (A) of section 16-164 of the City Code is hereby amended to read as follows:

(A) Residential uses, except as permitted in sections 16-162 and 16-163. Existing residential uses shall be considered to be nonconforming uses;

Part 22. Subsection (A) of section 16-185 of the City Code is hereby amended to read as follows:

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

Part 23. Subsection (B) of section 16-188 of the City Code is hereby amended by adding the following subsection after subsection (B)(3) and reordering the subsection numerically:

“Emergency shelters, permanent and temporary, and emergency shelters for families, except that no special use permit otherwise required by section 16-186 shall be required for such emergency shelter uses;”

Part 24. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 25. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 26. Division 18 of Article V of Chapter 16 of the City Code is hereby adopted to read as follows:

“DIVISION 18. EMERGENCY SHELTERS”

“SEC. 16-504. EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent emergency shelters and emergency shelters for families shall meet the following standards:

- (1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.
- (2) If site characteristics permit, an enclosed or screened waiting area shall be provided between the on-site intake area for shelter patrons and the public right-of-way in order to prevent queuing within any public right-of-way.
- (3) Each shelter shall establish hours of operation for patron intake and discharge, patron rules of conduct and procedures for notifying patrons of such hours and rules of conduct.
- (4) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.
- (5) The emergency shelter operator shall conduct a background check on all prospective patrons using Megan’s Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.
- (6) Patrons shall not possess or consume alcoholic beverages or illegal drugs while in the shelter, nor shall the possess weapons of any kind while in the shelter.
- (7) Space shall be allocated for each patron consisting of a bed and storage area.
- (8) At least two toilets, one shower and one sink shall be provided for every twenty patrons.
- (9) A shelter shall be limited to serving no more than the number of patrons allowed by fire or building code occupancy.
- (10) Off-street parking shall be provided for the on-site manager.
- (11) Each emergency shelter shall be equipped with exterior security lighting in accordance with section 16-320 of the zone code. Lighting shall be shielded from all adjacent residential areas.

(12) The emergency shelter operator shall maintain an on-site security plan and emergency preparedness plan.

(13) All items stored outdoors shall be screened from the view of all public rights-of-way.

(14) Should an emergency shelter be proposed within 300 feet of a school, the Development Services Director or designee may request that the developer/sponsor coordinate with the school district to address potential concerns.”

Part 27. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 28. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

Part 29. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, 2013, and finally adopted on _____, 2013, to become effective thirty days thereafter.

AYES:

NOES:

ABSTAIN:

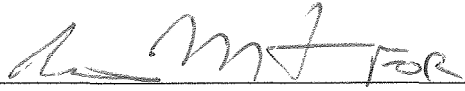
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read "Alan Holmberg", written over a horizontal line.

Alan Holmberg, City Attorney

Attachment 2

SUMMARY OF SB-2 USES AND PROPOSED ZONE DISTRICTS

- a) Permanent Emergency Shelters, for a stay of six months or less. Permitted use in the Limited Manufacturing (M-L) zone with development and operational standards. Allowed upon approval of a special use permit (SUP) in the Commercial-Light Manufacturing (C-M) and General Commercial (C-2) zones with development and operational standards.
- b) Temporary Emergency Shelters, for no more than four months (primarily winter warming). Permitted use in M-L, C-M and C-2 zones.
- c) Emergency Shelters for Families, for single parents with children and families for a stay of six months or less. Permitted use in M-L, C-M and C-2 zones (commercial and light manufacturing) with operational standards. Allowed with an SUP in the R-2, R-3 and R-4 zones (residential) with development and operational standards.
- d) Transitional Housing, a multi-family (five units or more) land use providing housing for the homeless for up to two years. Permitted use in the Garden Apartment (R-3) and High Rise (R-4) zones pursuant to respective zone standards. May have on-site services for residents. Allowed upon approval of an SUP in the C-2 and C-M zones.
- e) Supportive Housing, for disabled and homeless residents. Permitted use in the Single-Family (R-1), Multiple-Family (R-2), Mobile Home (MH-PD), Garden Apartment (R-3) and High Rise (R-4) zones pursuant to respective zone standards. May have on-site services for residents. Allowed upon approval of an SUP in the C-2 and C-M zones.
- f) Farmworker Housing, deed restricted for low-income farmworkers. Permitted use in all residential zones. Allowed with an SUP in the C-2 and C-M zones.

RESOLUTION NO. 2012-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF PZ 10-580-01, ZONE TEXT AMENDMENT AMENDING CHAPTER 16 OF THE CITY CODE CONCERNING EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO.2. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-10-580-01, filed by the City of Oxnard, to amend chapter 16 of the City Code concerning special needs housing pursuant to Senate Bill No. 2; and

WHEREAS, on October 20, 2011 and on June 21, 2012 the Planning Commission held noticed public hearings on PZ 10-580-01; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment; and

WHEREAS, the Planning Commission recommends the City Council find that the amendments conform to the General Plan and Housing Element; and

WHEREAS, the Planning Commissions finds that the California Environmental Quality Act (CEQA) does not apply to PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment and there is no possibility that the adoption of this ordinance and resolution may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of June, 2012 by the following vote:

AYES: Commissioners: Guevara, Huber, Medina, Mullin, Nash, Stewart, Murguia

NOES: Commissioners: None

ABSENT: Commissioners: None


Anthony R. Murguia, Chairman

ATTEST: 
Susan L. Martin, Secretary

Exhibit A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADDRESS EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO. 2.

(PZ 10-580-01).

WHEREAS, the City Council seeks to carry out the provisions of Senate Bill No. 2 and related housing element legislation ("the housing element statutes") to locate zone districts where emergency shelters, housing for low- and very low income and disabled households including farmworker housing are permitted by right; and

WHEREAS, the housing element statutes require the City's zoning regulations to permit supportive and transitional housing as residential uses subject only to restrictions applicable to other residential dwellings of the same type in the same zone; and

WHEREAS, the City has inventoried potential sites for emergency shelters and has found the most suitable locations for such facilities are in the City's "C-2," "C-M" and "M-L" zones because properties with these zoning designations are generally located near the City center, allow for these structures with minimal setbacks, consist of vacant lots and buildings with adequate space for emergency shelter operations, and are accessible to public transportation, medical and commercial services with the "M-L" zone as appropriate for permanent emergency shelters to be allowed by right; and

WHEREAS, this ordinance defines emergency shelters, supportive, transitional and farmworker housing consistent with Senate Bill No.2 and provides zones for location of these housing types; and

WHEREAS, in enacting this ordinance, the City Council seeks to preserve the residential characteristics of residential neighborhoods from the impacts of housing-related businesses while providing housing opportunities for persons considered low-income disabled under State and federal law, and to ensure that these housing opportunities provide an environment which addresses support and/or recovery for low-income disabled persons; and

WHEREAS, the City Council has determined that the California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule that CEQA applies only to

projects which have the potential for causing a significant effect on the environment, under Section 15061(b)(3); and

WHEREAS, on October 20, 2011 and June 21, 2012 the Planning Commission conducted noticed public hearings on zone text amendment PZ 10-580-01, accepted comments and recommended approval to the City Council; and

WHEREAS, on _____, 2012 the City Council conducted a noticed public hearing on zone text amendment PZ 10-580-01 and accepted comments.

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

Part 1. Subsection (A) of section 16-10 of the City Code is hereby amended by deleting definition (19) ("BOARDINGHOUSE").

Part 2. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definitions, which subsection shall be reordered alphabetically and renumbered accordingly:

"EMERGENCY SHELTER FOR FAMILIES – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled (as that term is defined in this section within the definition of supportive housing), pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No family shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, PERMANENT – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, TEMPORARY – A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a twelve-month period."

FAMILY – A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit, excluding group quarters or hotels; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses, but not including commercial group living such as boardinghouses, dormitories and fraternities.

“FARMWORKER – An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming including cultivating and tillage of soil, the raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market.”

“FARMWORKER HOUSING – Deed-restricted housing for agricultural workers that is available to and occupied only by low and very low income farmworker households, and that is subject to standards that apply to other residential dwellings of the same type and in the same zone.”

“ON-SITE SERVICES – Assistance provided on the housing site to residents living in supportive or transitional housing in retaining housing, improving health status and maximizing their ability to live and work in the community.”

“SUPPORTIVE HOUSING – Housing with no length of stay limit, occupied by low income disabled persons, and that is linked to on-or off-site services to assist the residents in retaining housing, improving their health and maximizing their ability to live and work in the community pursuant to Cal. Health and Safety Code section 50675.14(b)(2). For purposes of this definition, “disabled” means low income persons with special needs as specified in Cal. Health and Safety Code section 50675.14(b)(3), including mental disabilities, developmental disabilities, AIDS, substance abuse or chronic health conditions. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

“TRANSITIONAL HOUSING – Five or more dwelling unit(s) used as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient. Supportive services are provided to facilitate the movement of homeless individuals and their families to permanent housing. An eligible person(s) may live in the dwelling for up to two years, pursuant to Cal. Health and Safety Code sections 50675.2(h) and 50801(i). Some units may be designated for transition in place, where person(s) may stay in the unit for more than two years. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

Part 3. Subsection (B) of section 16-21 of the City Code is amended by adding the following subsections and reordering the subsections alphabetically:

“Farmworker housing;”

“Supportive housing with no on-site services;”

Part 4. Subsection (B)(1) of section 16-21 of the City Code is amended by deleting the following text from item (B)(1):

“ Boardinghouses are not permitted.”

Part 5. Section 16-55 of the City Code is amended to read as follows:

“This zone shall provide a district of moderate density multiple-family dwellings as well as transitional housing and supportive housing pursuant to statutory requirements, suitable for locations abutting commercial centers and in other locations where moderate density is warranted.”

Part 6. Section 16-56 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Supportive housing. On-site services for residents may be provided pursuant to an administrative permit;”

“Transitional housing. On-site services for residents may be provided pursuant to an administrative permit;”

Part 7 Section 16-64 of the City Code shall be deleted.

Part 8. Section 16-70 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for high density, high rise multi-family dwellings, transitional housing and supportive housing pursuant to statutory requirements, and other uses suitable for location within the city core and in other selected areas.”

Part 9. Section 16-85 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for the development of mobile home parks and to permit mobile home use for single-family, farmworker households, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.”

Part 10. Subsection (B) of section 16-86 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Farmworker housing;”

“Supportive housing with no on-site services;”

Part. 11. Subsection (A) of section 16-135 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters for families, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Emergency shelters, temporary, except that such facilities shall not be permitted in the airport hazard overlay zone.”

Part 12. Subsection (A) of section 16-136 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters, permanent, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Farmworker housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Supportive housing that may have on-site services for residents.”

“Transitional housing that may have on-site services for residents”

Part 13. Section 16-143 of the City Code is hereby deleted.

Part 14. Subsection (F) of section 16-149 of the City Code is hereby deleted and the section is reordered alphabetically.

Part 15. Subsection (I) of section 16-149 of the City Code is hereby amended to read:

“Social services (including soup kitchens, charitable food distribution centers, drug/alcohol treatment and rehab centers that serve more than six persons) and emergency shelters;”

Part 16. Section 16-160 of the City Code is hereby amended to read as follows:

“The purpose of this division is to provide a zone for selected commercial retail sales and services, permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and light manufacturing, including warehousing, distributing and storage and wholesale activities, with development standards suitable for commercial and industrial districts.”

Part 17. Subsection (B) of section 16-162 of the City Code is hereby amended by adding the following subsections and reordering the subsection (B) alphabetically:

“Emergency shelters for families;”

“Emergency shelters, temporary;”

Part 18. Section 16-163 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Emergency shelters, permanent;”

“Farmworker housing;”

“Supportive housing that may have on-site services for residents;”

“Transitional housing that may have on-site services for residents;”

Part 19. Section 16-164 of the City Code is hereby amended by deleting subsection (A) and reordering the section alphabetically.

Part 20. Subsection (A) of section 16-185 of the City Code is hereby amended to read as follows:

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

Part 21. Subsection (B) of section 16-188 of the City Code is hereby amended by adding the following subsection after subsection (B)(3) and reordering the subsection numerically:

“Emergency shelters, permanent and temporary, and emergency shelters for families;”

Part 22. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 23. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 24. Division 18 of Article V of Chapter 16 of the City Code is hereby adopted to read as follows:

“DIVISION 18. EMERGENCY SHELTERS”

“SEC. 16-504. PERMANENT EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent Emergency Shelters shall meet the following standards:

- (1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.
- (2) If the intake of shelter patrons occurs on-site, an enclosed or screened waiting area shall be provided between the intake area and the public right-of-way. There shall be no queuing within any public right-of-way or within any parking lot.
- (3) Each shelter shall establish and maintain set hours of operation for patron intake and discharge. Hours shall be clearly displayed at the entrance to the shelter at all times.
- (4) Rules regarding the discharge of shelter patrons that are socially disruptive, a threat to the safety of others or in violation of the emergency shelter regulations, shall be posted.
- (5) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.
- (6) The emergency shelter operator shall not intake any person as a patron of the shelter if the operator determines the person is wanted by the police or has been convicted of committing any serious or violent felony, as those terms are defined in Cal. Penal Code sections 667.5, 1192.7 and 1192.8. The emergency shelter operator shall also conduct a background check on all prospective patrons using Megan’s Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.
- (7) Beds shall be provided for men, women, and families with children in separate and secured areas.
- (8) A private storage area or closet shall be provided for each on-site bed. At no time shall any patron of an emergency shelter be allowed to keep on-site any alcoholic beverages, or store any type of illegal substances, drugs or weapons of any kind. The manager shall conduct routine inspections of each on-site patron’s personal space to verify compliance and report to the Police Department any patron found in possession of illegal substances, drugs and/or weapons of any kind.

(9) A minimum of 50 square feet of personal space shall be allocated for each patron bed and private storage area, or as may be required by Building and Fire Code requirements.

(10) A communal restroom facility with at least two toilets, one shower and one sink shall be provided for every twenty patrons residing at an emergency shelter. Separate and secure restroom and shower facilities shall be provided for men and women if the facility serves both genders.

(11) A shelter shall be limited to serving no more than patrons than allowed by fire or building code occupancy.

(12) Off-street parking shall be provided at the ratio of one on-site parking space for every 8 adult beds plus one additional space for the on-site manager.

(13) Each emergency shelter shall provide exterior security lighting on the property. Lighting shall be shielded from all adjacent residential areas. On-site lighting shall be subject to the review and approval of the Police Department.

(14) The emergency shelter operator shall be required to submit an on-site security plan to the Police Department for review and approval. The emergency shelter operator shall be responsible for ensuring that the approved security plan is implemented at all times."

(15) All outdoor storage areas shall be screened from the view of all public rights-of-way.

(16) An emergency shelter shall not be located within 300 feet of another parcel or lot with an emergency shelter.

Part 25. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 26. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 27. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, 2012, and finally adopted on _____, 2012, to become effective thirty days thereafter.

AYES:

NOES:

ABSTAIN:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

ATTACHMENT 3
PAGE 10 OF 10



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No.10-580-01 (zone text amendment) amending Chapter 16 (zoning) of the City Code. The text amendment to the Zoning Ordinance will update and add definitions and zoning related to homeless shelters, transitional housing, and supportive housing for low-income and disabled persons as well as farmworker housing, as required by State law (Senate Bill 2). The Planning Commission's action on this request is a recommendation to the City Council. Filed by the City of Oxnard, 214 South C Street, Oxnard CA, 93030

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☐ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: The California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) regarding emergency shelters and the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, under Section 15061(B)(3). Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption

(Date)

Susan L. Martin, AICP
Planning Division Manager

Planning Division
214 South C Street, Oxnard, CA 93030 ♦ (805) 385-7858 ♦ FAX (805) 385-7417

ATTACHMENT 4
PAGE 1 OF 1



Meeting Date: 04 / 09 / 2013

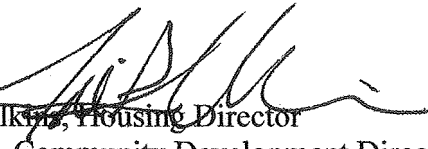
ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Karl Lawson  Agenda Item No. L-2

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

DATE: March 21, 2013

TO: City Council

FROM: William E. Wilkins, Housing Director 
Curtis Cannon, Community Development Director 

SUBJECT: TEFRA Hearing for Issuance of Multifamily Housing Revenue Bonds
for Colonial House Apartments Project, located at 705, 711, and
747 North Oxnard Boulevard.

RECOMMENDATION

That the City Council:

1. Hold a public hearing regarding the issuance of up to \$2,000,000 of multifamily housing revenue bonds by the California Statewide Communities Development Authority to finance the acquisition, construction and development of Colonial House Apartments, a 43-unit multifamily rental housing project located at 705, 711 and 747 North Oxnard Boulevard; and
2. Adopt a resolution approving the issuance of bonds.

DISCUSSION

The Colonial House Apartments Project is a forty-three unit affordable housing project located on North Oxnard Boulevard, on the site that once housed the Colonial House restaurant and hotel. The project is being developed by Pacific West Communities, Inc.

A primary source of funds to finance the acquisition, construction and development of the project would be the proceeds of tax-exempt multifamily housing revenue bonds ("Bonds") proposed to be issued by the California Statewide Communities Development Authority ("the Statewide Authority") through the California Debt Limit Allocation Committee ("CDLAC"). The Bonds would be payable solely from revenues derived from the project. The City would have no responsibility with respect to the issuance or repayment of the Bonds.

The Statewide Authority is authorized pursuant to the provisions of the California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated June 1, 1988, among certain local agencies throughout the State of California, including the City of Oxnard, to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code, for the purpose of financing multifamily rental housing projects.

Section 147(f) of the Internal Revenue Code of 1986 ("Tax Code") requires that, in order for the interest on a private activity bond to be excluded from the gross income of the owner of the bond (i.e., tax-exempt), an "applicable elected representative" of the governmental unit issuing the bond must approve the issuance of the bond after a public hearing following reasonable public notice. Such public hearing is known as a Tax Equity and Financial Responsibility Act ("TEFRA") hearing. The proposed Bond issue by the Statewide Authority is classified as private activity bonds for purposes of the Tax Code. The Tax Code provides that a governmental unit with elected representatives and jurisdiction over the area in which the project to be financed is located, in this case the City Council, is an "applicable elected representative" with respect to the bond issue.

Staff recommends that the City Council conduct the public hearing regarding the financing of the project with proceeds of the Bonds, and adopt a resolution approving the issuance of the Bonds by the Statewide Authority. Notice of the public hearing was published in VIDA Newspaper and the Ventura County Report on March 21, 2013. Bond Counsel has advised that the City will incur no obligation whatsoever by reason of its holding of the public hearing and approval of the issuance of the Bonds by the Statewide Authority.

A public hearing was conducted before City Council on September 27, 2011, regarding Pacific West's application for \$11,000,000 in multifamily bonds. Subsequent to that, on June 27, 2012, the CDLAC authorized the allocation of \$9,150,000 in bonds for the Colonial House Apartments project. This application seeks authorization for an additional \$2,000,000 for the project.

FINANCIAL IMPACT

There is no financial impact to the City in connection with the City Council's adoption of a resolution approving the issuance of the Bonds by the Statewide Authority. The City made a separate loan through the Community Development Commission, now known as the Successor Agency, which will receive 50% residual receipts towards payment of the interest on the loan if there are any surplus cash receipts annually after the project is completed and leased up. The Multifamily Housing Revenue Bonds provide no rental revenues for the City itself.

KL/kl

Attachment #1 - Draft Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS
FOR THE COLONIAL HOUSE APARTMENTS PROJECT**

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Oxnard (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Oxnard Pacific Associates, a CA L.P., a limited partnership or related entities, has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds (the "Bonds") in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$2,000,000 in outstanding aggregate principal amount (in addition to the \$9,150,000 in bonds previously issued on June 26, 2012 by the Authority), to finance the acquisition, construction and development of a 43-unit multifamily rental housing project located at 705, 711 and 747 North Oxnard Boulevard, Oxnard, California, generally known as Colonial House Apartments Project (the "Project") and operated by Cambridge Real Estate Services; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds solely for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The Bonds will not constitute a debt, liability or obligation of the City.

Section 4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 5. The City Clerk shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the hearing notice to:

Justin Cooper, Esq.
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, California 94105

Section 6. This resolution shall take effect immediately upon its passage.

#1
ATTACHMENT

PAGE 2 OF 3

PASSED AND ADOPTED by the City Council of the City of Oxnard at a regular meeting of said Council held on the 9th day of April, 2013, by the following vote:

AYES:
NOES:
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

ATTACHMENT 81
PAGE 3 OF 3



Meeting Date: 04/09/13

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

Prepared By: Juliette Dang

JD

Agenda Item No.

0-1

Reviewed By: City Manager

LEB

City Attorney

WA

Finance

JC

Other (Specify)

DATE: March 28, 2013

TO: City Council

FROM: William E. Wilkins, Housing Director

SUBJECT: Consideration of Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan

RECOMMENDATION

That the City Council review and approve staff recommended priorities.

DISCUSSION

Background

On January 8, 2013, City Council held the first public hearing on the multi-year FY 2013-2018 Consolidated Plan (Plan) and FY 2013-2014 Annual Action Plan (AAP). The purpose of the hearing was to obtain public input on unmet needs of extremely low to low-income persons for housing, regarding community development and homelessness, which are not currently being addressed by the City or local agencies and organizations.

On March 19, 2013 City Council held the second public hearing on the multi-year FY 2013-2018 Plan and FY 2013-2014 AAP to obtain public input as the final needs assessment process and to designate the priorities and specify the measurable objectives that will be addressed in the multi-year and annual plan documents. At the closing of the public hearing, City Council required Housing staff to submit a list of recommended priorities for approval, in April 2013.

Approach to Identifying Priorities

With the background noted above and the framework described on Attachment No. 1, staff has developed the following guidelines for City Council's consideration of the priorities:

- The priorities must meet one of the three national objectives: (1) Benefit to low-income persons; or (2) Aid in the prevention and elimination of slum and blight; or, (3) Meet other

community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

- The Annual Action Plan activities must benefit at least 70% of low- and moderate-income persons. The activities benefiting the L/M income persons can be based on the area benefit (Low and Moderate-income Area); or provide service to a limited clientele (Low- and Moderate –income Clientele) such as elderly persons, youth, disabled persons; or involve housing (Low- and Moderate-income Housing); or involve employment (Low- and Moderate-income Jobs).

The recommended priorities on Attachment No. 4 will also address the three established goals of the FY 2013-2018 Plan as follows:

- Develop, preserve, provide and maintain affordable housing,
- Revitalize the low- and moderate income neighborhoods with various infrastructure improvements, public facilities rehabilitation, and code enforcement, and
- Provide assistance to various public services, including homeless, youth and senior programs.

FINANCIAL IMPACT

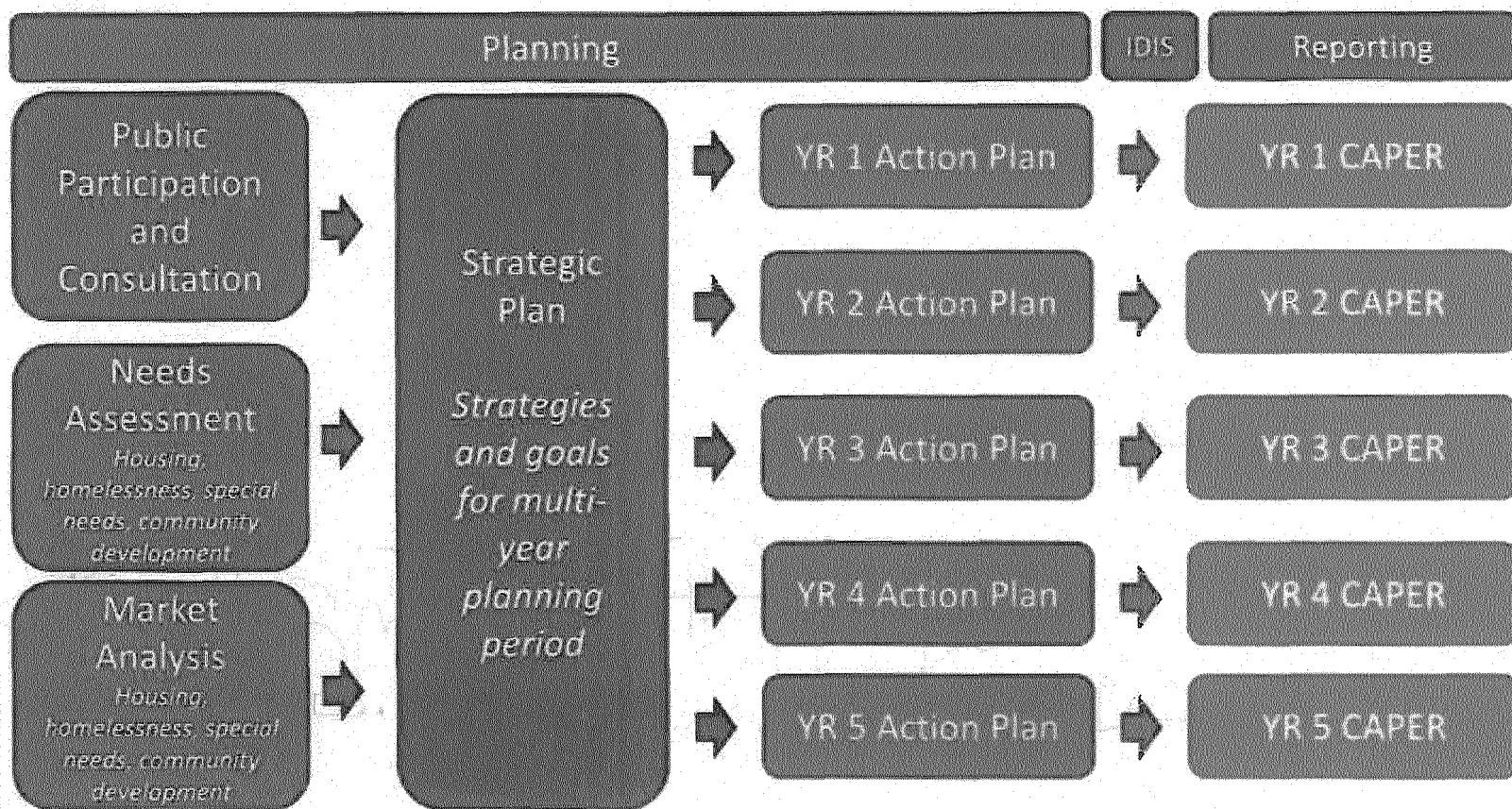
None

Attachment 1 – Consolidated Plan Regulatory Framework
 2 – List of Participating Agencies, Groups, Organizations and Others
 3 – List of Identified Needs
 4 – List of Recommended Priorities

Consolidated Plan Regulatory Framework

24 CFR Part 91

- **Established by regulation in 1995 to create common planning requirements for CDBG, HOME, ESG, HOPWA**
- **Allows for plan to be submitted in a "form prescribed by HUD"**
- **By design, planning, should inform funding decisions that get help where it is needed**



**2013-2018 CONSOLIDATED PLAN DEVELOPMENT
CONSULTATIONS AND CITIZEN PARTICIPATION**

Revision Date: 4/02/2013

Note : This document will continue to be updated during the consultation/citizen participation process.

Name	Location	PR-10 Consultation Organization Type	PR-15 Mode of outreach and Form of Participatio	Meeting Date
Oxnard City Council	Council Chambers	Housing Department	Public Hearing to identify Unmet needs for LMI persons	January 8, 2013
Housing Right Center of Los Angeles	Main Library Room B	Fair Housing	Provide fair housing training to City and Oxnard Housing Authority staffs	January 9, 2013
Inter-Neighborhood Council Forum – Executive Board	Council Chambers	Residents	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 9, 2013
Oxnard Housing Authority Staff	Housing Department	Grants Management	Administrative meeting re: Consolidated Plan Preparation	January 14, 2013
Senior Services Commission	Wilson Senior Center	Services- Seniors	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 15, 2013
Planning Commission	Council Chambers	Other Government-Local	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 17, 2013
Parks and Recreation Commission	Council Chambers	Other Government-Local	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 23, 2013
First 5 of Ventura County Commission	Council Chambers	Other Government-Local	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 24, 2013
Point In Time Count	1500 Colonia Rd./Del Sol Park	Homeless Assistance	Homeless Count and Community Survey Available for Participation	January 29, 2013
Inter-Neighborhood Council Forum	Council Chambers	Residents	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 6, 2013
Consultation with Homeless Program staff	Housing Department	Grants Management	Administrative meeting re: Consolidated Plan Preparation	February 11, 2013
Senior Services Commission	Wilson Senior Center	Other Government-Local	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 12, 2013
Affordable Housing Division staff	Housing Department	Grants Management	Administrative meeting re: Consolidated Plan Preparation	February 13, 2013

ATTACHMENT #2
PAGE 1 OF 2

**2013-2018 CONSOLIDATED PLAN DEVELOPMENT
CONSULTATIONS AND CITIZEN PARTICIPATION**

Revision Date: 4/02/2013

Note : This document will continue to be updated during the consultation/citizen participation process.

Name	Location	PR-10 Consultation Organization Type	PR-15 Mode of outreach and Form of Participatio	Meeting Date
OHA Staff	Housing Department	Grants Management	Administrative meeting re: Consolidated Plan Preparation	February 14, 2013
City Staff	Oxnard Main Library	Grants Management	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 21, 2013
Community Relations Commission	Council Chambers	Other Government-Local	PowerPoint presentation/televised	February 25, 2013
Administrative meeting with Social Services agencies	Family Investment Center-1500 Camino del Sol, #21	Social Services Agencies-local	No show from invited guests	February 27, 2013
Parks and Recreation Commission	Council Chambers	Other Government-Local	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 27, 2013
Existing Service Providers & Social Service Agencies	Oxnard Main Library	Existing Services Providers	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	March 4, 2012
Questionnaire and Answer for Consolidated Plan	U.S. Mail	Grants Management	Mailed out to Service Providers, Commissioners on Homelessness, CHDO	March 7, 2013
Homelessness Commission	Human Resources Activity Room	Other Government-Local	Rescheduled to March 18, 2013	March 8, 2013 rescheduled to March 18, 2013
Homelessness Commission	Human Resources Activity Room	Other Government-Local	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	March 18, 2013
Homeless Service Providers	Housing Department	Social Services Agencies-local	Collaborating Meeting between Housing Department and service providers to Identify Needs and Priorities & Set up goals and objectives for Consolidated Plan & Annual Action Plan	March 25, 2013
Oxnard City Council	Council Chambers	Housing Department	Public Hearing to identify Unmet needs for LMI persons and to Consider Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan	March 26, 2013

CITY OF OXNARD
FY 2013-2018 Consolidated Plan
Identified Needs

Housing Needs

- Lack of rental affordable housing units for extremely and very low income households
 - 8,455 households are classified as extremely low income people (31% of LMI households)
 - 8,060 households are classified as very low income people (30% of LMI households)
 - Total LMI households is \$26,920
- Housing Cost Burden for extremely and very low income people
 - 24,505 extremely low income persons from various racial or ethnic group (50% of LMI persons)
 - 13,040 very low income persons from various racial or ethnic group (26% of LMI persons)
 - Total LMI persons is 49,310
- Housing Problems - The four housing problems identified by HUD are:
 - Lacks complete kitchen facilities
 - Lacks complete plumbing facilities
 - More than one person per room
 - Cost burden greater than 30% of the income

Homeless Needs

- Supportive Services
 - Essential Services
 - Case Management
 - Health Care
 - Mental Care Services
- Housing Services
 - Transitional Housing
 - Permanent Supportive Housing
 - Rapid Re-Housing
 - Shelter Services: Single fathers; Single mothers; In-tact families and Transition Aged Youth
- Job Placement and Training
 - Job Development
 - Job Locators

Attachment No. 3

Page 1 of 2

**CITY OF OXNARD
FY 2013-2018 Consolidated Plan
Identified Needs**

Non-Homeless Special Needs

- Housing and supportive services for the elderly and frail elderly persons
- Housing and supportive services for mentally ill persons
- Housing and supportive services for substance abused persons
- Housing and supportive services for disabled persons

Non-Housing Community Development

- Supportive services for transitional age youth
- Recreational services for at-risk youth
- Job training and placement for at-risk youth
- Homeless prevention and rapid re-housing services to at-risk of becoming homeless persons
- Public Facilities and improvements

Note: Low- and Moderate-income (LMI) will cover income limit category from extremely low to low income

- Extremely low income is $\leq 30\%$ of Area Median Income (AMI)
- Very low income is between 31-50% of Area Median Income (AMI)
- Low income is between 51-80% of Area Median Income (AMI)

**CITY OF OXNARD
Consolidated Plan
FY 2013-2018 Priority Needs**

The following priorities have been established as solutions to the needs identified and determined through the citizen participation process: previous consultations and discussions with various organizations and staff. Some of the priorities are reinforced by census data provided by HUD as well as comments from the public and the Community Survey results:

Housing Needs

- Facilitate the construction of rental housing units for Low-Moderate income (LMI) persons.
- Facilitate the acquisition and/or rehabilitation of rental housing units for LMI persons.
- Rehabilitate the City's owner occupied single family and mobilehome housing units.
- Provide down payment assistance to first time homebuyer residents.
- Preserve and increase the affordable housing stock in the Public Housing and Section 8 programs.
- Assist homeless persons and families with emergency shelter.
- Assist homeless persons and families moving from emergency shelter to housing.
- Assist at-risk persons and families to become homeless to housing stabilization.

Homeless Needs

- Provide supportive services for the homeless persons and families.
- Provide housing services for the homeless persons and families.
- Provide job development and job locators for the homeless persons.

Non-Homeless Special Needs

- Provide housing and supportive services to the special needs population (elderly, disabled persons, persons with mental health problems, persons with AIDS/HIV) and youth at risk.

Non-Housing Community Development

- Provide homeless prevention and rapid re-housing services to at-risk to become homeless persons and families (Non Housing Community Development)
- Improve suitable living through improved infrastructure and/or rehabilitation of public facilities (Non-Housing Community Development).
- Provide job training and opportunities to the homeless persons and youth at-risk (Non Housing Community Development).

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

Agenda Item No.

0-2

Reviewed By: City Manager

City Attorney

Finance

Public Works

DATE: March 26, 2013**TO:** City Council
FROM: Rob Roshanian, Interim Public Works Director
Public Works

SUBJECT: Agreement between the City and the Channel Islands Waterfront Homeowners' Association Concerning Repairs to Seawalls and Waterways
RECOMMENDATION

That City Council approve and authorize the Mayor to execute an Agreement between the City and the Channels Islands Waterfront Homeowners' Association for the repair of seawalls and waterways for an estimated expenditure of City general funds in an amount not to exceed \$500,000. (Agreement No. A-7581.)

DISCUSSION

On March 1, 2011, the City Council approved an agreement with the TranSystem Corporation to assess the condition and develop a work plan for the capital repairs and replacement of the seawalls located in the Mandalay Assessment District. TranSystem was selected as the most qualified firm to perform the services based on competitive proposals submitted by five firms that were reviewed by staff members of the Public Works/Capital Projects Management Division and members of the Mandalay Homeowners' Association

TranSystem's assessment of the seawalls reported large variations of reduced structural integrity between the walls. This initial phase or Phase A determined that the walls could be salvaged. The steel reinforcement in the walls had less corrosion than anticipated, but can degrade quickly if the concrete protecting it continues to deteriorate. This information coupled with the individual wall locations/orientation in the bay, and other pertinent data, provided a scaled evaluation of different wall sections allowing for a remediation plan designed to the specific wall-segment needs rather than a generic "one-size-fits-all" approach. All of the walls inspected had a reduction of structural integrity to a certain degree.

On February 7, 2012, the City Council approved the First Amendment to the agreement with TranSystem for Phase "B" a strategic investigation that allowed TranSystem to collect adequate samplings for the engineering assessment of all seawall exposure segments but excluding the evaluation of each individual property.

Agreement Concerning Repairs to Seawalls and Waterways

March 26, 2013

Page 2 of 2

The Phase “B” strategic investigation included:

- Visual and physical sampling of selected seawall exposure segments for rating conditions and identifying the highest priority segments for the first repair phase.
- Geotechnical investigation sampling the site and provide soils and seismic loading criteria.
- Wall stability analysis to determine the safety factor of each seawall exposure wall segment by comparison of the Demand load to the Capacity of the walls in their current condition.
- “Risk” and “timing” assessment.
- Comprehensive characterization of the walls and an engineered remediation plan will be developed after the proposed Phase B investigations are performed and analysis of the data is completed.

The strategic investigation by TranSystem identified certain repairs to be accomplished on a high-priority, medium-priority, low-priority and non-critical priority basis. TranSystem completed the Phase “B” strategic investigation on August 20, 2012.

TranSystem identified repairs to stabilize 200 linear feet along the seawall of Kingsbridge Way as the highest priority for an estimated cost of \$532,000. Other high-priority repairs include providing 125 linear feet of slope protection at six undermined locations (approx. cost \$175,000) and filling 240 linear feet of cutoff wall gaps with sand and grout (approx. cost \$30,000), and other recommended repairs not to exceed a total of \$1,000,000.

The repairs initially will be funded by assessments collected for maintenance of waterways and tracts 1904 and 2026. The City will reimburse the District on a rolling basis for 50% of the cost of repairs. It is anticipated that the monies will be spent on the identified repairs over the next six to twenty-four (6-24) months from the date of this Agreement. The City will take those steps necessary to secure environmental clearances, accomplish design work, and accomplish the expedited repairs. The details of the transactions and background are set forth in the attached agreement.

City and District will continue to explore ways to fund repairs on a long-term basis.

FINANCIAL IMPACT

The estimated cost not to exceed \$1,000,000 for high-priority seawall repairs is funded 50% by the Mandalay Waterway Maintenance Fund through a reimbursement by the City’s General Fund. The remaining 50% is funded by the property owners within the Mandalay Waterway Maintenance District. While assessments are collected for ongoing routine maintenance of seawalls and waterways there is insufficient funding for major repairs of seawalls of this magnitude.

Attachment No. 1 – Agreement No. A-7581

AGREEMENT BETWEEN THE CITY OF OXNARD AND THE CHANNEL
ISLANDS WATERFRONT HOMEOWNERS' ASSOCIATION CONCERNING
REPAIRS TO SEAWALLS AND WATERWAYS

This agreement concerning repairs to seawalls and waterways ("Agreement") is by and between the City of Oxnard ("City") and the Channel Islands Waterfront Homeowners' Association ("CIWHA"). The Agreement is dated April 9, 2013. The Agreement is made with reference to the following facts and circumstances.

BACKGROUND

1. On or about September 26, 2012, CIWHA filed a Government Code claim with the City, claim number 2012-0142 (the "Claim").
2. The Claim pertains to tracts 1904-1, 1904-2, 1904-3 and tracts 2026-1, 2026-2 and 2062-3 (the "Tracts"). The Tracts are in the western portion of the City between Harbor Boulevard on the west, Victoria Avenue on the east, Channel Islands Boulevard on the south, and Wooley Road on the north.
3. The Tracts were developed beginning in 1968. The Tracts feature inland waterways. Seawalls separate the waterways from residential units located adjacent to the waterways.
4. The parties acknowledge that the seawalls are in need of repair.
5. In or about August, 2012, TranSystem Corporation ("TranSystem") prepared for the City a "Phase B Strategic Investigation" of the seawalls ("Strategic Investigation").
6. In that Strategic Investigation, TranSystem identified certain repairs to be accomplished on an expedited basis, as well as repairs to be accomplished on a high-priority, medium-priority, low-priority and non-critical basis.
7. A copy of the executive summary of the Strategic Investigation, with a summary of the recommended repairs is attached hereto as Exhibit 1. This Agreement is primarily concerned with the "Expedited Repairs" listed in the Strategic Investigation. Concurrent with providing the City with the Strategic Investigation, TranSystem provided the City with a more detailed and expanded price estimate for the work described as item (1) under the category "Expedited Repairs," which contained a revised estimate of \$532,420. A copy of the revised estimate is attached hereto as Exhibit 2.

8. In the claim, CIWHA contends that, the failure of the City to maintain the seawalls, which CIWHA contends are public improvements, is causing damage to or has the potential to cause damage to homes and property in the Tracts.

9. The City denies that any homeowners have been damaged and does not admit any contentions of the Claim. The City, however, recognizes that there are significant justiciable issues concerning the responsibility for repairs of the seawalls and that the City could be held responsible in the event that damage to adjacent properties were caused by the failure to maintain the seawalls.

10. On or about May 26, 1970, by Resolution No. 5,121, the City declared its intention to form an assessment district for maintenance of waterways in Tracts 1904 and 2026-1 (the "District"). On or about June 16, 1970, the City Council by Resolution No. 5,144 formed the District. On or about November 23, 1971, the City Council, by Resolution No. 5,487, included Tract 2026-2 into the District. Tract 2026-3 was later included in the District by Resolution No. 6830.

11. Pursuant to the District, the homeowners in the Tracts have been assessed and have paid monies into an account for the maintenance and repair of the waterways and seawalls.

12. While assessments have been collected and have been used by the City to maintain the waterways and seawalls and while funds in the present amount of approximately \$1.2 Million exist in the District accounts, these funds and funds collected on an ongoing basis are not sufficient to perform the repairs and to continue the routine maintenance obligations of the Districts.

13. Because of the adoption of Proposition 218 by the voters of the State of California in 1996, the City is precluded from raising the assessments for maintenance of the waterways and seawalls in the District, except in accordance with the notice and majority protest procedures set forth in Proposition 218 and statutes implementing Proposition 218.

14. Recognizing all of the foregoing, City staff and CIWHA have discussed the possibility of proceeding on a long term basis with a plan to provide shared funding mechanisms to provide for such repairs on an ongoing basis and have discussed several cost-sharing options.

15. Such discussions have not reached the stage of agreement or City Council action, however the City and CIWHA recognize a need to immediately proceed with a portion of the expedited repairs and enter this Agreement to provide funding to accomplish those repairs.

16. In order to accomplish certain expedited repairs described in TranSystem's Report, the parties agree as follows:

AGREEMENT

1. The City will use existing funds in the District to complete the most urgent repairs for Kingsbridge. The parties contemplate that the repairs will include tie-back for 200 linear feet of failing wall on Kingsbridge Way (approx. cost \$532,000), as well as providing 125 linear feet of slope protection at six undermined locations (approx. cost \$175,000) and filling 240 linear feet of cutoff wall gaps with sand and grout (approx. cost \$30,000), and other recommended repairs not to exceed a total of \$1,000,000.00. It is anticipated that the monies will be spent on the identified repairs over the next six to twenty-four (6-24) months from the date of this Agreement. City will take those steps necessary to secure environmental clearances, accomplished design work, and accomplish the expedited repairs.

2. The City will, within twelve (12) months of each expenditure of funds, on a "rolling basis" replace in the District accounts one-half (50%) of the funds taken from the District accounts to accomplish the repairs. The City's reimbursement to the District accounts will come from City funds and not be the responsibility of the property owners within the Districts, except that property owners may be residents of the City.

3. The CIWHA and City will continue to explore mechanisms to finance remaining repairs identified in the Strategic Investigation.

4. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of CIWHA and City.

5. CIWHA and City agree that neither City nor CIWHA shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include, but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations imposed after this Agreement was executed, fire communication line failures, earthquakes or other disasters.

6. City and CIWHA agree that no waiver of a breach of any provision of this Agreement by either CIWHA or City shall constitute a waiver of any other breach of the same provision or any other provision of this Agreement. Failure of either City or CIWHA to enforce at any time, or from time to time, any provision of this Agreement, shall not be construed as a waiver of such provision or breach.

7. City and CIWHA agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

8. City acknowledges that the person executing this Agreement has been duly authorized by the City Council to do so on behalf of City.

9. CIWHA acknowledges that the person executing this Agreement has been duly authorized by CIWHA to do so on behalf of CIWHA.

10. This Agreement does not fully and finally resolve the Claim filed by CIWHA, but is intended to resolve the issue of funding for the expedited repairs, as described in Paragraph 1 of this Agreement.

11. Any notices to CIWHA may be delivered personally or by mail addressed to The Law Office of K.M. Neiswender, 255 Maple Court, Suite 212, Ventura, California 93003, Attention: Kate Neiswender.

12. Any notices to City may be delivered personally or by mail addressed to the Oxnard City Attorney's Office, 300 West Third Street, Suite 300, Oxnard, California, 93030, Attention: City Attorney. Plus an additional copy to the Oxnard City Manager's Office, 300 West Third Street, Fourth Floor, Oxnard, California 93030, Attention: City Manager.

13. City and CIWHA agree that this Agreement constitutes the entire Agreement of the parties regarding the subject matter described herein and supersedes all prior communications, agreements and promises, either oral or written.

CITY OF OXNARD

CHANNEL ISLANDS WATERFRONT
HOMEOWNERS' ASSOCIATION

Tim Flynn, Mayor



William Clark, President

ATTEST:

APPROVED AS TO INSURANCE:

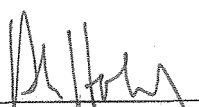
Daniel Martinez, City Clerk



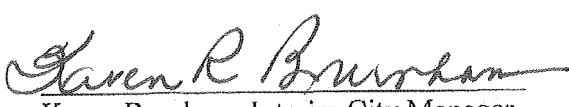
James Cameron, Risk Manager

APPROVED AS TO FORM:

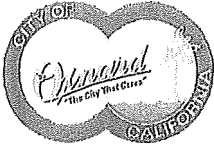
APPROVED AS TO AMOUNT:



Alan Holmberg, City Attorney



Karen Burnham, Interim City Manager



CITY OF OXNARD MANDALAY SEAWALL ASSESSMENT AND CAPITAL IMPROVEMENT PROGRAM

PHASE B – Strategic Investigation



Prepared for:
City of Oxnard
Public Works Department
305 West Third Street
Oxnard, CA 93030

Prepared by:
TRANSYSTEMS CORPORATION
12555 High Bluff Drive, Suite 210
San Diego, California 92130

City of Oxnard Agreement No. A-7390

TranSystems Project No. P50510040

Distribution limited to the City of Oxnard and their contractors; administrative/operational use.
Other requests for this document shall be referred to TranSystems Corporation

FINAL REPORT August 20, 2012

EXHIBIT 1
PAGE 2 OF 9

Attachment No. 1
Exhibit 1
Page 5 of 14



EXECUTIVE SUMMARY

OXNARD MANDALAY BAY SEAWALL INVESTIGATION

PHASE "B" - STRATEGIC INVESTIGATION

Phase "B" was a strategic investigation - An engineering approach to sampling that collects adequate sampling for the engineering assessment of all seawall exposure segments but does not include evaluation of each individual property. The Waterfront Engineering Team acquired as much information as possible by strategically selecting inspection locations relative to the changing seawall segment environmental exposure conditions and practicable points to start and stop construction repair phases. By Visual and Physical sampling each of these segments the team was able to rate their condition allowing the team to prioritize repairs within the 7 miles of seawalls. This phase also included a Geotechnical Engineering investigation to derive site specific soil loading criteria for use in a wall stability analysis that was used to evaluate the relative risk of collapse of the wider variation of concrete deterioration found occurring within the community. The Scope of Services and their results are described as follows:

A) Underwater Condition Survey:

TranSystems' Engineer/Divers performed a rapid "Level I Swim-By" inspection of the entire seawall below the mean tide line and a more detailed "Level II" evaluation at each of the 304 Above Water Inspection locations being concurrently evaluated by WDP & Associates' Field Engineers. Based upon the findings of the previous Phase A inspection work, the crew was focused on the following areas:

- Documenting damage to the seawall and foundation system below water which may allow soil loss or effect wall stability.

Very few serious concrete foundation defects were observed. A few pilasters and panels along West Hemlock Street were found broken by apparent overload. The resultant cracks now allow rapid deterioration of the reinforcing steel and are recommended for repair.

- Identification of areas where existing slope protection is absent and appear critical to future performance. The adjacent seafloor elevation and slope are a key component of wall stability and protection of the timber support piling from marine borer attack. Seawall areas where more than 16" on the Boise wall footing was exposed and more than 24" of the Zurn cut-off wall was exposed were mapped.

A few hundred feet of excessive exposure were mapped and are recommended for repair to prevent marine borer access.

EXHIBIT 1
PAGE 2 OF 9

Attachment No. 1
Exhibit 1
Page 6 of 14



- Check and map undermined foundations which allow marine borer access to the timber support piling.

Shallow undermining (less than 3" in height) was observed at a handful of locations, typically for short distances and are recommended for repair before marine borers destroy the support piling.

- Rate the concrete deterioration occurring below water at each seawall exposure segment for use in prioritizing repairs.

The team rated all inspection locations to supplement and confirm the Above Water Inspection ratings. Typically above water ratings closely match the underwater ratings on the Zurn walls. On the Boise walls significant corrosion bleeding is occurring along the wider cracks (1/8" or greater) on the bottom few feet of the precast concrete panels. This deterioration cannot be consistently observed by the Above Water inspection team and is responsible for increasing the rating of a few dozen Boise panels.

- Measure the depth of the commonly occurring gap between the Zurn seawall footing and cut-off wall which has the potential to allow marine borers access to the timber piling.

A few hundred feet of this gap were observed and mapped for a simple "sand-fill" repair to prevent marine borer access to the support piling.

B) Above Water Condition Survey:

WDP lead this inspection effort with the assistance of TranSystems in development of the above water wall rating system.

B.1 Rapid Visual Inspection

At 304 strategically selected wall locations, WDP sampled the worst condition wall segment occurring within the field of each city block of wall exposure and the wall ends, typically occurring at the corner properties, which are the probable start and stop points of construction repair phases. The field teams collected the following data:

- Visual rating of the structural condition of the wall faces on a relative scale of 1 to 5 for the above water portion of the wall. At a minimum, the wall above mean tide elevation was evaluated so it could be combined with the notes of the Underwater Inspection Team to formulate an overall rating.



- Visually estimated the deterioration (% of visual spalling across wall length, band elevation of damage, worst spall depth, largest spall size) as tangible confirmation of the visual rating.
- Occurrence of major structural damage such as open joints, broken panels, wide cracks, and large corrosion concrete spalls. Minor defects and damage, such as shrinkage cracks and impact nicks, which do not warrant repair, were not recorded.
- Wall rotation, where observed by an offset between two sides of a construction joints, was measured with a digital "Smart Level" and tape measure to record the wall position on each side of the joint.
- Each inspection location was photographed with an "overall" and "close-up" to document conditions

The results of the visual inspection confirm a significant amount of variation in conditions through the 7 miles of seawall. In general, more significant damage was observed in locations with western exposure that receive significant late-afternoon sun exposure. The last construction phase was generally in better condition than the balance of the community.

One segment of seawall along Kingsbridge Way was found leaning significantly towards the water, (7 degrees from vertical and over 1.75" of relative displacement to the adjacent panel) without movement of the foundation. The upper 7 feet of the wall appears at significant risk of failure. We recommend a program to investigate and repair this wall segment be implemented as soon as practicable.

B.2 Physical Testing (Drill Inspection)

The community was divided into 140 seawall exposure segments, typically one side of a city block. At each location, 3 drill test holes were made, approximately 3/4 inch diameter, at the elevation of worst visual deterioration and 1 foot above and below. Drilling was stopped when sound (hard) concrete is encountered. Testing locations coincided with Rapid Visual Inspection Locations. The field team recorded the following for each location:

- Elevation of test location above footing
- Depth to sound concrete
- Quantify or rate the drilling effort



The drill penetration resistance, particularly for the Zurn walls, suggests that a decrease in penetration resistance was more prevalent at the more visibly damaged wall sections. However, significant differences were not observed in the test data between panels with different visual ratings. Hidden areas of softer concrete were not observed in the tested locations. The lack of a significant trend in the drill test results is likely because of wave and wind action that acted over time to remove the softest (scaled) concrete from the tested wall sections.

B.3 Non-Destructive Testing (NDT)

At 140 Wall Exposure Segments the following NDT testing was performed:

Impact-Echo Testing: 15 data points at worst visual damage location per segment.

Resistivity Testing - 20 data points at worst visual damage location per segment

The impact-echo test results indicated that defects, primarily in the form of distributed cracking resulting from alkali-silica reactivity, were present in the vast majority of the tested panels. Defects, likely the result of internal cracking damage, were also documented in panels with lesser amounts of visible damage. The impact-echo results were used with the invasive probe results to estimate the depth of damaged concrete to be included in analytical models.

Resistivity testing results indicated that the concrete in the seawalls was largely saturated and therefore widespread macro-cell corrosion of the reinforcing steel was not likely. These results were consistent with the results obtained in Phase A.

B.4 Core Sampling and Petrography

At 10 locations, core samples were taken at inspection locations. These cores reflect the range, from Good to Poor, of observed deterioration conditions occurring in the community as a whole. Cores allowed the visual observation of the interior concrete. All of the cores were sent for petrographic analysis for insight into the concrete deterioration mechanisms, with a detailed petrographic analysis completed on six of the core samples.

The cores confirm that Alkali-Silica reactivity (ASR) is the major contributing factor to the deterioration of the seawalls. The deterioration is much more advanced in the Zurn walls than the Boise walls which may be attributed to the higher quality control and lower

iv

EXHIBIT 1
PAGE 5 OF 9

Attachment No. 1
Exhibit 1
Page 9 of 14



permeability of the air entrained concrete used for production of the Boise Panels. Evidence of marine attack was observed in some areas as a secondary deterioration mechanism. The marine attack was limited to areas where cracking damage due to ASR had previously occurred.

B.5 Invasive Probing of Base of Zurn Walls

At 8 locations the engineering team instructed its Contractor Partner - MTM Builders, Inc. to make careful demolition exposures at base of the Zurn walls near construction joints to investigate the potential existence of microcell corrosion, which cannot be identified using non-destructive testing. The depth of deteriorated concrete was also documented at invasive probe locations. At each location at least one vertical reinforcing bar was exposed and often a footing dowel or horizontal bar. The bar conditions were documented and the walls repaired within 48 hours.

At 6 locations, the reinforcing steel was found in good condition with only limited surface corrosion and minimal evidence of pitting. The depth of observed concrete cracking damage was recorded in these areas. At two locations along Eastbourne Bay significant corrosion damage on the vertical reinforcing steel was observed. The probes were performed at an area with a deteriorated construction joint at the base of the wall. The vertical reinforcing steel in the probe openings had significant loss of cross section, likely the result of localized microcell corrosion.

C) Geotechnical Investigation & Wall Stability Analysis:

C.1. Subsurface Evaluations. Terra Costa Consulting performed the Geotechnical investigation effort. They provided a series of (9) CPT soundings and (4) test pits to investigate the subsurface soil conditions. This testing was able to generalize the subsurface conditions allowing TranSystems to model the wall for various loading conditions. TerraCosta provided passive, active, seismic, and surcharge earth pressures for use in the seawall stability calculations. Eight CPT soundings were taken at representative locations spread throughout the site, typically in vacant lots and street ends to minimize disruption.

C.2 Evaluate Wall Stability, TranSystems, with the assistance of TerraCosta, evaluated the static and seismic stability of the existing seawalls using the earth, surcharge, and seismic pressures. The various levels of deterioration were modeled, based upon the findings from the field work. The findings from this analysis indicate:

V

EXHIBIT 2
PAGE 6 OF 9



The Class 4 rated (Tract 1) 10" thick Zurn walls are within 5 years failure under static (non-seismic) conditions. It is also estimated that within 2 years they will require shoring during repair work causing the repair cost to escalate significantly.

The Class 4 rated (Tract 1) 10" thick Zurn walls with a "deck surcharge" may be as short as 2-3 years.

The Class 4 rated (Tracts 2 & 3) 12" thick Zurn walls have 5-10 years until failures are expected under static (non-seismic) conditions but repairs are recommended to start in 5 years to avoid the need for costly shoring during repair work.

The Class 4 rated Boise panels with significant vertical or diagonal cracking are expected to fail within 3-10 years. The remaining reinforcement cross section of the Boise Panel is recommended for investigation in Phase C to refine the life expectancy.

C.3 Liquefaction Potential. This site is prone to liquefaction damage, as are all similar developments using hydraulically placed fills within close proximity to ground water.

The Geotechnical Report indicates that the vast majority of walls are expected to fail during a "Design Level" seismic event which has a return period of 390 years. The Boise walls will fail sooner than the Zurn walls as the deadman anchorage securing the tie-back rods will lose all capacity when the soil liquefies. The study further indicates that the soils are just on the verge of liquefaction and a few failures are expected at a lesser seismic event with a return period of 72 years.

D) Prioritization and Budgetary Cost Estimates:

Find a list of the top "near-term" repair priorities and a cost estimate of the estimated repairs to maintain the seawalls for the next 25 years in the attached Executive Cost Estimate. Site Plans are included in the report indicating the wall ratings and locations of recommended repairs



Cost Estimate

1. Costs are in 2012 Dollars
2. Repairs are listed in order of priority in each category
3. Costs are fully burdened including OH & P, Design, Construction Admin, Permits & Dock Moves

Expedited Repairs (Program ASAP)

- 1) Stabilization of 150 LF minimum of seawall along Kingsbridge Way.....\$319,000
- 2) Repair (4) pilasters & (4) panels minimum on West Hemlock Street.....\$103,000
- 3) Repair the estimated (42) Class 4 and Class 5 Boise pilasters.....\$200,000
- 4) Provide 125 LF of slope protection at 6 undermined locations.....\$175,000
- 5) Fill 240 LF of cut-off wall gaps with sand & grout.....\$30,000

High Priority Repairs (Years 2 - 6)

- 6) Provide 232 LF of slope repairs at 7 locations w/ high undermining potential.....\$325,000
- 7) Repair 4,027 LF of Class 4 Zurn walls in Tract 1 (10").....\$6,240,000
- 8) Repair (120) Class 3.5 Pilasters.....\$540,000
- 9) Repair 204 LF Class 4 Boise seawall segment.....\$395,000
- 10) Repair the (23) isolated Class 4 Boise panels.....\$535,000

Medium Priority Repairs (Years 7 - 12)

- 11) Repair 182 LF of seawalls foundations w/ steep slope.....\$254,800
- 12) Repair the (259) Class 3 Pilasters.....\$1,101,000
- 13) Repair the 2070 LF of Class 3.5 Zurn walls in Tract 1 (10").....\$3,208,000
- 14) Repair the 773 LF of Class 4 Zurn walls in Tract 2 (12").....\$1,198,000
- 15) Repair the 2,890 LF of Class 3.5 Boise seawall segments.....\$4,479,000

vii

EXHIBIT 2
PAGE 8 OF 9

Attachment No. 1
Exhibit 1
Page 12 of 14



Low Priority Repairs (Years 13 – 18)

- 16) Install slope protection to 1,249 LF of seawall with substandard slope.....\$1,165,000
- 17) Repair (207) Class 2.5 Pilasters.....\$880,000
- 18) Repair 4,500 LF of Class 3 Zurn walls in Tract 1 (10").....\$6,975,000
- 19) Repair the 830 LF of Class 3.5 Zurn walls in Tract 2 (12").....\$1,290,000
- 20) Repair the 4,900 LF of Class 3 Boise seawall segments.....\$7,595,000

Non-Critical Repairs (Years 19 – 25)

- 21) Repair (220) Class 2 Pilasters.....\$935,000
- 22) Repair 2,900 LF of Class 2.5 Zurn walls in Tract 1 (10").....\$4,495,000
- 23) Repair 1,100 LF of Class 3 Zurn walls in Tracts 2 & 3 (12").....\$1,705,000

Repairs Beyond 25 years

- 24) Repair 2,450 LF of Class 2.5 Boise seawall segments
- 25) Repair 670 LF of Class 2 Zurn walls in Tract 1 (10")
- 26) Repair 2,490 LF of Class 2 Boise seawall segments
- 27) Repair 1,900 LF of Class 2.5 Zurn walls in Tracts 2 & 3 (12")
- 28) Repair 6,100 LF of Class 2 Zurn walls in Tracts 2 & 3 (12")

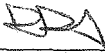
Tie-back repair for 200 LF of failing wall on Kingsbridge Way			COST ESTIMATE			DATE PREPARED: August 20, 2012		SHEET:		
ACTIVITY AND LOCATION: Add tiebacks to reduce the bending moments and Freeze the seawall in its current position			ME CONTRACT NUMBER Agreement No. A-7380				IDENTIFICATION NUMBER			
PROJECT TITLE: Mandalay Seawall Emergent Repairs from - Phase B - Strategic Investigation			ESTIMATED BY: TRANSYSTEMS CORPORATION				CATEGORY CODE NUMBER			
			STATUS OF DESIGN: BUDGETARY LEVEL ESTIMATE				DELIVERY ORDER NUMBER			
ITEM DESCRIPTION			QUANTITY		MATERIAL COST		LABOR COST		ENGINEERING ESTIMATE	
			NUMBER	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
Mobilization			1	LS			40000.00	40,000	40,000.00	40,000
Silt Curtain (Reuse 366' Curtain) & Main			366	LF	40.00	14,720	50.00	18,400	90.00	33,120
Two Barge Rentals			2	MO	15000.00	30,000			15,000.00	30,000
Drill Rental			2	MO	8000.00	16,000			8,000.00	16,000
Patch Decks after Geotech Borings			1	LS	1000.00	1,000	3000.00	3,000	4,000.00	4,000
A) Docks										
Remove existing docks			5	EA			1200.00	6,000	1,200.00	6,000
Reinstall docks w/ new guides			5	EA	2400.00	12,000	1500.00	7,500	3,900.00	19,500
R & R Gangways & Platforms			5	EA	400.00	2,000	1000.00	5,000	1,400.00	7,000
B) Tieback Installation										
Drill & Grout tieback rods (5.5' o.c.)			36	EA	1250.00	45,000	2750.00	99,000	4,000.00	144,000
includes core drill, PT strand & grout.										
C) Concrete Wale										
Construct new 20x20 Concrete Wale			200	LF	45.00	9,000	100.00	20,000	145.00	29,000
Raw Cost SUBTOTAL										328,620
General Requirements			10%							32,900
Contractor Overhead and Profit			10%							32,900
Burdened Cost SUBTOTAL										394,420
Selective Demo & Geotech investigation			10.0%							39,400
Design Contingency (Drain Retrofit)			10.0%							39,400
Design Engineering (8%)			8.0%							31,600
Design & Geotech Constr. Support (2%)			2.0%							7,900
Construction Administration (5%)			5.0%							19,700
TOTAL PROGRAM COST										\$532,420
				</						

EXHIBIT
PAGE 2 OF 1



Meeting Date: 04 / 09 / 13

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

Prepared By: Richard Arias 

Agenda Item No. 0-3

Reviewed By: City Manager  City Attorney RT Finance Unl Other (Specify) _____

DATE: March 26, 2013

TO: City Council

FROM: Richard Arias Recreation Supervisor
Recreation and Community Services



SUBJECT: Oxnard Field Reservation Report

RECOMMENDATION

That City Council hear and consider a report relating to the status of youth soccer within the City of Oxnard.

SUMMARY

The City of Oxnard Recreation & Community Services, Oxnard School District, Hueneme School District, Rio School District, Ventura Community College District and the Oxnard Union High School District currently provides playfields for (4) four independent, 501C-3, youth soccer groups in Oxnard, which play year round (January to December):

Independent and Affiliated Youth Leagues:

1. Oxnard Champions Soccer League (65 Teams)
Play @ Marina West School, Lemonwood School, Fremont Intermediate School, and Marshall School (Oxnard School District) & Marina West Park (City of Oxnard)
2. Oxnard Youth Soccer League (70 Teams)
Play @ Bard School (Hueneme School District), Hueneme High School (Oxnard Union High School District) & Del Sol Stadium (City of Oxnard)
3. Oxnard Youth Premier Soccer League (100 Teams)
Play @ Oxnard College (Ventura Community College District), Via Marina Park and Del Sol Stadium (City of Oxnard)
4. Agricultural Youth Soccer League (Ventura Counted United) (153 Teams)
Play @ Haydock Intermediate School, Fremont Intermediate School, Frank Intermediate School, Harrington School, Rose Avenue School, and Marshall School (Oxnard School District) & Southwest Park and Del sol stadium (City of Oxnard)

Youth Soccer Affiliate Members of AYSO and US Soccer Federation

The following groups begin play in the fall (September to December):

1. American Youth Soccer Organization (AYSO) (200+ Teams)
 - A. Region 304 (North Oxnard)
Play @ Fremont Intermediate School (Oxnard School District)
 - B. Region 148 (South Oxnard)
Play @ Blackstock Intermediate School (Hueneme School District)
2. Coast Soccer League (91 Teams) – Regional youth competitive league sanctioned under Cal State Soccer Association – South (Cal South) and US Youth Soccer Association/US Soccer Federation.
 - A. Oxnard Wave Soccer Club (18 Teams)
Play @ River Park Playfields (City of Oxnard)
 - B. Royal Puma Football Club/Silver Lakes FC (4 Teams)
Play @ Oxnard College (Ventura Community College District) & River Park Playfields (City of Oxnard)
 - C. Oxnard Police Activity League (PAL) (6 Teams)
Play @ River Ridge Field (City of Oxnard)
 - D. Oxnard United Soccer Club (28 Teams)
Play @ River Ridge Fields (City of Oxnard)

The City of Oxnard Recreation & Community services has developed working relationships with the Oxnard Union High School District, and Rio Elementary School Districts to insure open communication regarding the allocation of playfields for youth soccer in Oxnard.

Invited and met with youth soccer representatives on Tuesday, March 12, 2013, at Oxnard City Corps to review their league/club status and to introduce Recreation & Community Services updated “Athletic Field Policy & Procedures” draft along with the development of a “Youth Soccer Committee”, made up of a representative from each league/club. The “Youth Soccer Committee” would serve to resolve potential soccer related issues.

City of Oxnard Recreation representative met with Mr. Baltazar Garcia, Agricultural Youth Soccer League, at his store, on Wednesday, March 13, 2013, to review Athletic Field Policy & Procedure draft along with discussions held at the prior meeting.

Recreation & Community Service would ask City Council to accept the following recommendations:

1. Insure all youth leagues, clubs and or organizations incorporate within their "By-Laws" to follow city ordinances and policies regarding use of playfields.
2. Insure all youth leagues, clubs and or organization have stated in "By-Laws" governing behavior of coaches, players, and fans.
3. Implement a policy that requires mandatory live scan fingerprinting of all organized youth sports coaches, volunteers and team administrators to protect the youth participants.
4. Require on-going certified training program for all coaches and referees.
5. Establish and mandate parent training to insure a positive environment at all practices and games. Insure player/parent signed liability waivers.
6. All youth leagues, clubs and organizations must meet all City of Oxnard insurance requirements.
7. Establish a "Youth Soccer Committee" with (1) one representative from each youth league, club and or organization to insure equality and fairness in playfield allocations and insuring adherence of all city policies & procedures.
8. Recreation & Community Services to assist Parks with the development of a comprehensive maintenance schedule of all playfields, which would close down playfields during the primary growing periods: July- August.
9. Establish "Season of Sports" for recreational, club and sanctioned league play.
 - A. Recreational League – January to June
 - B. Sanctioned League & Club – September to December
10. Recreation & Community Services will establish quarterly meeting with the Oxnard, Hueneme and Rio School Districts to review the state of soccer and resolution of any potential problems.
11. Recreation & Community Services will provide City Council with a yearly report on the "State of Soccer", inclusive of any recommendations brought forth from the "Soccer Youth Committee".
12. Establish a plan, in conjunction with the Oxnard Union High School District, to address the overuse of high school playfields.

The following are possible solutions to our community concerns regarding youth soccer:

1. Move youth soccer leagues away from neighborhood parks.
2. Identify and establish specific individual sites for each league (similar to youth baseball/softball).
3. Look at the need for at least (12) twelve more soccer playfields.

In closing Recreation & Community Services along with Parks would want City council to also consider the following:

1. Complete College Park (baseball/softball playfields).
2. Establish a time-line to complete Sports Park soccer playfields.
3. Move forward with the development of Campus Park as a sports park.
4. Identify future playfield opportunities via the 2030 General Plan.

FINANCIAL IMPACT

None.

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

Prepared By: James Cameron

Agenda Item No.

Q-2

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: March 26, 2013**TO:** City Council**FROM:** James Cameron

Chief Financial Officer

SUBJECT: Budget Study Session – Discussion of Golf and PACC Funds and other City Funded Organizations**RECOMMENDATION**

That City Council receive information regarding funding of the Golf and the Performing Arts and Convention Center (PACC) enterprise funds as well as other City funded organizations, and provide guidance to staff for the Fiscal Years 2013-14 2014-15 Two-year Budget.

DISCUSSIONGolf and PACC Funds

The River Ridge Golf Course (RRGC) and the PACC were established as enterprise funds; however, both require financial assistance to meet ongoing operational and debt service costs. Because revenues are market driven to a greater extent than other enterprise funds, changing economic and market conditions have a significant impact. As a result, the PACC has accumulated a \$1.5 million shortfall and receives an annual subsidy from the General Fund of just under \$1 million. The Golf fund, which includes a \$1.1 million annual debt payment, has accumulated a \$1.7 million shortfall and will require about \$1.3 million annually over the next 3 years.

The RRGC, which was first constructed in 1986 as an 18 hole course and expanded to 36 holes in 2008, generally covers operating costs from revenues. However, revenues are not adequate to fully cover capital costs and debt service on outstanding bonds. Historically, the general fund provided a limited annual subsidy and more recently accumulated fund balances were adequate to meet debt service requirements. In the past two years, fund balances had been drawn down and revenues were not adequate to fully fund capital and debt service costs. As a result a \$1.7 million shortfall has accumulated and for the Fiscal Year (FY) 2012-13 budget the Council authorized a \$1.3 million loan from the Water fund. Although the demand has increased moderately with the end of the recession and rates have been adjusted to improve revenues, an annual subsidy of up to \$1.3 million is anticipated until the original bonds are paid off. This does not include the debt service on the more recent issuance when the City was forced to repurchase the Casden Property. The attached Golf Course Fund Summary

provides historical financial data.

The PACC, which is operated by the Oxnard Performing Arts Center Corporation (OPACC), is subsidized by the General Fund. The City entered into an agreement with the OPACC in 2000 for a ten year term. Although the PACC is reported in the City's Comprehensive Annual Financial Report as an enterprise fund with an independent board, a separate banking and payroll, the significant contribution of City funds relative to revenues generated from events calls into question the appropriateness of the current structure. The agreement with the OPACC has not been renewed. While the General Fund has contributed close to \$1 million annually for many years, the recession and evolving market for event space has negatively impacted revenues, resulting in a \$1.5 million fund shortfall. The City continues to own the land and buildings. The attached PACC Fund Summary provides historical financial data.

Other City Funded Organizations

The City also subsidizes several other agencies at a cost of more than \$1.2 million from the General Fund, including the Oxnard Convention and Visitors Bureau (OCVB), Economic Development Corporation of Oxnard (EDCO), and the Carnegie Museum. Annual contributions to these organizations are as follows (FY 2012-13):

OCVB	\$705,000
EDCO	\$151,000
Carnegie	\$409,000

In addition to City funding, EDCO receives \$104,000 from the Community Development Commission Successor Agency (CDCSA). EDCO, which is in its final year of a three year contract, receives additional funding from non-public sources. Funding from the CDCSA must be approved by the California State Department of Finance every six months and has not always been approved.

The City entered into a ten year agreement with the Carnegie Art Museum Cornerstones in 2010 in order to expand its ability to seek additional funding. Previously the Carnegie was part of the Library Department. As with the PACC, the City continues to own the building.

OCVB, established in 2002 as a marketing function of the City to promote leisure and business travel to the City, is 100% publicly funded from the City's General Fund. Prior to the current structure, a similar bureau established in 1974 was discontinued in 1991 due to budget difficulties. Because of falling tourism revenues, the Greater Oxnard and Harbors Tourism Bureau was established in 1994 with about 20% funding from other sources, subsequently becoming the OCVB. The agreement between the City and the OCVB is automatically renewed annually subject to City Council appropriation of funding.

FINANCIAL IMPACT

Because this item is for discussion purposes only, there is no financial impact.

Attachment 1: Golf Fund Cash Flow Analysis
Attachment 2: PACC Cash Flow Analysis

Golf Fund
Cash flow Analysis
Excluding Year-end Cash Balance Transfer*
(\$ thousands)

	Fiscal Year (ending June 30)				
	2008	2009	2010	2011	2012
Cash & Cash Equivalents July 1	13,114	3,979	1,764	19,754	(232)
Revenues	3,360	4,251	4,202	4,221	4,063
Payments					
To Suppliers	(4,116)	(4,222)	(4,184)	(3,778)	(4,246)
To employees	(47)	(47)	(47)	(47)	(66)
Net Cash from Operations	(803)	(18)	(29)	396	(249)
Non-Operating Sources and Uses					
Interest on Investments	339	79	17	-	-
Proceeds from Notes/Bonds**	-	-	40,778	21,323	-
Net Transfers From/(To) other					
Funds	(6,133)	2,815	-	1,679	1,299
Purchases of Capital Assets	(1,425)	(1,034)	(812)	(347)	(207)
Purchase of Land	-	(3,000)	(20,648)	-	-
Debt Service on Bonds	(1,113)	(1,057)	(1,090)	(1,089)	(2,349)
Payment on Notes/Other**			(226)	(41,948)	-
Net Cash Non-Operating	(8,332)	(2,197)	18,019	(20,382)	(1,257)
Net Increase/(Decrease) in Cash	(9,135)	(2,215)	17,990	(19,986)	(1,506)
Cash & Cash Equivalents June 30	3,979	1,764	19,754	(232)	(1,738)

* Year-end cash balance transfers are recorded as "Due to other funds" or "Due from other funds" required to cover cash shortfalls.

** In fiscal year 2010, short-term notes were issued for the repurchase of the Casden property. At the end of the fiscal year the notes were "rolled-over" resulting in a doubling of the proceeds with payment falling in 2011. In 2011, bonds were sold to pay off the notes.

Performing Arts and Convention Center Fund

Cash flow Analysis

Excluding Year-end Cash Balance Transfer*

(\$ thousands)

	Fiscal Year (ending June 30)				
	2008	2009	2010	2011	2012
Cash & Cash Equivalents July 1	-	-	(1,032)	(1,183)	(1,422)
Revenues	486	485	513	439	546
Payments					
To Suppliers	(491)	(1,219)	(412)	(503)	(490)
To employees	(1,297)	(1,272)	(1,200)	(1,123)	(1,094)
Net Cash from Operations	(1,302)	(2,006)	(1,099)	(1,187)	(1,038)
Non-Operating Sources and Uses					
Interest on Investments	-	-	-	-	(7)
Net Transfers From/(To) other Funds	1,302	982	948	948	948
Purchases of Capital Assets	-	(8)	-	-	-
Net Cash Non-Operating	1,302	974	948	948	941
Net Increase/(Decrease) in Cash	-	(1,032)	(151)	(239)	(97)
Cash & Cash Equivalents June 30	-	(1,032)	(1,183)	(1,422)	(1,519)

* Year-end cash balance transfers are recorded as "Due to other funds" or "Due from other funds" required to cover cash shortfalls.

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

Prepared By: Michael More *MM*Agenda Item No. *R-1*Reviewed By: City Manager *MM*City Attorney *MM*Finance *MM*

Other (Specify) _____

DATE: March 26, 2013**TO:** City Council**FROM:** James Cameron, Chief Financial Officer
Finance Department *James Cameron***SUBJECT:** Community Facilities District No. 3 (Seabridge) Bond Refunding**RECOMMENDATION**

That City Council receive a presentation on the potential refunding of bonds associated with Community Facilities District No. 3 (Seabridge).

DISCUSSION

On November 15, 2005, the City issued \$32,275,000 in Community Facilities District No. 3 (Seabridge) Special Tax Bonds (the "Bonds"). The Bonds were issued to pay for infrastructure associated with the Seabridge development. At the present time, there exists an opportunity to refinance the Bonds, which will result in measurable savings to property owners, estimated at approximately 7% on a net present value basis.

Through the City's financial advisor, staff issued a Request for Proposals to eight investment banking firms qualified in the City's investment banking pool to provide proposals to refinance the Bonds. The City received proposals from four firms and staff has determined that Piper Jaffray & Co. best meets the requirements of this particular refunding. When the City is ready to close on the bonds, staff will return to City Council for formal approval of the underwriter and bond documents associated with the refunding of the Bonds.

FINANCIAL IMPACT

There is no financial impact associated with this action.

MM

