

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



AMENDED AGENDA
Consent – Item J.8 Added

AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY

Meeting Location: Council Chambers, 305 West Third Street

July 2, 2024

Appointment Items - 5:00 PM

Regular Meeting - 6:00 PM

Zoom details to call-in for public comment during a meeting:

1. Dial Phone Number: (888) 475-4499
2. Enter Meeting ID: 834 0110 0172
3. Passcode: 180925

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom call-in steps listed above. Once the presiding officer calls for public speakers, press *9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room. Press *6 when asked to unmute. Listen to the instructions provided virtually on the phone while on hold in the zoom waiting room. Please note that there is a slight time delay when viewing the meeting via television.

IN ACCORDANCE WITH ASSEMBLY BILL 2449, MEMBERS OF THE LEGISLATIVE BODY MAY MEET IN-PERSON OR REMOTELY. TO PARTICIPATE REMOTELY VISIT WWW.OXNARD.ORG.

To find out how you may provide public comment, please refer to the instructions below or at [www.https://www.oxnard.org/city-meetings/](https://www.oxnard.org/city-meetings/).

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at [Youtube.com/oxnardnews](https://www.youtube.com/oxnardnews). Video recordings of the meeting are typically available online following the meeting at the City's website at www.oxnard.org/city-meetings.

*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.
2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING
 - a. Submit a request to speak remotely by 3 p.m. on the day of the meeting by using the form available at www.oxnard.org/citymeetings.
 - b. Submit an email to cityclerk@oxnard.org by 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
 - c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.

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

Agenda Item Time Estimates include: (Minutes for Presentation + Council Discussion + Public Comment)

3. PROVIDE PUBLIC COMMENT REMOTELY DURING THE MEETING

- a. Follow Zoom details listed above.
- b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at www.oxnard.org/city-meetings.

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

A. ROLL CALL, POSTING OF AGENDA

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

CONSIDERATION OF TELECONFERENCE PARTICIPATION PURSUANT TO ASSEMBLY BILL 2449.

B. APPOINTMENT ITEMS (5:00 PM)

1. SUBJECT: Update on Bicycle and Pedestrian Improvements. (20 minutes)
2. SUBJECT: Parks, Recreation and Community Services Commission Annual Report. (20 minutes)

C. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

D. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation Designating the Month of July 2024 as "Parks and Recreation Month."

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

F. 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

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Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

1. Public Works Department

SUBJECT: Continuation of an Emergency Order for Replacement of the City's Data Center Cooling System. (10 minutes)

RECOMMENDATION: That the City Council review and approve the continuation of the City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050 for the replacement of the Data Center Cooling System.

(This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/-jQaUAa9lt0>

Legislative Body: City Council

Contact: Michael Wolfe, Robert Ruben, (805) 385-8055, (805)385-7554

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

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

H. 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.

I. 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.

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the June 4, 2024 regular meeting as presented.

Legislative Body: City Council

Contact: Rose Chaparro, (805) 385-7805

2. Finance Department

SUBJECT: Second Amendment to Agreement for TG Consulting Services.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Second Amendment to the Agreement with TG Consulting Services to increase the amount by \$146,000 for a new amount not to exceed \$290,937.50, and extending the term one year to June 30, 2025, for services as the Subject-Matter Expert for the full integration of Tyler's EPL Licensing Module and for fully training licensing staff.

Legislative Body: City Council

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Contact: Javier Chagoyen-Lazaro, (805) 200-5400

3. Public Works Department

SUBJECT: Public Project Agreement 32500032 with Innovative Engineering Systems, Inc., dba Agilitech for Oxnard Water System SCADA Improvement Project (Rebid), Specification No. PW 20-97R.

RECOMMENDATION: That the City Council approve and authorize:

1. A total of \$746,367 in Project funds for the Oxnard Water System SCADA Improvement Project (Rebid), Specification No. PW 20-97R;
2. The Mayor to Execute an Agreement with Innovative Engineering Systems, Inc., dba Agilitech in the amount of \$597,094 with a contingency amount of \$89,564 (15%) for a total not to exceed contract amount of \$686,658 for the Project; and
3. A Project allocation amount of \$59,709 (10%) for engineering, inspection, survey and project management for the Project.

(This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.)

Legislative Body: City Council

Contact: Michael Wolfe, (805) 385-8055

4. Housing Department

SUBJECT: Oxnard Downtown Management District Ballot.

RECOMMENDATION: That the City Council and Parking Authority:

Authorize the City Manager, or his designee, to sign, on behalf of the City of Oxnard and Parking Authority, as owners of certain properties located in the Oxnard Downtown Management District ("District"), a ballot in support of the District renewal.

That the Oxnard Housing Authority Board of Commissioners:

Authorize the Executive Director, or his designee, to sign, on behalf of the Housing Authority, as owners of certain properties located in the Oxnard Downtown Management District, a ballot in support of the District renewal.

(This item did not originate in Committee.)

Legislative Body: City Council, Parking Authority, and Oxnard Housing Authority

Contact: Emilio Ramirez, (805) 385-8094

5. Cultural & Community Services Department

SUBJECT: Amendment to Agreement (8503-18-LI) with Baker & Taylor, LLC. for the Purpose of Purchasing Library Materials.

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

- 1) Approve a Second Amendment to Agreement 8503-18-LI with Baker & Taylor, LLC in the amount of \$190,000 for a total agreement value of \$1,140,000; and

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2) Extend the term of the Agreement to June 30, 2025, for the purpose of purchasing library materials, cataloging and processing.

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

6. City Attorney Department

SUBJECT: Readoption of Resolutions Calling the Election for Four Measures for Community Facilities District No. 5 (RiverPark).

RECOMMENDATION: That the City Council, acting as the legislative body of Community Facilities District No. 5 (RiverPark) of the City of Oxnard:

1. Call the election for a ballot measure titled "City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure" by readopting a resolution, which would order consolidation with the November 5, 2024 statewide election, request the County Clerk to conduct the election, and authorize the Board of Supervisors to canvass the returns; and

2. Call the election for certified initiative measures titled:

a. "Repeal of Community Facilities No. 5 (RiverPark) Special Taxes;"

b. "Reduction of the Maximum Special Taxes That Can Be Imposed Within Community Facilities District No. 5 (RiverPark);" and

c. "Limitations on Uses of Special Taxes for Community Facilities District No. 5 (RiverPark)"

by readopting three resolutions which would order consolidation with the November 5, 2024 statewide election, request the County Clerk to conduct the election, and authorize the Board of Supervisors to canvass the returns.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/zN80-molHQg>

Legislative Body: City Council, acting as the legislative body of Community Facilities District No. 5 (RiverPark)

Contact: Stephen Fischer, Rose Chaparro, (805) 385-7483, (805) 385-7805

7. Police Department

SUBJECT: Ventura County Animal Services Agreement FY 2024-25.

RECOMMENDATION: That the City Council approve and authorize the Mayor to sign a Service Level Request in the amount of \$2,647,277 for FY 24-25 for the fifth year of a five-year agreement (A-8151) with the County of Ventura to provide animal safety services.

Legislative Body: City Council

Contact: Jason Benites, (805) 385-7624

8. Finance Department

SUBJECT: Resolution Amending the Citywide Classification and Salary Resolution.

RECOMMENDATION: That the City Council approve the resolution amending the Citywide Classification and Salary Resolution.

(This item did not originate in Committee.)

Legislative Body: City Council

Contact: Javier Chagoyen-Lazaro, (805) 200-5400

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K. PUBLIC HEARINGS**1. Housing Department**

SUBJECT: Public Hearing on the Renewal and Expansion of the Oxnard Downtown Management District. (30 minutes)

RECOMMENDATION: That City Council:

1. Conduct a public hearing concerning the renewal and expansion of the Oxnard Downtown Management District ("District") and tabulate the ballots for and against its renewal.
2. If a weighted majority of the ballots are in support of the renewal of the District, adopt a resolution renewing the District and levying assessments in the District for fiscal year 2024-2025 to fiscal year 2028-2029.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/2rIAxH7yW6Y>

Legislative Body: City Council

Contact: Emilio Ramirez, (805) 385-8094

L. REPORTS**1. Police Department**

SUBJECT: Police Department 2023 Annual Military Equipment Use Report. (20 minutes)

RECOMMENDATION: That the City Council:

1. Receive the Police Department's annual report concerning its inventory and use of military equipment, in accordance with Government Code sections 7070-7075.
2. Approve the renewal of City of Oxnard Ordinance 3014, which is codified in Oxnard City Code Section 2-112 as the City's "Military Equipment Policy" as required by Government Code section 7071 (e)(1).
3. Approve the continuing authorization for the funding, acquisition, and use of military equipment by the Oxnard Police Department's military equipment inventory as required by Government Code section 7071 (e)(2).
4. Approve the acquisition and use of the following military equipment items:
 - a. One (1) Transcend tactical Robotic device
 - b. Nineteen (19) 40mm projectile launchers
 - c. Twenty-two (22) .223 caliber rifles
 - d. Five hundred and sixty (560) 40mm projectile rounds and eight (8) sponge round training kits.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://youtu.be/hO9GtnYMzKE>

Legislative Body: City Council

Contact: Jason Benites, (805) 385-7624

2. City Attorney Department

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SUBJECT: Introduction of Ordinance Prohibiting City Subsidy of Services Previously Funded by a Special District Under Specific Circumstances. (15 minutes)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE VIII TO CHAPTER 2 OF THE OXNARD CITY CODE TO PROHIBIT THE CITY FROM SUBSIDIZING SERVICES PREVIOUSLY FUNDED BY A COMMUNITY FACILITIES DISTRICT, LANDSCAPE MAINTENANCE DISTRICT OR WATERWAYS ASSESSMENT DISTRICT IF RESIDENTS OF THOSE SPECIAL DISTRICTS VOTE TO TERMINATE OR REDUCE SUCH FUNDING

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/jNfE0H16efQ>

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

3. City Attorney Department

SUBJECT: Introduction of Ordinance Establishing a Tobacco Retailer Cap. (15 minutes)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 11-377 OF THE OXNARD CITY CODE BY ESTABLISHING A CAP ON THE NUMBER OF TOBACCO RETAILER PERMITS THAT MAY BE ISSUED BY THE CITY WITH CERTAIN EXCEPTIONS.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/O86ypGp-ARA>

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

4. Finance Department

SUBJECT: City of Oxnard Annual Investment Policy for the Fiscal Year 2024-25, and Annual Delegation of Investment Authority. (10 minutes)

RECOMMENDATION: That the City Council:

1. Adopt a resolution adopting FY 2024-25 investment policy for the City of Oxnard.
2. Adopt a resolution delegating investment authority to the City Chief Financial Officer.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/UGotl3jSinM>

Legislative Body: City Council

Contact: Javier Chagoyen-Lazaro, (805) 200-5400

M. ADJOURNMENT



CITY COUNCIL AGENDA REPORT

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

DATE: July 2, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Update on Bicycle and Pedestrian Improvements. (20 minutes)

RECOMMENDATION

That the City Council receive and file an Update on Bicycle and Pedestrian Improvements.

Presentation will be provided live by the City Engineer.

BACKGROUND

The Public Works Department is providing an update on the City's bicycle and pedestrian improvements.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Morgan Kessler, City Engineer

ATTACHMENTS

None



CITY COUNCIL AGENDA REPORT

APPOINTMENT ITEMS (5:00 PM) AGENDA ITEM NO. B.2

DATE: July 2, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Parks, Recreation and Community Services Commission Annual Report. (20 minutes)

RECOMMENDATION

That the City Council receive the Parks, Recreation and Community Services Commission Annual Report.

Presentation will be provided live by members of the Parks, Recreation, and Community Services Commission and City staff.

BACKGROUND

The Public Works Department provides the Parks, Recreation and Community Services Commission Annual Report.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Steve Howlett, Assistant Public Works Director

ATTACHMENTS

None



CITY COUNCIL AGENDA REPORT

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

DATE: July 2, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org
Robert Ruben, Chief Information Officer, (805)385-7554, robert.ruben@oxnard.org

SUBJECT: Continuation of an Emergency Order for Replacement of the City's Data Center Cooling System. (10 minutes)

RECOMMENDATION

That the City Council review and approve the continuation of the City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050 for the replacement of the Data Center Cooling System.

(This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/-jQaUAa9lt0>

BACKGROUND

On June 4, 2024, the City Council ratified the City Manager's emergency order, per Oxnard City Code Section 4-20(B), to implement emergency procurement procedures pursuant to Public Contract Code section 22050 for the replacement of the City's Data Center Cooling System, which experienced a catastrophic failure. The emergency procedures allow for the replacement of City facilities when immediate action is required to preserve public facilities and procure the necessary equipment, services, and supplies without giving notice requesting bids for public contracts.

The emergency at issue was declared on May 23, 2024, by the City Manager, after reviewing information provided by the City's Chief Information Officer and a recommendation from the Public Works Director. The City Manager found there was substantial evidence that the failure of the cooling system in the City's Data Center created an emergency posing a significant risk to City property and essential city services. The City Manager took immediate action and ordered the implementation of emergency procurement procedures to purchase and install a new cooling system without utilizing the City's formal procurement and bidding procedures.

DISCUSSION

Pursuant to Public Contract Code 22050, the Emergency Order of the City Manager must be reviewed and approved by the City Council at each regularly scheduled meeting until the emergency is abated. To date, the situation with the cooling system in the City's Data Center has not progressed enough to declare the emergency over. Since the ratification of the emergency order at the June 4, 2024, Council meeting, the following actions have been taken or are anticipated to be completed before July 2, 2024, as of the drafting of this staff report:

1. Three specialized HVAC (Heating, Ventilation, Air-conditioning) contractors have been contacted to provide estimates for the emergency replacement of the City Data Center cooling system;

2. Staff has conducted site visits with certain HVAC contractors to determine the scope of work required for a full replacement of the cooling system;
3. Received proposals from contractors; and
4. Select a contractor

The next steps will be:

1. Finalize an agreement with costs with the selected contractor; and
2. Work with Facilities staff, Community Development staff, IT staff, and occupants of the building to coordinate the replacement work.

Staff will return to Council with another update or a recommendation to declare the emergency over as required by Code.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The proposed recommendation does not have any financial impact. The current cost estimate to purchase and install a new cooling system is approximately \$250,000. Additional work and/or purchases may be required to complete the project and therefore this current cost is only an estimate. This will be funded from the operating budget from available appropriations in the Information Technology Fund (7311804-53200 and 7311804-56040). A final project total will be provided to the City Council.

COMMITTEE OUTCOME

This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.

Prepared by: Michael Wolfe, Public Works Director, Michelle McCarron, Assistant City Attorney

ATTACHMENTS

1. June 4, 2024 Staff Report
2. June 18, 2024 Staff Report
3. June 27, 2024 Staff Report
4. Presentation



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. M.5

DATE: June 4, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org
Robert Ruben, Chief Information Officer, (805)385-7554, robert.ruben@oxnard.org

SUBJECT: Ratify Emergency Order for Replacement of the City's Data Center Cooling System. (10 minutes)

RECOMMENDATION

That the City Council review and ratify the following:

1. The City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050; and
2. Authorize the City Manager to enter into any contracts required to abate the emergency conditions necessitating the replacement of the City's Data Center Cooling System; and
3. Authorize the City Manager to enter into any contracts over his spending authority of \$200,000.00 that may be required to abate the emergency.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/jehytTJB5nM>

BACKGROUND

Oxnard City Code Section 4-20(B), authorizes the City Manager to implement emergency procurement procedures pursuant to Public Contract Code section 22050 for the replacement of City facilities when immediate action is required due to an emergency to preserve public facilities and procure the necessary equipment, services, and supplies without giving notice requesting bids for public contracts.

On May 23, 2024, after reviewing information provided by the City's Chief Information Officer and a recommendation from the Public Works Director, the City Manager found there was substantial evidence that the failure of a cooling system in the City's Data Center created an emergency posing a significant risk to City Property and essential city services. As such, the City Manager took immediate action and ordered the implementation of emergency procurement procedures to purchase and install a new cooling system without utilizing the City's formal procurement and bidding procedures.

DISCUSSION

The City of Oxnard Data Center (located at 300 W. 3rd Street) houses the majority the City's internal Information Technology (IT) networking infrastructure, including the networking and storage servers responsible for the City's Billing and Permitting Interactive Voice Response systems, all locally hosted database servers, the Geographic Information System (GIS) mapping system, environmental resources, Document Management System (AKA AppExtender), system backup servers, HTE, fleet systems, and more. Additionally, the City Data Center handles the Internet and external network access for the main city buildings, such as Public Works, Service Center, Water,

Wastewater, Environmental Resources, and City Hall. For reference, Internet and external network access are required for all Google products used by all City Staff including email, documents, shared city drives, the Tyler Munis Enterprise Resource Planning (ERP) system, NeoGov, and other cloud-based systems relied upon by the various City Divisions and Departments.

On or about February 6, 2024, the City Data Center's cooling system (approximately 13 years old) experienced a mechanical failure. The cause of the failure at that time was unknown. The IT Department initiated the standard repair procedure. IT contacted the City's Facilities Division ("Facilities") to assess the cooling system. Facilities implemented a short-term mitigation plan while the mechanical failure of the system was assessed, and the manufacturer and the City's on-call repair service provider was contacted to further assess and repair the system. The short-term mitigation plan implemented by Facilities is to run the main building air conditioner and use portable AC units inside the City's data center to keep it cool, and open the computer room doors from time to time to allow additional airflow.

On March 6, 2024, the on-call service provider informed Facilities and IT Dept. that the cooling system experienced a mechanical failure that could not be fixed or repaired. Additionally, the service provider stated that certain parts could not be replaced to revive the system, due in part to an obsolete design, worn-out components and numerous required replacement components. It is not feasible to repair the system. The service provider recommended a full replacement.

The short-term facilities mitigation plan will not be able to provide the necessary cooling required to safeguard the City's Data Center, networking, and server equipment on a long-term basis. This mitigation plan is very stopgap in nature, inefficient, and not recommended to maintain the network and server equipment at the appropriate temperature. It is meant as a short-term protocol for when repairs or maintenance are needed.

The City's Data Center services are at a risk of loss if there is a failure within the short-term mitigation plan, such as main building AC or portable units failing or being unable to adequately keep the Data Center cool. At a minimum, the impact of the failure to keep the Data Center cool would result in loss of access to all City systems (other than Public Safety) from within any City facility. Furthermore, the networking equipment may overheat causing physical damage and requiring additional costly replacements and extended network outages. These risks demand immediate action to reduce any further possibility of loss or failure.

The City's standard two-step procurement process requires a Request for Proposal (RFP) for a design consultant to configure and design the specifications and plans, followed by a Request for Bid (RFB) for the removal and replacement of the Data Center cooling system. This procurement process would take approximately 6 months at a minimum, in which the Data Center could be without an adequate and reliable cooling system. The risk to the City's Data Center will be exacerbated by the procurement process.

IT and Public Works have been working on the details for the purchase and installation of a new cooling system. Public Works has received a preliminary cost proposal to remove the four existing APC in-row chilled water Computer Room Air Conditioner (CRAC) units and the associated rooftop chiller units and replace them with new CRAC units and associated rooftop condenser units. This initial estimate included a long lead time to obtain the necessary equipment to replace the system. As such, staff is evaluating other options and vendors to obtain the necessary equipment and complete the project in an expeditious manner and at the lowest cost possible with the understanding that speed is imperative. Staff will provide recurring updates to Council on this matter, and will return to Council to ratify any necessary contracts for this emergency project.

STRATEGIC PRIORITIES

This agenda item is a routine operational item.

FINANCIAL IMPACT

The current cost estimate to purchase and install a new cooling system is approximately \$250,000.00. Additional work and/or purchases may be required to complete the project and therefore this current cost is only an estimate. This will be funded from available appropriations in the Information Technology Fund operating budget in Fiscal Year 2023-24 and/or from the Fiscal Year 2024-25 budget proposed for Council consideration. A final project total will be provided to the City Council.

For Finance Use Only: Information Technology Fund (Org. 7311804/ 1801 Obj. 53200 and 56040)

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michael Wolfe, Public Works Director, Michelle McCarron, Assistant City Attorney

ATTACHMENTS

1. Presentation



CITY COUNCIL AGENDA REPORT

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

DATE: June 18, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org
Robert Ruben, Chief Information Officer, (805)385-7554, robert.ruben@oxnard.org

SUBJECT: Continuation of an Emergency Order for Replacement of the City's Data Center Cooling System. (10 minutes)

RECOMMENDATION

That the City Council review and approve the continuation of the City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050 for the replacement of the Data Center Cooling System.

(This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/Q89638XMkkY>

BACKGROUND

On June 4, 2024, the City Council ratified the City Manager's emergency order, per Oxnard City Code Section 4-20(B), to implement emergency procurement procedures pursuant to Public Contract Code section 22050 for the replacement of the City's Data Center Cooling System, which experienced a catastrophic failure. The emergency procedures allow for the replacement of City facilities when immediate action is required to preserve public facilities and procure the necessary equipment, services, and supplies without giving notice requesting bids for public contracts.

The emergency at issue was declared on May 23, 2024, by the City Manager, after reviewing information provided by the City's Chief Information Officer and a recommendation from the Public Works Director. The City Manager found there was substantial evidence that the failure of the cooling system in the City's Data Center created an emergency posing a significant risk to City property and essential city services. The City Manager took immediate action and ordered the implementation of emergency procurement procedures to purchase and install a new cooling system without utilizing the City's formal procurement and bidding procedures.

DISCUSSION

Pursuant to Public Contract Code 22050, the Emergency Order of the City Manager must be reviewed and approved by the City Council at each regularly scheduled meeting until the emergency is abated. To date, the situation with the cooling system in the City's Data Center has not progressed enough to declare the emergency over. Since the ratification of the emergency order at the June 4, 2024 Council meeting, the following actions have been taken:

1. Three specialized HVAC (Heating, Ventilation, Air-conditioning) contractors have been contacted to provide estimates for the emergency replacement of the City Data Center cooling system.

2. Staff has conducted site visits with certain HVAC contractors to determine the scope of work required for a full replacement of the cooling system.

The next steps will be:

1. Obtain, review, and evaluate all contractor estimates;
2. Select a contractor to provide the required services; and
3. Work with Facilities staff, Community Development staff, IT staff, and occupants of the building to coordinate the replacement work.

Staff will return to Council with another update or a recommendation to declare the emergency over as required by Code.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The proposed recommendation does not have any financial impact. The current cost estimate to purchase and install a new cooling system is approximately \$250,000.00. Additional work and/or purchases may be required to complete the project and therefore this current cost is only an estimate. This will be funded from the operating budget from available appropriations in the Information Technology Fund (7311804-53200 and 7311804-56040). A final project total will be provided to the City Council.

COMMITTEE OUTCOME

This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.

Prepared by: Michael Wolfe, Public Works Director, Michelle McCarron, Assistant City Attorney

ATTACHMENTS

1. June 4, 2024 Staff Report
2. Presentation



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

DATE: June 27, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org
Robert Ruben, Chief Information Officer, (805)385-7554, robert.ruben@oxnard.org

SUBJECT: Continuation of an Emergency Order for Replacement of the City's Data Center Cooling System. (10 minutes)

RECOMMENDATION

That the City Council review and approve the continuation of the City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050 for the replacement of the Data Center Cooling System.

(This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/PtxgOhXpNzc>

BACKGROUND

On June 4, 2024, the City Council ratified the City Manager's emergency order, per Oxnard City Code Section 4-20(B), to implement emergency procurement procedures pursuant to Public Contract Code section 22050 for the replacement of the City's Data Center Cooling System, which experienced a catastrophic failure. The emergency procedures allow for the replacement of City facilities when immediate action is required to preserve public facilities and procure the necessary equipment, services, and supplies without giving notice requesting bids for public contracts.

The emergency at issue was declared on May 23, 2024, by the City Manager, after reviewing information provided by the City's Chief Information Officer and a recommendation from the Public Works Director. The City Manager found there was substantial evidence that the failure of the cooling system in the City's Data Center created an emergency posing a significant risk to City property and essential city services. The City Manager took immediate action and ordered the implementation of emergency procurement procedures to purchase and install a new cooling system without utilizing the City's formal procurement and bidding procedures.

DISCUSSION

Pursuant to Public Contract Code 22050, the Emergency Order of the City Manager must be reviewed and approved by the City Council at each regularly scheduled meeting until the emergency is abated. To date, the situation with the cooling system in the City's Data Center has not progressed enough to declare the emergency over. Since the ratification of the emergency order at the June 4, 2024 Council meeting, the following actions have been taken:

1. Three specialized HVAC (Heating, Ventilation, Air-conditioning) contractors have been contacted to provide estimates for the emergency replacement of the City Data Center cooling system;

2. Staff has conducted site visits with certain HVAC contractors to determine the scope of work required for a full replacement of the cooling system; and
3. Received two proposals from contractors

The next steps will be:

1. Obtain, review, and evaluate one more contractor estimate;
2. Select a contractor to provide the required services; and
3. Work with Facilities staff, Community Development staff, IT staff, and occupants of the building to coordinate the replacement work.

Staff will return to Council with another update or a recommendation to declare the emergency over as required by Code.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The proposed recommendation does not have any financial impact. The current cost estimate to purchase and install a new cooling system is approximately \$250,000. Additional work and/or purchases may be required to complete the project and therefore this current cost is only an estimate. This will be funded from the operating budget from available appropriations in the Information Technology Fund (7311804-53200 and 7311804-56040). A final project total will be provided to the City Council.

COMMITTEE OUTCOME

This item did not originate in Committee because it is a continuation of an item previously approved by the City Council on June 4, 2024.

Prepared by: Michael Wolfe, Public Works Director, Michelle McCarron, Assistant City Attorney

ATTACHMENTS

1. June 4, 2024 Staff Report
2. June 18, 2024 Staff Report
3. Presentation

Continuation of an Emergency Order for Replacement of the City's Data Center Cooling System

City Council
July 2, 2024

Michael L. Wolfe, Director of Public Works
Rob Ruben, Chief Information Officer

That the City Council review and approve the continuation of the City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050 for the replacement of the Data Center Cooling System.

On June 4, 2024, the City Council ratified the City Manager's emergency order, per Oxnard City Code Section 4-20(B), to implement emergency procurement procedures pursuant to Public Contract Code section 22050 for the replacement of the City's Data Center Cooling System, which experienced a catastrophic failure.

The emergency procedures allow for the replacement of City facilities when immediate action is required to preserve public facilities and procure the necessary equipment, services, and supplies without giving notice requesting bids for public contracts.

The emergency at issue was declared on May 23, 2024, by the City Manager, after reviewing information provided by the City's Chief Information Officer and a recommendation from the Public Works Director.

The City Manager found there was substantial evidence that the failure of the cooling system in the City's Data Center created an emergency posing a significant risk to City property and essential city services.

The City Manager took immediate action and ordered the implementation of emergency procurement procedures to purchase and install a new cooling system without utilizing the City's formal procurement and bidding procedures.

Pursuant to Public Contract Code 22050, the Emergency Order of the City Manager must be reviewed and approved by the City Council at each regularly scheduled meeting until the emergency is abated. To date, the situation with the cooling system in the City's Data Center has not progressed enough to declare the emergency over. Since the ratification of the emergency order at the June 4, 2024, Council meeting, the following actions have been taken or are anticipated to be completed before July 2, 2024, as of the drafting of this staff report:

1. Three specialized HVAC (Heating, Ventilation, Air-conditioning) contractors have been contacted to provide estimates for the emergency replacement of the City Data Center cooling system;
2. Staff has conducted site visits with certain HVAC contractors to determine the scope of work required for a full replacement of the cooling system;
3. Received proposals from contractors; and
4. Selected a contractor

The next steps will be:

1. Finalize an agreement with costs with the selected contractor; and
2. Work with Facilities staff, Community Development staff, IT staff, and occupants of the building to coordinate the replacement work.

Staff will return to Council with another update or a recommendation to declare the emergency over as required by Code.

The proposed recommendation does not have any financial impact.

The current cost estimate to purchase and install a new cooling system is approximately \$250,000.

Additional work and/or purchases may be required to complete the project and therefore this current cost is only an estimate.

This will be funded from the operating budget from available appropriations in the Information Technology Fund (7311804-53200 and 7311804-56040).

A final project total will be provided to the City Council.



QUESTIONS?



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.1

DATE: July 2, 2024
TO: City Council
FROM: Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org
SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the June 4, 2024 regular meeting as presented.

BACKGROUND

Approval of Minutes.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Rose Chaparro, City Clerk

ATTACHMENTS

1. MINUTES 06 04 2024 CC Regular Meeting

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
June 4, 2024

A. ROLL CALL, POSTING OF AGENDA

At 5:00 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council, in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran, Arthur Valenzuela, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Councilmember Basua joined the meeting at 5:04 p.m. Councilmember Valenzuela joined the meeting at 5:19 p.m.

Housing Commissioner Jose Andrade attended the meeting in person and arrived at 5:30 p.m. Housing Commissioner Francisco Vega was absent.

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

CONSIDERATION OF TELECONFERENCE PARTICIPATION PURSUANT TO ASSEMBLY BILL 2449.

B. CLOSED SESSION (5:00 PM)

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1)).

Name of case: City of Oxnard v. Fox Canyon Groundwater Management Agency

Los Angeles County Superior Court, Case No. 20STCP00929

Legislative Body: City Council

At 5:02 p.m., the City Council recessed into a closed session. At 5:34 p.m., the City Council reconvened in an open session in the Council Chambers. Stephen Fischer, City Attorney announced that no reportable actions resulted from the closed session for item B.1. No public comments were received.

C. OPENING CEREMONIES (5:30 PM)

Mayor Zaragoza led the pledge of allegiance.

D. CEREMONIAL ITEMS

1. SUBJECT: Presentation of Proclamation Designating the Month of June 2024 as "Pride Month in the City of Oxnard."

Mayor Zaragoza read the proclamation and presented it to Dafne Aguilar, Victoria Bradley, and other members of the Oxnard LGBTQ+ Community of Oxnard, who accepted the proclamation and followed with a few words.

2. SUBJECT: Presentation of a Proclamation Designating June 19, 2024 as "Juneteenth Day."

Mayor Zaragoza read the proclamation and presented it to Angela Mitchell Landers, Juneteenth Oxnard Co-Chair and other members of the Oxnard Juneteenth Celebration Committee, who accepted the proclamation and followed with a few words and announced the event at Plaza Park.

3. SUBJECT: Presentation of a Proclamation Designating the Month of June 2024 as "Elder and Disability Abuse Awareness Month."

Mayor Zaragoza read the proclamation and presented it to Police Sergeant Dale McAlpine and other team members with the Oxnard Police Department, who accepted the proclamation and followed with a few words.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Jasmine Duran (Elder & Disability Abuse Awareness), and Diedre Frank (Illegal "Brilliance" event being held at the corner of 5th Street and Mandalay Beach Road), additional public comments by a member of the public (did not disclose his name) regarding elderly and disabled abuse. Written comments were received from Walter Hagedohm, Chair of the Oxnard Shores Neighborhood Council regarding an event being held at the beach.

F. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

City Manager Nguyen provided community updates. A reminder that all fireworks are illegal in Oxnard. Report fireworks to the Oxnard Police Department at (805) 307-6308 or email fireworks@oxnardpd.org. Please do not dial 911 to report fireworks. Durley Park Improvement Project, Community Meeting on Friday, June 14, 2024 at 6:00 p.m. Recap of the 4th Annual Insect Festival.

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

The members of the Council provided brief announcements regarding their various activities. Councilmember Perello asked that a discussion about illegal events be placed for discussion at a future Council meeting.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J.1 through J-7 were reviewed and discussed among the Council and staff.

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

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the May 7, 2024 regular meeting as presented.

2. Cultural & Community Services Department

SUBJECT: Agreement with the Hueneme School District for the Operations of the After-School Education and Safety Grant.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a one-year agreement (A-8551) and Memorandum of Understanding (A-8552) with the Hueneme Elementary School District (HESD) for the City of Oxnard to receive the total amount not to exceed \$2,225,621.70 to operate the After-School Education and Safety (ASES) program at ten (10) schools with a City match of \$54,000 of in-kind services.

(The Community Services Public Safety, Housing & Development Committee approved 3-0 on May 14, 2024.)

3. Cultural & Community Services Department

SUBJECT: Agreement with the Oxnard School District for the Operations of the After-School Education and Safety Grant.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a one-year agreement (A-8550) with the Oxnard School District (OSD) for the City to receive an amount not to exceed \$4,590,000 to operate the After-School Education and Safety Program with a City match of \$130,000 of in-kind services.

(The Community Services Public Safety, Housing & Development Committee approved 3-0 on May 14, 2024.)

4. Public Works Department

SUBJECT: Senate Bill 1 (SB1) Local Streets and Road Maintenance and Rehabilitation Account (RMRA) Project List for Fiscal Year 2024-25.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,778** to:

1. Adopt the Fiscal Year 2024-25 project list of Senate Bill 1 (SB1) proposed projects that will be funded in part or solely with Road Maintenance and Rehabilitation Account revenues; and
2. Authorize the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of the resolution.

(Public Works and Transportation Committee approved 3-0 on May 14, 2024.)

5. Public Works Department

SUBJECT: Annual Purchase Orders with Accent Wire-Tie to Supply and Deliver Bale Wire for the Del Norte Regional Recycling and Transfer Station.

RECOMMENDATION: That the City Council approve and authorize the Purchasing Agent to execute annual purchase orders with Accent Wire-Tie in the amount not to exceed \$375,000 for an initial one-year term from July 1, 2024, to June 30, 2025, with an option to extend the term for two (2) consecutive one-year periods for a final term ending June 30, 2027, for the supply and delivery of bale wire for baling recyclable material.

(Public Works and Transportation Committee approved 3-0 on May 14, 2024.)

6. Public Works Department

SUBJECT: Professional Services Agreement 32500012 with Pavement Engineering Inc. for City's Pavement Management Systems Update.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an Agreement with Pavement Engineering Inc. in the amount not to exceed \$425,000 for an initial one-year term from July 1, 2024, to June 30, 2025, with the option for three (3) consecutive one (1) year period extensions, that shall not exceed a total of four (4) years; for a final term ending June 30, 2028, for the City's pavement management systems update professional services.

(Public Works and Transportation Committee approved 3-0 on May 14, 2024.)

7. Public Works Department

SUBJECT: Second Amendment to A-8135 with Conico Toro, Inc. dba MacValley Oil Company for Purchase and Delivery of Bulk Lubricants and Antifreeze.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Second Amendment with Conico Toro, Inc. dba Mac Valley Oil Company increasing the contract amount by \$50,000 for a total contract amount of \$906,100.

(This item did not originate in Committee since this is a continuation of a previous item approved by the City Council.)

Consent Items J.1, J.4 – J.7

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

Consent Items J.2 and J.3

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Valenzuela, and Zaragoza voted in favor; motion passed 6-0-1. Councilmember Teran recused due to his professional business contracts with the school districts.

K. REPORTS

1. **Public Works Department**

SUBJECT: Fiscal Year (FY) 2024-25 Landscape Maintenance Districts Initiation of Proceedings to Levy Assessments, Approval of a Consolidated Engineers Report, and Declaration of Intention to Levy Assessments.

RECOMMENDATION: That the City Council acting as the legislative body of the City of Oxnard Landscape Maintenance Districts (LMDs):

1. Adopt “**Resolution No. 15,779** of the City Council of the City of Oxnard, California, initiating proceedings to levy assessments against real property for fiscal year 2024-25 in connection with the city’s landscape maintenance districts”;
2. Adopt “**Resolution No. 15,780** of the City Council of the City of Oxnard, California, approving a consolidated engineer’s report regarding assessments against real property for fiscal year 2024-25 in connection with the city’s landscape maintenance districts”; and
3. Adopt “**Resolution No. 15,781** of the City Council of the City of Oxnard, California, declaring its intention to levy assessments against real property for fiscal year 2024-25 in connection with the city’s landscape maintenance districts” setting the Public Hearing for June 18, 2024.

(Finance and Governance Committee approved 2-0 on May 14, 2024.)

Michael Wolfe, Public Works Director answered questions. No public comments were received.

It was moved by Councilmember Valenzuela, seconded by Councilmember Madrigal, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Teran, and Valenzuela voted in favor; motion passed 5-0-2. Mayor Zaragoza recused due to owning property in LMD 3 and Councilmember Perello recused due to owning property in LMD 13.

2. Finance Department

SUBJECT: Increase Appropriations in the FY2023-24 General Fund Operating Budget to Transfer Funds to the State Gas Tax Fund to Restore State Gas Tax Fund Balance.

RECOMMENDATION: That the City Council approve the transfer of funds from the FY 2023-24 General Fund (101) Operating Budget to the State Gas Tax Fund (181) in the amount of \$3,300,000, to restore a fund balance deficit of the State Gas Tax for prior year activity, as well as projected budgetary deficits in FY 2023-24 and FY 2024-25.

Javier Chagoyen-Lazaro, Chief Financial Officer was available to answer questions. No public comments were received.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem MacDonald, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

L. PUBLIC HEARINGS1. Public Works Department

SUBJECT: Five Year Capital Improvement Program (CIP) for Fiscal Years 2025-2029.

RECOMMENDATION: That the City Council provide input on the draft CIP and recommend that the City Council:

1. Hold a public hearing to receive public testimony regarding the proposed 2025-2029 City of Oxnard Five-Year CIP;
2. Approve the existing carryover CIP projects and the proposed new funding as outlined in the staff report for Category 1 projects;
3. Reaffirm the carryover CIP projects in Category 2;
4. Approve the project prioritization lists in Categories 3 and 4 outlined in the staff report and adopt the 2025-2029 City of Oxnard Five Year CIP; and
5. Direct staff to finalize the 2025-2029 CIP and General Fund/Measure O amounts for Category 4 projects once the City's FY 2024-25 operating budget has been completed as approved CIP funding allows.

(The Public Works and Transportation Committee on April 23, 2024, recommended the item to be forwarded to Council for discussion and review.)

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

Councilmembers reported the ex parte communications received on this item.

Michael Wolfe, Public Works Director and Morgan Kessler, City Engineer answered questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. Public comments were received from Manuel Herrera.

Without objection, the Council approved closing the public testimony portion of the public hearing.

Council provided direction to staff and made a motion to move the South Oxnard Library lighting project to number 1 priority, to conduct a comprehensive assessment proposal for the Oxnard Police Department Headquarters restroom repairs (category 4), and approve the recommended actions.

It was moved by Councilmember Basua, seconded by Councilmember Valenzuela, to approve the recommended actions as amended. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

2. Public Works Department

SUBJECT: Fiscal Year (FY) 2024-25 Resolution to Levy Assessments in Mandalay Beach Maintenance District.

RECOMMENDATION: That City Council, acting as the legislative body for the Mandalay Beach Maintenance District:

1. Hold a Public Hearing to receive public testimony regarding the proposed Fiscal Year 2024-25 assessments for the Mandalay Beach Maintenance District; and
2. Adopt **Resolution No. 15,782** to levy the special tax assessment for Fiscal Year 2024-25 within the Mandalay Beach Maintenance District for Fiscal Year 2024-25.

(Finance and Governance Committee approved 2-0 on May 14, 2024.)

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

Councilmembers reported that no ex parte communications were received on this item.

Michael Wolfe, Public Works Director and Morgan Kessler, City Engineer were available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. No public comments were received.

Without objection, the Council approved closing the public testimony portion of the

public hearing.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended actions as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

3. Finance Department

SUBJECT: Public Hearing on the Fiscal Year 2024-25 Proposed Budget.

RECOMMENDATION: That the City Council and Housing Authority Board conduct a public hearing on the Fiscal Year (FY) 2024-25 Proposed Budget for the City of Oxnard and Oxnard Housing Authority and provide staff direction regarding any adjustments to the Proposed Budget, in preparation for budget adoption on June 18, 2024.

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

Ashley Golden, Assistant City Manager and Javier Chagoyen-Lazaro, Chief Financial Officer were available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. Public comments were received from Bryan Rodriguez and Jackson Piper.

Without objection, the Council approved closing the public testimony portion of the public hearing.

Council provided direction to staff and made a motion to approve (\$600,000 from General Fund), to move the South Oxnard Library lighting project to number 1 priority; and (\$300,000 from General Fund), to conduct a comprehensive assessment proposal for the Oxnard Police Department Headquarters restroom repairs (category 4), and approve the recommended actions.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Teran, to approve the recommended actions as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, Zaragoza, and Housing Authority Commissioner Andrade voted in favor; motion passed 8-0. Housing Authority Commissioner Vega was absent.

M. REPORTS

1. Public Works Department

SUBJECT: Public Project Agreement 32400521 with Toro Enterprises, Inc., for Safe Routes to School Safety and Enhancements, Specification No. PW 22-87, Caltrans Project No. ATPSB1L-5129(102).

RECOMMENDATION: That the City Council approve and authorize:

1. A total of \$4,309,735 in Project funds for Safe Routes to School Safety and Enhancements, Specification No. PW 22-87, Caltrans Project No. ATPSB1L-5129(102);
2. The Mayor to Execute an Agreement with Toro Enterprises, Inc., in the amount of \$3,591,447 with a contingency amount of \$359,144 (10%) for a total not to exceed contract amount of \$3,950,591 for the Project;
3. A Project allocation amount of \$359,144 (10%) for engineering, inspection, survey and project management for the Project;
4. A total amount of new project budget appropriations of \$1,762,810 consisting of \$613,000 from the Air Pollution Buydown Fee Fund (Fund 360 Subfund 7010) available fund balance, \$855,000 from the Mobility Fee Fund (Fund 350 Subfund 8055) available fund balance, and \$294,810 from the General Fund (101) available fund balance for the Safe Routes to School Project (C2212) as well as the corresponding Capital Outlay Fund (301) appropriation increase in the same amounts; and
5. A total amount of budget appropriation transfers of \$1,066,925 from the General Fund (101) consisting of \$292,761 in the Ventura Boulevard Sidewalk Project (C1305); \$293,509 in the La Colonia Green Alleys Project (C1802); \$30,655 in the South Oxnard Center Roof Replacement Project (C2010); \$100,000 in the Storm Water Catch Basins Project (C2214); and \$350,000 from the available FY 2023-24 Public Works Operating Budget to the Safe Routes to School Project (C2212), as well as the corresponding Capital Outlay Fund (301) appropriation transfers in the same amounts.

(This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.)

Michael Wolfe, Public Works Director was available to answer questions. No public comments were received.

It was moved by Councilmember Basua, seconded by Councilmember Valenzuela, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Valenzuela, and Zaragoza voted in favor; motion passed 6-0-1. Councilmember Teran recused due to his professional business contracts with the school districts.

2. Public Works Department

SUBJECT: Agreements for the Supply and Delivery of Chemicals to Water, Wastewater, and Recycled Water Facilities.

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

execute the following Agreements for the supply and delivery of various types of chemicals to Water, Wastewater, and Recycled Water Facilities, each with the initial agreement term ending June 30, 2025, after which each Agreement may be extended for four additional one-year terms with a fully extended final term ending on June 30, 2029:

1. Agreement 32500003 with JCI Jones Chemicals Inc., in the amount not to exceed \$4,525,000;
2. Agreement 32500004 with Northstar Chemical, in the amount not to exceed \$2,925,000;
3. Agreement 32500005 with Pencco, Inc., in the amount not to exceed \$7,100,000;
4. Agreement 32500008 with King Lee Chemical Co., in the amount not to exceed \$1,900,000;
5. Agreement 32500009 with Aquapulse Chemicals, LLC, in the amount not to exceed \$900,000;
6. Agreement 32500010 with Hill Brothers Chemical Company, in the amount not to exceed \$150,000; and
7. Agreement 32500011 with Univar Solutions USA, Inc., in the amount not to exceed \$2,300,000.

(Public Works and Transportation Committee approved 3-0 on May 14, 2024.)

Michael Wolfe, Public Works Director and Tim Beaman, Interim Assistant Public Works Director were available to answer questions. No public comments were received.

It was moved by Councilmember Basua, seconded by Councilmember Madrigal, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

3. Public Works Department

SUBJECT: Resolution for Clean Water State Revolving Fund Increase.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute **Resolution No. 15,783** adjusting the amount of project expenditures to be reimbursed by proceeds from the Clean Water State Revolving Fund for the Wastewater Division Reliability Improvements Program from \$66,700,000 to \$88,601,724.

(This item did not originate in Committee as this is an adjustment to the previously approved City Council Resolution 15,123 as listed below.)

Tim Beaman, Interim Assistant Public Works Director was available to answer questions. No public comments were received.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Teran, to

approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

4. Public Works Department

SUBJECT: Extension of Golf Management Agreement A-8157.

RECOMMENDATION: That the City Council approve and authorize the First Amendment to the Golf Course Management Agreement with American Golf Corporation for a time extension only for an additional term of eight months ending on February 28, 2025.

(This item did not originate in Committee since this is a continuation of a previous item approved by the City Council on February 6, 2024.)

Michael Wolfe, Public Works Director was available to answer questions. No public comments were received.

It was moved by Councilmember Perello, seconded by Councilmember Basua, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

5. Public Works Department

SUBJECT: Ratify Emergency Order for Replacement of the City's Data Center Cooling System.

RECOMMENDATION: That the City Council review and ratify the following:

1. The City Manager's emergency order to dispense with public bidding requirements pursuant to Public Contract Code section 22050; and
2. Authorize the City Manager to enter into any contracts required to abate the emergency conditions necessitating the replacement of the City's Data Center Cooling System; and
3. Authorize the City Manager to enter into any contracts over his spending authority of \$200,000.00 that may be required to abate the emergency.

(This item did not originate in Committee.)

Michael Wolfe, Public Works Director and Robert Ruben, Chief Information Officer answered questions. No public comments were received.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

6. Finance Department

SUBJECT: City of Oxnard Bank Administration Signatories and Users of the

On-line Web Banking Accounts, and Local Agency Investment Fund (LAIF) Authorization.

RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,784** designating signatories for the City bank accounts, banking administrator, and users of the on-line web banking accounts.
2. Adopt **Resolution No. 15,785** authorizing investment of monies in the Local Agency Investment Fund.

Javier Chagoyen-Lazaro, Chief Financial Officer was available to answer questions. No public comments were received.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza voted in favor; motion passed 7-0.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 9:36 p.m.

ROSE CHAPARRO

City Clerk

JOHN C. ZARAGOZA

Mayor



CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA

AGENDA ITEM NO. J.2

DATE: July 2, 2024

TO: City Council

FROM: Javier Chagoyen-Lazaro, Chief Financial Officer, (805) 200-5400, javier.chagoyenlazaro@oxnard.org

SUBJECT: Second Amendment to Agreement for TG Consulting Services.

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute a Second Amendment to the Agreement with TG Consulting Services to increase the amount by \$146,000 for a new amount not to exceed \$290,937.50, and extending the term one year to June 30, 2025, for services as the Subject-Matter Expert for the full integration of Tyler's EPL Licensing Module and for fully training licensing staff.

BACKGROUND

In 2023, due to the unforeseen retirement of the Billing and Licensing Department/Licensing Division supervisor, the department found itself with the need for a consultant to provide essential training of staff and serve as a Subject-Matter Expert for the full integration of Tyler's ERP Licensing Module. The needed services could only be addressed by a thoroughly experienced professional in this specific department. The needed services were not services that were readily available to purchase from a vendor and could only be provided by a qualified and fully experienced consultant, as is TG Consulting Services.

DISCUSSION

TG Consulting Services has over 29 years of experience in municipal licensing with the City of Oxnard's Licensing Division as Treasury Supervisor and License Collector. The consultant has exclusive knowledge and expertise of the City's business tax and permitting process, municipal code, and ordinances that make her the only qualified person to provide the needed services to successfully integrate Tyler's EPL Licensing module and fully train licensing staff. The current agreement was entered into with TG Consulting Services on January 1, 2023, and First Amended on September 26, 2023. This amendment will extend the expiration of the agreement from June 30, 2024, to June 30, 2025.

The contract extension is due to Tyler's ERP Licensing Module revised go-live date of April 2025. This has resulted in an extended discovery/implementation phase, thus, requiring the need for the SME to remain on contract to ensure a complete Licensing module implementation. In addition, the Licensing Division recently added a new division supervisor and staff to fill vacancies, requiring extensive departmental training which will allow for uninterrupted licensing services to the community.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to reinforce, stabilize, improve, and strengthen the organizational foundation of the City in order to build a modern, high-functioning City government that effectively and efficiently supports the operating departments in providing high-quality services and programs for our residents and businesses.

FINANCIAL IMPACT

This amendment will increase the amount of the Second Amendment by \$146,000 for one year, resulting in a total contract amount of \$290,937.50. Funding for this agreement has been included in the Billing and Licensing Division's proposed Fiscal Year 2024-25 budget for professional services.

For Finance use only: 1011202-53200

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Daniel Chavez, Management Analyst II

ATTACHMENTS

1. Agreement For Professional Services TG Consulting Services SIGNED
2. First Amendment to Contract 32300132 TG Consulting Services SIGNED
3. Second Amendment to Contract 32300132 TG Consulting Services

**AGREEMENT FOR PROFESSIONAL SERVICES
COVER PAGE**

- (1) Agreement Start Date: January 1, 2023
- (2) Consultant: TG Consulting Services
- (3) Services: Fully train all licensing staff in all aspects of the City's licensing process to include but not limited to, processing and issuance of Business Tax Certificates, permits, and any additional licensing requirements. Be the City's liaison and subject matter expert to assist in the full integration with Tyler EnerGov. Review and assess current processes and procedures in the Licensing Division in the Department of Billing and Licensing and implement necessary changes to streamline and improve processes. Review and update Licensing forms, manuals, desk procedures, City Code, etc. as needed.
- (4) Schedule of Services: Consulting services will commence on January 3, 2023 through June 30, 2024 with the option of extending if necessary. See Schedule of Services Exhibit, which is attached hereto and incorporated herein.
- (5) Agreement Ending Date: June 30, 2024
- (6) Total Agreement Amount: Not to exceed \$122,437.50
- (7) City's Project Manager: Daniel Chavez, Management Analyst II
- (8) Consultant's Project Manager: Tammy Gutierrez
- (9) Insurance Coverage: INS-B
- (10) Addresses for Notice:

FOR CONSULTANT:

TG Consulting Services
1000 Town Center Dr, Ste 300
Oxnard, CA 93036

FOR CITY:

Billing and Licensing Department
214 South C Street
Oxnard, CA 93030

Attn: Tammy Gutierrez

Attn: Eden Alomeri, Director of Revenue and
Licensing/Assistant City Treasurer

- (11) Contact Emails:

*CONSULTANT'S PROJECT
MANAGER:*

Tammy Gutierrez
fntamg@yahoo.com

CITY'S PROJECT MANAGER:

Daniel Chavez
daniel.chavez@oxnard.org

The Agreement for Professional Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

- ☒ Scope of Services Exhibit
- ☒ Rates and Costs Exhibit
- ☒ Insurance Exhibit (INS-B)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Consultant" on the Cover Page, subject to the following terms and conditions:

1. Scope of Services. Consultant shall provide to City the services listed as "(3) Services" on the Cover Page (the "Services"). Consultant shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.

2. Standard of Performance. Consultant shall undertake and complete the Services to conclusion using the standard of care, skill and diligence normally provided by a professional person in the performance of similar consulting services.

3. Correction of Errors. Consultant shall correct, at its expense, all errors which may be disclosed during review of the Services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

4. Term. This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.

5. Compensation. For the Services performed during the term of this Agreement, City shall pay Consultant an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in Rates and Costs Exhibit shall be in effect through the end of this Agreement. Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing the Services.

6. Invoices. Consultant shall submit a payment request to City by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Each invoice must also list the current balance on the Agreement, including that invoice, as well as the months remaining on the term of the Agreement. Invoices may be emailed to: invoices@oxnard.org.

7. Acceptance of Payment. Consultant's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Consultant for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant and its employees, agents and subcontractors. Consultant shall provide City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

8. Non-Appropriation of Funds. Payments to be made to Consultant by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

9. Coordination of Services. The Services shall be coordinated with the person in the position listed in “(7) City’s Project Manager” on the Cover Page, subject to the direction of the City Manager and Department Director. Consultant hereby designates the person in the position listed in “(8) Consultant’s Project Manager” on the Cover Page as the person responsible for the Services who shall coordinate with City’s Project Manager in making binding decisions in line with this Agreement on behalf of Consultant.

10. Personnel. Consultant represents that it has, or shall secure at its own expense, all personnel required to perform the Services. Any person who performs engineering services pursuant to this Agreement shall be licensed as a Civil Engineer by the State of California and in good standing. Consultant shall make reasonable efforts to maintain the continuity of Consultant’s staff who are assigned to perform the Services. Consultant may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Vendor be responsible for its associates and subcontractors’ labor, advice or materials provided in furtherance of providing the Services. Should any of Consultant’s employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City’s Project Manager, in the process of providing the Services or any portion thereof, the City’s Project Manager may notify the Consultant’s Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

11. Additional Work. City may request additional specified work under this Agreement. The City’s Project Manager must authorize all such work in writing before commencement. Consultant shall perform such work, and City shall pay for such additional work, in accordance with Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Consultant shall submit a quote for all additional work, which the City’s Project Manager must approve in writing by before any such work may commence. The City shall compensate Consultant for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Consultant did not obtain the City’s Project Manager’s written approval before work commenced, as determined by the City’s Project Manager in his or her sole discretion.

12. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials used by Consultant in preparing its billings to City as a condition precedent to any payment to Consultant. Consultant will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of \$10,000, the State Auditor may examine and audit Consultant for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, Consultant shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement. Consultant shall include a copy of this Section 12 in all contracts with its subcontractors, and Consultant shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

13. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice. Consultant may terminate this Agreement at any time, with or without cause and without penalty, upon 30 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Consultant, City shall pay Consultant compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Consultant receive an amount exceeding that which would have been paid to Consultant for the full performance of the Services.

14. Hold Harmless, Defense and Indemnity.

If Consultant provides any architectural, landscape architectural, engineering or land surveying (“design professional”) services, to the maximum extent permitted by law, Consultant shall hold harmless, defend, and indemnify City, its legislative and advisory bodies, and the City’s officials, directors, officers, employees, and agents (collectively, “Indemnitees”) from and against any and all claims, demands, causes of action, damages,

injuries, liabilities, losses, penalties, fines, judgments, costs or expenses, including reimbursement of attorneys' fees, court costs and costs of alternative dispute resolution, including but not limited to those relating to death or injury to any person and injury to any property (collectively, "Claims"), to the extent that the Claims arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or of any of its officers, employees, subcontractors or agents in the performance of the Agreement or in the failure to comply with any of the obligations contained in this Agreement. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, to the extent required herein immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

If Consultant provides no design professional services, to the maximum extent permitted by law, Consultant shall hold harmless, defend and indemnify the Indemnitees from and against any and all Claims, which arise out of, pertain to, or relate to the performance of this Agreement, or the failure to comply with any of the obligations contained in this Agreement, by Consultant or of any of its officials, directors, officers, employees, subcontractors, or agents. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

a. The review, acceptance or approval of Consultant's work or work product by any of the Indemnitees shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This Section 14 shall survive completion of the Services or termination of this Agreement. The provisions of this Section 14 shall not be restricted by and does not affect the provisions of this Agreement relating to insurance.

15. Insurance. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the City's Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages. Consultant shall, before performance of any Services, file with the City's Risk Manager evidence of insurance coverage as specified in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to maintain or renew insurance coverages or to provide renewal evidence, and any lapse in insurance coverage, may be considered a material breach of this Agreement.

16. Documents and Materials.

a. All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Consultant pursuant to this Agreement ("Documents and Materials") shall be the City's property without restriction or limitation upon its use, duplication or dissemination. All Documents and Materials shall be considered "works made for hire," and all Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Consultant shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Consultant hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 16.

b. Consultant shall deliver all Documents and Materials to City's Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally,

anytime at City's request, City shall be entitled to possession of, and Consultant shall furnish to City's Project Manager within 10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Consultant prepares Documents and Materials on a computer, Consultant shall provide City with said Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Consultant may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination of these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement.

c. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of incomplete Documents and Materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant.

d. Consultant warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Consultant shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City's use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Consultant shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Consultant, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.

e. This Section 16 shall survive the termination of this Agreement.

17. Confidentiality of Information.

a. For the purposes of this Agreement, "Confidential Information" means all information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas; or (ii) non-technical information, including without limitation finances, financial and accounting data and information, suppliers, customers, customer lists, purchasing data and any other information belonging to the City or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Consultant or is developed by Consultant in whole or in part at the City's expense.

b. All Documents and Materials shall be considered Confidential Information and shall not be reproduced, transmitted, disclosed or used by the Consultant without the written consent of the City, except as may be necessary for Consultant to fulfill its obligations to the City.

c. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Consultant at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Consultant, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Consultant and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed; provided, however, that before making such disclosure, Consultant shall immediately provide City with written notice and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.

d. Consultant shall use reasonable care to protect the Confidential Information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Consultant. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages. The parties acknowledge that Confidential Information is valuable and unique and that disclosure of the Confidential Information in breach of this Agreement may result in irreparable injury to the City.

e. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by Consultant in reliance on any Confidential Information disclosed under this Agreement.

f. This Section 17 shall survive the termination of this Agreement.

18. Independent Contractor. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Consultant or any of its employees, except as stated in this Agreement. Consultant has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Consultant, and it is free to dispose of all portions of its time which it is not obligated to devote to City in such a manner and to such persons, firms, or corporations as Consultant wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Consultant shall perform for the City. Except as City's Project Manager specifies in writing, Consultant and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Consultant and its employees are not employees of City. Consultant and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Consultant shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. City shall have the right to offset against the amount of any compensation due to Consultant under this Agreement any amount due to City from Consultant as a result of its failure to promptly pay to City any reimbursement or indemnification arising under this Section 18.

19. Nondiscriminatory Employment. Consultant shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Consultant understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Consultant shall be responsible for such subcontractor's compliance with this Section 19.

20. Consultant's Representations. Consultant represents, covenants and guarantees that: a) Consultant is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or impediments of any kind that will limit or prevent Consultant's full performance under this Agreement; c) to the extent required by the standard of practice, Consultant has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

21. Compliance with Laws. In performing the Services under this Agreement, Consultant shall comply with all applicable laws, ordinances and regulations. Before providing any Services under this Agreement, Consultant shall, at its own expense, obtain and maintain all required certificates, licenses and permits, including a City business tax certificate.
22. Conflict of Interest. If, in performing the Services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, Section 18704 of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the Services set forth in this Agreement. Furthermore, Consultant shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Consultant "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Consultant has been retained pursuant to this Agreement.
23. Fictitious Name. If Consultant has a fictitious name, Consultant shall submit to City a new Fictitious Business Name Statement approved by any California county before Consultant's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.
24. Non-Assignability. This Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Consultant shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Consultant shall hold harmless, defend and indemnify Indemnitees from and against all Claims arising from or relating to any unauthorized assignment.
25. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant.
26. Applicable Law; Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.
27. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.
28. Force Majeure. Neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.
29. Authority. Any person executing this Agreement on behalf of Consultant warrants and represents that s/he has the authority to execute this Agreement on behalf of Consultant and to bind it to the performance of these obligations.
30. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.
31. Integration; Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Consultant regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

32. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.
33. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.
34. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relief to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.
35. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City's regular business hours or (b) the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as "(10) Addresses for Notice" on the Cover Page or at such other address as one party may notify the other in writing.
36. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to Project Managers' emails listed in "(11) Contact Emails" on the Cover Page or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.
37. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

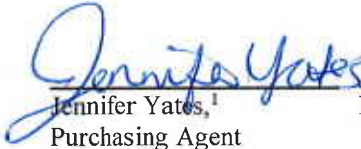
[Signatures on next page]

Agreement No. 32300132

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date that is written as “(1) Agreement Start Date” on the Cover Page.

CITY OF OXNARD

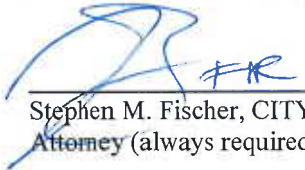
TG CONSULTING SERVICES

 12/29/22  12.29.22
Jennifer Yates,¹ Date Tammy Gutierrez² Date
Purchasing Agent

ATTEST:

N/A _____
Rose Chaparro, CITY Clerk Date
(only if Mayor authorizes)

APPROVED AS TO FORM:

 12/28/22
Stephen M. Fischer, CITY Date
Attorney (always required)

¹ The City Council must authorize any agreement over \$200,000 annually. The City Manager may authorize any agreement over \$100,000 up to \$200,000 annually. The Purchasing Agent may authorize any agreement up to \$100,000 annually. All agreements shall be executed by the Purchasing Agent.

² The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF SERVICES EXHIBIT

A . Work to be completed

- i. Fully train all licensing staff in all aspects of the City's licensing process to include but not limited to, processing and issuance of Business Tax Certificates, permits, and any additional licensing requirements. (Due March 31, 2023)
- ii. Be the City's liaison and subject matter expert to assist in the full integration with Tyler EnerGov. (Due June 30, 2024)
- iii. Review and assess current processes and procedures in the Licensing Division in the Department of Billing and Licensing and implement necessary changes to streamline and improve processes. (Due June 30, 2024)
- iv. Review and update Licensing forms, manuals, desk procedures, City Code, etc. as needed. (Due June 30, 2024)

RATES AND COSTS EXHIBIT

- v. The consultant shall provide the Director of Billing and Licensing weekly updates on staff training progress.
- vi. The consultant shall provide an invoice of service charges on a monthly basis.
- vii. The consultant is required to be the sole consulting service provider, no substitutions will be accepted.
- viii. The consultant shall be compensated at an hourly rate of \$125.00 per hour of service provided.
- ix. The consultant shall track time at lowest of ¼ hour increments.

INSURANCE EXHIBIT

ACORD		CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 12/02/2022				
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.								
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).								
PRODUCER			CONTACT					
Desmond Sandlin(3030340)			NAME:					
1297 Flynn Rd Ste 220			PHONE (A/C, NO, EXT): 805-389-6822					
Camarillo CA 93012-8029			FAX (A/C, NO): 805-389-6994					
			E-MAIL ADDRESS: dsandlin@farmersagent.com					
INSURED			INSURER(S) AFFORDING COVERAGE		NAIC #			
GUTIERREZ, TAMMY			INSURER A: Truck Insurance Exchange		21709			
1037 AGUSTA AVE			INSURER B: Farmers Insurance Exchange		21652			
CAMARILLO CA 93010			INSURER C: Mid Century Insurance Company		21687			
			INSURER D:					
			INSURER E:					
			INSURER F:					
COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:				
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAME ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.								
INSR LTR	TYPE OF INSURANCE	ADDTL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	☒ COMMERCIAL GENERAL LIABILITY			607017559	12/01/2022	12/01/2023	EACH OCCURRENCE \$ 1,000,000	
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea Occurrence) \$ 75,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							MED EXP (Any one person) \$ 5,000
	☐ POLICY ☐ PROJECT ☐ LOC						PERSONAL & ADV INJURY \$ 1,000,000	
	☐ OTHER:						GENERAL AGGREGATE \$ 2,000,000	
		Y	Y				PRODUCTS - COMP/OP AGG \$ 1,000,000	
							\$	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$	
	ANY AUTO						BODILY INJURY (Per person) \$	
	OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$	
	SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$	
	HIRED AUTOS ONLY						\$	
	NON-OWNED AUTOS ONLY						\$	
	UMBRELLA LIAB						EACH OCCURRENCE \$	
	EXCESS LIAB						AGGREGATE \$	
	DED						\$	
	RETENTION \$						\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTHER \$	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT \$	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$	
							E.L. DISEASE - POLICY LIMIT \$	
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)								
CERTIFICATE HOLDER				CANCELLATION				
CITY OF OXNARD INSURANCE COMPLIANCE				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.				
PO BOX 100085				AUTHORIZED REPRESENTATIVE				
DULUTH GA 30006								
ACORD 25 (2016/03)				©1988-2015 ACORD CORPORATION. All Rights Reserved				
31-1769 11-15				The ACORD name and logo are registered marks of ACORD				

INSURANCE EXHIBIT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

POLICY NUMBER: 607017559

J6840
2nd Edition**ADDITIONAL INSURED – SCHEDULED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS LIABILITY COVERAGE FORM
BUSINESSOWNERS COMMON POLICY CONDITIONS

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	City of Oxnard Insurance Compliance
Location Of Covered Operation(s):	1000 Town Center Dr Ste 300 Oxnard, CA 93036
Effective Date Of Endorsement:	12/01/2022
If no entry appears above, information required to complete this endorsement will be shown in the Declarations.	

The BUSINESSOWNERS LIABILITY COVERAGE FORM is amended as follows:

- A.** With respect to the additional insured described in Paragraph B. of this endorsement, the following exclusions are added to Paragraph 1. **Applicable To Business Liability Coverage** under Section B. **Exclusions:**

This insurance does not apply to:

1. "Bodily injury" or "property damage" for which the additional insured(s) is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the additional insured(s) would have in the absence of the contract or agreement.
2. "Bodily injury" or "property damage" occurring after:
 - a. Your ongoing operations at the location of covered operations other than service maintenance or repairs performed by you or on your behalf have been completed; or
 - b. The portion of your ongoing operation out of which the "bodily injury" or "property damage" arises has been put to its intended use by any person or organization.

But in no event shall this insurance apply to "bodily injury" or "property damage" arising out of your operations that were completed prior to the effective date of this endorsement.

3. "Bodily injury" or "property damage" arising out of any act or omission of the additional insured(s) or any of its "employees", agents or contractors other than you, except for general supervision by the additional insured(s) of your ongoing operations performed for that additional insured.
4. "Property damage" to:
 - a. Property owned, used or occupied by or rented to the additional insured(s);
 - b. Property in the care custody or control of the additional insured(s) or over which the additional insured(s) exercise physical control; or
 - c. Any work including materials, parts or equipment furnished in connection with such work which is performed for the additional insured by you.

INSURANCE EXHIBIT

- B. Section C. Who Is An Insured** is amended to include as an insured the person(s) or organization(s) shown in the Schedule, but only to the extent that the additional insured(s) is held liable for "bodily injury" or "property damage" caused in whole or in part by:
1. Your ongoing operations performed for such person or organization at the location designated above;
 2. The acts or omissions of your subcontractors acting on "your" behalf on the scheduled project in the performance of your ongoing operations for the additional insured(s) which start and are completed within the effective period of this endorsement; or
 3. The acts or omissions of such additional insured(s) in connection with its general supervision of such operations.
- C. With respect to this endorsement, "wrap up policy" means an Owner or Contractor Controlled Insurance Program providing one or a series of policies designed to cover a specific construction project that insures all of the persons and entities working on such project.**

The BUSINESSOWNERS COMMON POLICY CONDITIONS are amended as follows:

- A. With respect to the additional insured described in Paragraph B. of this endorsement, Section H. Other Insurance is replaced by the following:**

H. Other Insurance

1. Primary and Noncontributory Insurance

The coverage provided to an additional insured under this endorsement shall be primary and noncontributory ONLY to any insurance issued directly to the additional insured if:

- a. The Named Insured agreed in a written contract or written agreement to provide the additional insured coverage on a primary and noncontributory basis;
- b. Such written contract or written agreement referenced in a. above was executed prior to the issuance of this endorsement;
- c. The additional insured designated herein has a policy with an Other Insurance provision making that policy excess; and
- d. There is no "wrap up policy" in effect for the work performed at the location designated in the Schedule of this endorsement.

2. Excess Insurance

If there is other valid and collectable insurance available to the additional insured(s) as an additional insured under other policies covering the work performed at the location designated and described in the schedule of this endorsement, this insurance will be excess over those policies.

This endorsement is part of your policy. It supersedes and controls anything to the contrary. It is otherwise subject to all the terms of the policy.

INSURANCE EXHIBIT

City of Oxnard Request for Insurance Waiver

This form must be filled out in ink by Vendor.

Agreement No.: 32300132 Project Manager's Name: Eden Alomeri

Vendor's Name: TG Consulting Services

Waiver Reason (Check all that apply):

☒ **Auto Liability**

The Vendor does not and will not own any vehicles throughout the entire duration of, and/or does not and will not use any vehicles in, its business with the City of Oxnard.

☒ **Workers' Compensation Insurance**

Vendor currently has no employees, and will not have any employees throughout the entire duration of its business with the City of Oxnard, for whom the Vendor is or would be required by any Workers' Compensation Laws to carry such insurance.

☐ **Other (Describe)**

I, the undersigned, certify under penalty of perjury that the information provided herein is complete and truthful. I understand that any misrepresentation will be grounds for not awarding the Agreement to Vendor; if the Agreement has already been awarded, any misrepresentation is considered a breach of the Agreement for which the City of Oxnard ("City") shall have the right to immediately terminate the Agreement without consequences. The City retains all other legal rights available to it for breach of contract.

I warrant and represent that I have the authority to execute this Request for Insurance Waiver ("Request") on behalf of Vendor and to bind it to the information provided herein. If any of this information becomes inaccurate, I will immediately notify the City and provide updated information in writing, under penalty of perjury. If, subsequent to this disclosure, the Risk Manager determines that such information makes Vendor no longer qualified for an insurance waiver, Vendor shall immediately submit the required insurance and stop all work for the City until that insurance is approved.

To the maximum extent permitted by law, Vendor shall, at its sole cost, expense and risk, defend (with competent counsel approved by the City), indemnify, and hold harmless the City and its legislative bodies, officials, officers, employees, and agents ("Indemnitees") from and against any claim (including, without limitation, a claim for bodily injury, death or damage to property), demand, obligation, damage, action, cause of action, suit, loss, stop payment notice, judgment, fine, lien, penalty, liability, cost and expense of every kind and nature whatsoever ("Claim") in any manner arising out of, incident to, related to, or in connection with not having the insurance being waived as listed herein. Should Vendor be responsible for defending and/or indemnifying the Indemnitees or any of them pursuant to another contract with the City, and it is possible that the relevant situation would be covered by the insurance being waived as listed above, Vendor shall, at its own expense, be responsible for the full possible insurance contribution. This provision shall survive the term and termination of Vendor's other contract.

INSURANCE EXHIBIT

with the City, is intended to be as broad and inclusive as is permitted by law, and is in addition to any other rights and/or remedies Indemnities may have.

A signed copy of this Request transmitted by email or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Request for all purposes.

Date: 12.2.22

TG Consulting Services

Vendor's Name

Amey M. Singh, owner

Signor 1's Name and Title

Signor 2's Name and Title

When completed and signed, submit this form via email to:

cityofoxnard@ebix.com

with a copy to:

amelia.pacheco@oxnard.org

Risk Management Use Only

Waiver Approved: _____

Waiver Denied: _____

Entered in Ebix: _____

INSURANCE EXHIBIT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

POLICY NUMBER: 607017559



J6840
2nd Edition

ADDITIONAL INSURED – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS LIABILITY COVERAGE FORM
BUSINESSOWNERS COMMON POLICY CONDITIONS

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	The City of Oxnard, its City Council, officers, employees and volunteers
Location Of Covered Operation(s):	214 S C St. Oxnard, CA 93030
Effective Date Of Endorsement:	12/01/2022
If no entry appears above, information required to complete this endorsement will be shown in the Declarations.	

The BUSINESSOWNERS LIABILITY COVERAGE FORM is amended as follows:

- A.** With respect to the additional insured described in Paragraph B. of this endorsement, the following exclusions are added to Paragraph 1. **Applicable To Business Liability Coverage under Section B. Exclusions:**

This insurance does not apply to:

1. "Bodily injury" or "property damage" for which the additional insured(s) is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the additional insured(s) would have in the absence of the contract or agreement.

2. "Bodily injury" or "property damage" occurring after:

- a. Your ongoing operations at the location of covered operations other than service maintenance or repairs performed by you or on your behalf have been completed; or
- b. The portion of your ongoing operation out of which the "bodily injury" or "property damage" arises has been put to its intended use by any person or organization.

But in no event shall this insurance apply to "bodily injury" or "property damage" arising out of your operations that were completed prior to the effective date of this endorsement.

3. "Bodily injury" or "property damage" arising out of any act or omission of the additional insured(s) or any of its "employees", agents or contractors other than you, except for general supervision by the additional insured(s) of your ongoing operations performed for that additional insured.

4. "Property damage" to:

- a. Property owned, used or occupied by or rented to the additional insured(s);
- b. Property in the care custody or control of the additional insured(s) or over which the additional insured(s) exercise physical control; or
- c. Any work including materials, parts or equipment furnished in connection with such work which is performed for the additional insured by you.

INSURANCE EXHIBIT

- B.** Section **C. Who Is An Insured** is amended to include as an insured the person(s) or organization(s) shown in the Schedule, but only to the extent that the additional insured(s) is held liable for "bodily injury" or "property damage" caused in whole or in part by:
1. Your ongoing operations performed for such person or organization at the location designated above;
 2. The acts or omissions of your subcontractors acting on "your" behalf on the scheduled project in the performance of your ongoing operations for the additional insured(s) which start and are completed within the effective period of this endorsement; or
 3. The acts or omissions of such additional insured(s) in connection with its general supervision of such operations.
- C.** With respect to this endorsement, "wrap up policy" means an Owner or Contractor Controlled Insurance Program providing one or a series of policies designed to cover a specific construction project that insures all of the persons and entities working on such project.

The BUSINESSOWNERS COMMON POLICY CONDITIONS are amended as follows:

- A.** With respect to the additional insured described in Paragraph **B.** of this endorsement, Section **H. Other Insurance** is replaced by the following:

H. Other Insurance

1. Primary and Noncontributory Insurance

The coverage provided to an additional insured under this endorsement shall be primary and noncontributory ONLY to any insurance issued directly to the additional insured if:

- a. The Named Insured agreed in a written contract or written agreement to provide the additional insured coverage on a primary and noncontributory basis;
- b. Such written contract or written agreement referenced in a. above was executed prior to the issuance of this endorsement;
- c. The additional insured designated herein has a policy with an Other Insurance provision making that policy excess; and
- d. There is no "wrap up policy" in effect for the work performed at the location designated in the Schedule of this endorsement.

2. Excess Insurance

If there is other valid and collectable insurance available to the additional insured(s) as an additional insured under other policies covering the work performed at the location designated and described in the schedule of this endorsement, this insurance will be excess over those policies.

This endorsement is part of your policy. It supersedes and controls anything to the contrary. It is otherwise subject to all the terms of the policy.

INSURANCE EXHIBIT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.



E3306
1st Edition

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

12/22/2022

Effective Date

607017559

Policy Number

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COMMON POLICY CONDITIONS - BP 00 09

SCHEDULE

Name of Person or Organization:
CITY OF OXNARD INSURANCE COMPLIANCE

(If no entry appears above, information required to complete this Endorsement must be shown in the Declarations as applicable to this endorsement.)

The provisions of the Businessowners Common Policy Conditions are modified by this endorsement as follows:

**Condition K. Transfer Of Rights Of Recovery Against
Others To Us in the Businessowners Common Policy
Conditions** is amended by the addition of the following:

3. We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your work done under a contract with that person or organization and included in the products-completed operations hazard. This waiver applies only to the person or organization shown in the Schedule above.

This endorsement is part of your policy. It supersedes and controls anything to the contrary. It is otherwise subject to all the terms of the policy.

E3306-ED1 6-97
91.3306

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Page 1 of 1
E3306101

FIRST AMENDMENT TO TG CONSULTING SERVICES AGREEMENT

This First Amendment ("First Amendment") to the TG Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 26th day of September, 2023, by and between the City of Oxnard, a municipal corporation ("City"), and TG Consulting Services ("Consultant"). This First Amendment amends the Agreement entered into on January 1, 2023, by City and TG Consulting Services.

City and TG Consulting Services agree as follows:

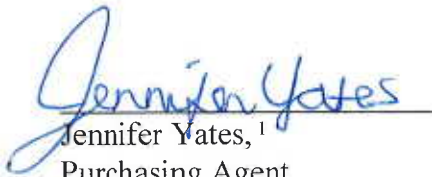
1. The "amount," in Section 6 of the Cover Page of the Agreement is hereby amended to increase the agreement by \$22,500.00 with a new "Total agreement amount not to exceed \$144,937.50." The agreement ending date of June 30, 2024 remains unchanged.
2. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

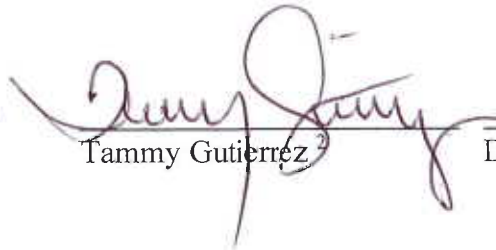
IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

TG CONSULTING SERVICES


Jennifer Yates,¹
Purchasing Agent

10/11/2023
Date


Tammy Gutierrez,²

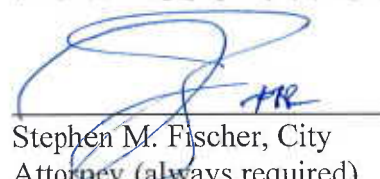
10.3.23
Date

ATTEST:

N/A
Rose Chaparro, City Clerk
(only if Mayor signs)

Date

APPROVED AS TO FORM:


Stephen M. Fischer, City
Attorney (always required)

10/10/23
Date

¹ The City Council must authorize and the Mayor must execute any agreement over \$200,000.

² The Purchasing Agent may execute any authorized agreement up to \$200,000.

SECOND AMENDMENT TO TG CONSULTING SERVICES AGREEMENT

This Second Amendment (“Second Amendment”) to the TG Consulting Services (“Agreement”) is made and entered into in the County of Ventura, State of California, this 2nd day of July, 2024, by and between the City of Oxnard, a municipal corporation (“City”), and TG Consulting Services (“Consultant”). This Second Amendment amends the Agreement entered into on January 1, 2023, by City and TG Consulting Services. The Agreement previously has been amended on September 26, 2023, by a First Amendment.

City and TG Consulting Services agree as follows:

1. The “amount,” in Section 6 of the Cover Page of the Agreement and First Amendment is hereby amended to increase the agreement by \$146,000.00 with a new “Total agreement amount not to exceed \$290,937.50.”
2. The agreement ending date of June 30, 2024 is revised and extended to end on June 30, 2025.
3. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

TG CONSULTING SERVICES

John C. Zaragoza, ¹
Mayor

Date

Tammy Gutierrez ²

Date

ATTEST:

N/A
Rose Chaparro, City Clerk
(only if Mayor signs)

Date

APPROVED AS TO FORM:

Stephen M. Fischer, City
Attorney (always required)

Date

¹ The City Council must authorize and the Mayor must execute any agreement over \$200,000.

² The Purchasing Agent may execute any authorized agreement up to \$200,000.



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

DATE: July 2, 2024

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Public Project Agreement 32500032 with Innovative Engineering Systems, Inc., dba Agilitech for Oxnard Water System SCADA Improvement Project (Rebid), Specification No. PW 20-97R.

RECOMMENDATION

That the City Council approve and authorize:

1. A total of \$746,367 in Project funds for the Oxnard Water System SCADA Improvement Project (Rebid), Specification No. PW 20-97R;
2. The Mayor to Execute an Agreement with Innovative Engineering Systems, Inc., dba Agilitech in the amount of \$597,094 with a contingency amount of \$89,564 (15%) for a total not to exceed contract amount of \$686,658 for the Project; and
3. A Project allocation amount of \$59,709 (10%) for engineering, inspection, survey and project management for the Project.

(This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.)

BACKGROUND

The City uses the Supervisory Control and Data Acquisition (SCADA) process control system to monitor and control processes throughout the entire water system. The existing control center is housed within the Water Division headquarters with additional SCADA facilities at Blending Stations 3, 4, & 5. The headquarters area includes administrative offices, a groundwater desalter facility, groundwater wells, and water blending facilities. The existing automation hardware and software is a variant of Rockwell Automation platforms and is run on an operating system that is no longer supported. Two assessments of the SCADA system have been completed; in 2015 as part of the Public Works Master Plan and in 2018 as a standalone SCADA assessment. The assessments recommend a system-wide design to bring the SCADA system up to a current industry standard and provide documentation and mapping of how it operates in order to best serve the water customers and residents of Oxnard.

The Project scope includes furnishing all necessary labor, materials, equipment and other incidental and appurtenant and work to procure and install new SCADA control center at Water Division headquarters, a back-up server at Blending Station 3, and new equipment at Blending Stations 4 & 5.

The work is tentatively scheduled to begin August 5, 2024 and continue into August 22, 2025 (260 working days) absent any delays for supply chain issues, unforeseen site conditions or weather.

Capital Improvement Program (CIP) Reference:

Project No. **C2026**– Water System SCADA Improvement - CIP 2025-2029 - Adopted June 4, 2024.

DISCUSSION

This project has been bid before but the two bids received were rejected due to errors with the contractor's submissions. The notice inviting formal bids (NIFB) on this rebid Project was published on May 16, 2024, and all bids were due on May 31, 2024. The City received two bids, one conforming and one deemed nonresponsive:

Innovative Engineering, Systems, Inc., dba Agilitech: \$597,094

The lowest bidder is Innovative Engineering Systems, Inc., dba Agilitech (Agilitech) and its bid is responsive to the City's NIFB. Following this determination, procurement staff reviewed all documentation received from Agilitech. Procurement staff verified possession of required currently valid licenses, reviewed the federal Occupational Safety and Health Administration (OSHA) website for safety violations, and verified registration with the California Department of Industrial Relations (DIR). Based upon the available information and research performed to date, staff and engineer of record believe that the contractor is capable of satisfactorily completing the project. Thus, staff recommends that the City Council award the contract for this Project to Agilitech.

In addition to the project award amount of \$597,094, Staff recommends authorizing \$149,273 for the project, which includes \$89,564 for project contingency (15% of the contract costs) and \$59,709 for the cost for engineering services and City staff (10% of the contract cost). Staff recommends a project contingency of 15% instead of the traditional 10% because of the complexity of installing, programming, and commissioning a new SCADA system while maintaining normal operation of the water production and distribution. Engineering services include the following activities during construction: engineering, inspection, survey and project management. These recommendations bring the total estimated cost of the project to \$746,367.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The total cost for this Project shall not exceed \$746,367, including the construction agreement, contingency and project allocation. The Oxnard Water System SCADA Capital Improvement Project (C2026) has sufficient budget available in the Water Capital Fund (602), funded via the Water Operating Fund (601).

COMMITTEE OUTCOME

This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.

Prepared by: Timothy Beaman, Supervising Civil Engineer

ATTACHMENTS

1. Agreement 32500032 Agilitech PW 20-97R

**CONSTRUCTION CONTRACT
BY AND BETWEEN
THE CITY OF OXNARD
AND INNOVATIVE ENGINEERING SYSTEMS, INC.DBA AGILITECH
FOR
WATER SYSTEM SCADA IMPROVEMENT PROJECT (REBID)
SPECIFICATION NO.: PW 20-97R**

THIS CONSTRUCTION CONTRACT (the “Contract”) is made and entered this _____ day of _____, 2024(“Effective Date”), by and between the CITY OF OXNARD, a California municipal corporation (“City”) and INNOVATIVE ENGINEERING SYSTEMS, INC., DBA AGILITECH (“Contractor”). Contractor’s license number is 902979. The City and Contractor are sometimes hereinafter referred to as a “Party” and collectively referred to as the “Parties.”

RECITALS:

WHEREAS, the City requires construction of the Water System SCADA Improvement Project (Rebid) as more fully described in the solicitation documents issued by the City for Specification No. PW 20-97R (the “Project”); and

WHEREAS, on May 16, 2024, the City issued a Notice Inviting Bids and Contract documents to prospective bidders for the Project. In response, Contractor submitted a Bid which the City determined to be the lowest responsive and responsible bid; and

WHEREAS, Contractor is a duly organized corporation in good standing in the State of California, and represents that it has the background, knowledge, experience, expertise and resources to perform the Work and other obligations encompassed by this Contract; and

WHEREAS, at its meeting held on _____, the Oxnard City Council duly accepted Contractor’s Bid for the Project and directed that a written agreement for the Project be entered into with Contractor; and

WHEREAS, in light of the facts set forth above and the certifications made by Contractor as part of its Bid, the City desires to retain Contractor to perform the construction Work for the Project as set forth in this Contract and in the Contract Documents, as hereinafter described.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS, CONDITIONS, AND PROMISES CONTAINED HEREIN AND FOR SUCH OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES HERETO AGREE AS FOLLOWS:

1. RECITALS

The Recitals set forth above are true and correct and are hereby incorporated into this Contract by this reference, as though set forth herein.

2. CONTRACT DOCUMENTS; ORDER OF PRECEDENCE

a. Contract Documents. The Contract Documents consist of the following documents, all of which are either attached hereto as exhibits or are incorporated herein by this reference. Said Contract Documents are complementary; what is called for in one is binding as if called for in all, and together constitutes Contractor's performance obligations:

- (1) This Contract and its attached Exhibits, subject to the limitations in Sections 9 and 20 with respect to Exhibit "A" (Contractor's submitted Bid Proposal as accepted by the City);
- (2) Change Orders issued and approved by the City;
- (3) Bid Addenda issued by the City;
- (4) Notice Inviting Bids and Instructions to Bidders;
- (5) Technical Specifications
- (6) Special Provisions
- (7) General Provisions
- (8) Appendices
- (9) Plans
- (10) Bid Forms and attachment thereto;
- (11) Performance Bond;
- (12) Payment Bond.

3. CONTRACTOR'S OBLIGATIONS

a. Contractor will perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, supplies, tools, equipment, transportation, onsite facilities, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to diligently prosecute and complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents, and to the satisfaction of the Project Manager.

b. Until the acceptance of the Work, the Contractor shall have the responsible charge and care of the Work and of the materials to be used therein, (including materials for which partial payment has been received or materials which have been furnished by the Owner), and shall bear the risk of injury, loss or damage to any part thereof by the action of the elements or from any other cause, whether arising from the execution or from the nonexecution of the Work.

c. The Contractor shall rebuild, repair, restore, and make good all injuries, losses, damages to any portion of the Work or the materials occasioned by any cause before its completion and acceptance, and shall bear the expense thereof. Where necessary to protect the Work or materials from damage, the Contractor shall, at the Contractor's expense, provide suitable drainage and erect such temporary structures as are necessary to protect the Work or materials from damage.

d. The suspension of the Work from any cause whatever shall not relieve the Contractor of his responsibility for the Work and materials as herein specified. If ordered by the Owner's Representative, the Contractor shall, at the Contractor's sole cost and expense, properly store materials which have been partially paid for by the Owner or which have been furnished by the

Owner. Such storage by the Contractor shall be on behalf of the Owner, and the Owner shall, at all times, be entitled to the possession of such materials, and the Contractor shall promptly return the same to the site for the work when requested. The Contractor shall not dispose of any of the materials so stored, except with written authorization from the Owner.

e. In an emergency affecting the safety of life or property, including adjoining property, the Contractor, without special instructions or authorizations, is authorized to act at the Contractor's discretion to prevent such threatened loss or injury, and shall so act as though instructed to do so by the Owner.

f. Notwithstanding the foregoing provisions of this article, the Contractor shall not be responsible for the cost of repairing or restoring damage to the work, which damage is determined to have been proximately caused by an Act of God, in excess of five (5) percent of the contracted amount, provided the work is built in accordance with accepted and applicable building standards and the approved Plans and Specifications.

(i) "Acts of God" shall include earthquakes in excess of a magnitude of 3.5 on the Richter Scale, wildfires and tidal waves.

4. LICENSES REQUIRED

a. The Contractor shall possess a valid Class C-10 Contractor's license issued by California State Contractors License Board.

b. If traffic control in a construction zone is required, it must be performed by a State of California Construction Zone Traffic Control Contractor, Specialty Classification C-31.

c. In accordance with Section 7028.15 of the Business and Professions Code, all Contractors shall be licensed in accordance with the laws of the State of California and any Contractor or Subcontractor not so licensed is subject to the penalties imposed by such laws.

d. The Contractor will also be required to possess a City of Oxnard business license at the time of Contract award.

5. CONTRACT PRICE; PAYMENT AND RETENTION

a. As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor FIVE HUNDRED NINETY SEVEN THOUSAND NINETY FOUR DOLLARS, (\$597,094.00) (the "Contract Price") for all of Contractor's direct and indirect costs to perform the Work, including all labor, materials, supplies, equipment, taxes, insurance, bonds and all overhead costs, in accordance with Contractor's Bid Proposal (attached hereto as Exhibit "A") subject to the provisions of this Contract and the Contract Documents.

b. Procedures relating to payment and retention are set forth in the Special Provisions.

6. CONTRACT TIME; NOTICE TO PROCEED; TERM

a. Contract Time. The Work under this Agreement shall be diligently prosecuted to completion before expiration of two hundred sixty (260) Working Days after the issuance of the Notice to Proceed. The City will not issue a Notice to Proceed to the Contractor until this Contract, including payment and performance bonds, insurance documents, business tax certificate have been executed and/or approved by the City.

b. Notice to Proceed. No work, service, material, or equipment shall be performed or furnished under this Contract unless and until a Notice to Proceed has been given to the Contractor by the City. Contractor shall commence Work pursuant to the Contract Documents and as directed by the City in the Notice to Proceed, and diligently execute the same to completion within the Contract Time. Any Work that is done by the Contractor in advance of such time shall be considered as being done at the Contractor's own risk and responsibility, and as a consequence will be subject to rejection.

c. Term. The Contract is effective as of the Effective Date listed, and shall remain in full force and effect until the Contractor has completed all Work pursuant to the Contract Documents, the City has accepted all Work, and the Contract Term has ended, unless the Contract has been otherwise terminated by the City.

7. DISPUTE RESOLUTION AND CLAIMS PROCEDURES

a. Public Contract Code Section 9204. For purposes of any Public Works Claims filed by a Contractor or Subcontractor (as those terms are defined in Public Contract Code Section 9204) under this Contract, the claims procedures in Public Contract Code Section 9204 ("Section 9204") and the provisions of this Section shall apply. Public Contract Code Section 9204 is set forth in full in Section 2- 10 of the Special Provisions.

i) In the event of a Section 9204 Public Works Claim, Contractor may not stop working pending resolution of the dispute, but must continue to comply with its duty to diligently prosecute the performance and timely completion of the Work during the Section 9204 process.

ii) Any Public Works Claims not resolved by the Section 9204 procedures (and/or any tort claims) shall be subject to the provisions of the Government Claims Act (Government Code section 810 et seq.).

b. Public Contract Code Section 20104 et al. For purposes of any Public Works Claims of three hundred and seventy five thousand dollars (\$375,000) or less filed by a Contractor or Subcontractor (as those terms are defined in Public Contract Code Section 9204), the claims procedures in Public Contract Code Section 20104.2 and the provisions of this Section shall apply.

i) In the event of a Section 20104 Public Works Claim, Contractor may not stop working pending resolution of the dispute, but must continue to comply with its duty to diligently prosecute the performance and timely completion of the Work during the Section 20104.2 process.

ii) Any Public Works Claims not resolved by the Section 20104.2 procedures (and/or any tort claims) shall be subject to the provisions section 20104.4 and the Government Claims Act (Government Code section 810 et seq.).

c. For disputes or claims that do not constitute Public Works Claims, City and Contractor agree to comply with the following process:

- Each Party shall designate a senior management or executive level representative to negotiate any dispute.
- The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.
- If the issue remains unresolved after ten (10) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiation between the legal counsel for each Party. If the above process fails, the Parties may mutually agree to engage in non-binding mediation or arbitration in which the Parties equally share the costs of any mediator or arbitrator, or may proceed with suit or other remedies, subject to the provisions of subparagraph (5) of this Subsection and other applicable provisions and laws.
- The alternative dispute resolution process set forth herein is a material condition to Contract and must be exhausted as an administrative remedy prior to either Party initiating legal action.
- The provisions of the Government Claims Act (Government Code section 810 et seq.) is also required prior to initiating suit against the City.

8. TERMINATION OF AGREEMENT FOR CONVENIENCE

a. The City may, by providing thirty (30) days' advance written notice to Contractor, terminate this Agreement in whole or in part, whenever the City shall determine that such termination is in the best interests of the City, or when it becomes impracticable or impossible to proceed, or because of conditions or events beyond the control of the City. Any such termination shall be effected by delivery to Contractor of a Notice of Termination for Convenience, specifying the extent to which performance of Work under this Agreement is terminated, and the date upon which such termination becomes effective. Upon such termination, the obligations of the Contractor for portions of the Work already performed shall continue.

b. Upon receipt of a Notice of Termination for Convenience, the Contractor shall, unless the notice directs otherwise, do the following:

- (1) Immediately discontinue the Work to the extent specified in the notice.
- (2) Place no further orders or subcontracts for materials, equipment, services, or facilities, except as may be necessary to complete such portion(s) of the Work that are not to be discontinued.

(3) Promptly cancel, on the most favorable terms reasonably possible, all subcontracts to the extent that they relate to the performance of the discontinued portion of the Work.

(4) Thereafter do only such Work as may be necessary to preserve and protect the Work already in progress and to protect materials, plants, and equipment on the Project site or in transit thereto.

c. Upon such termination, the Contractor will be paid without duplication for:

(1) Work completed in accordance with the Contract Documents prior to the effective date of the Notice of Termination for Convenience;

(2) Reasonable costs incurred in settlement of terminated contracts with Subcontractors, suppliers and others; and

(3) Reasonable expenses directly attributable to termination.

The Contractor shall submit a final termination settlement proposal to the City no later than ninety (90) days from the effective date of termination, unless extended in writing by the City, upon written request by the Contractor. If the Contractor fails to submit a proposal, the City may determine the amount, if any, due the Contractor as a result of the termination. The City will pay the Contractor the amount it determines is reasonable. If the Contractor disagrees with the amount determined by the City as being reasonable, the Contractor shall provide notice to the City within thirty (30) Days of receipt of payment. Any amount due shall be subject to the dispute resolution provisions set forth in the Contract Documents.

d. Contractor shall include provisions in all of its subcontracts, purchase orders, and other contracts permitting termination for convenience by Contractor on terms that are consistent with this Contract and that afford no greater rights of recovery against Contractor than are afforded to Contractor under this Section 7.

9. TERMINATION FOR CONTRACTOR'S DEFAULT

a. Default. The City may terminate this Contract for Contractor's default as set forth in this Section. The City will consider the Contractor in default of this Contract if, prior to the City's acceptance of the Work, the Contractor:

(1) becomes insolvent, assigns its assets for the benefit of its creditors, is unable to pay its debts as they become due, or is otherwise financially unable to complete the Work;

(2) abandons the Work by failing to report to the Work site and diligently prosecute the Work to completion;

(3) disregards written instructions from the City or materially violates provisions of the Contract Documents;

(4) fails to prosecute the Work according to the schedule approved by the Engineer,

(5) disregards laws or regulations of any public body having jurisdiction, or

(6) commits continuous or repeated violations of regulatory or statutory safety requirements.

Notices, and other written communications regarding default between the Contractor, the City, and the Surety shall be transmitted in accordance with Section 21 of this Contract.

b. Notice and Opportunity to Cure. The City will issue a written notice to cure the default to the Contractor and its Surety. The Contractor shall commence satisfactory corrective actions within five (5) Working Days after receipt. If the Contractor fails to commence satisfactory corrective action within five (5) Working Days after receipt of the notice to cure, or to diligently continue satisfactory and timely correction of the default thereafter, the City will consider the Contractor in default of the Contract and:

- (1) will terminate the Contractor's right to perform under the Contract by issuing a written notice of termination for default to the Contractor and its Surety;
- (2) may use any materials, equipment, tools or other facilities furnished by the Contractor to secure and maintain the Work site, and
- (3) may furnish labor, equipment, and materials the City deems necessary to secure and maintain the Job Site;

c. Remedies Cumulative. The provisions of this Section shall be in addition to all other legal rights and remedies available to the City. Termination of this Contract will not relieve the Surety of its obligation for any just claims arising out of the Work performed.

10. PREVAILING WAGE

a. Compliance with State Prevailing Wage Requirements. Pursuant to Labor Code Section 1773, the City has obtained the prevailing rate of per diem wages and the prevailing wage rate for holiday and overtime work applicable in Ventura County, California from the Director of the Department of Industrial Relations (DIR) for each craft, classification, or type of worker needed to perform the Work required under this Contract. A copy of these prevailing wage rates are on file at the City's Finance Department/Purchasing Division and shall be made available for review to any interested party on request. In addition, a copy of the prevailing rate of per diem wages may be obtained via the internet at: <http://www.dir.ca.gov/DLSR/PWD>. Contractor and all Subcontractors shall pay not less than said specified State of California rates to all workers employed by them in the execution of the Work contemplated by this Contract, including workers performing Work covered by under Labor Code Sections 1720 and 1720.9. Contractor shall be responsible for using the correct and current prevailing wage rates. Contractor shall be solely responsible for using the correct wage decision or determination and performing accordingly. An error on the part of any awarding body does not relieve the Contractor from the responsibility for payment of the correct prevailing wage.

b. Conflict. It is further expressly agreed by and between the Parties hereto that should there be any conflict between the terms of this Section 9 and the provisions of Exhibit "A", the terms of this Section 9 shall control and nothing herein shall be considered as an acceptance of the terms of Contractor's Submitted Bid Proposal conflicting with the requirements of this Section 9.

c. Payroll Records. Contractor must comply with the provisions of Labor Code sections 1776 and 1812 and all implementing regulations, including without limitation, those set forth in Title 8 of the California Code of Regulations, Section 16000 et seq. (hereinafter the "Regulations"), which are fully incorporated by this reference, including requirements for electronic submission of payroll records to the DIR.

- (1) Contractor and Subcontractor Obligations. Contractor and each Subcontractor must keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the

actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in connection with the Work. Each payroll record must contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

- (a) The information contained in the payroll record is true and correct; and
- (b) Contractor or the Subcontractor has complied with the requirements of Labor Code §§ 1771, 1811, and 1815 for any Work performed by its employees on the Project.

(2) Certified Record. A certified copy of an employee's payroll record must be made available for inspection or furnished to the employee or his or her authorized representative on request, to City, to the Division of Labor Standards Enforcement, to the Division of Apprenticeship Standards of the DIR, and as further required by the Labor Code.

(3) Enforcement. Upon notice of noncompliance with Labor Code § 1776, Contractor or Subcontractor has ten days in which to comply with the requirements of this section. If Contractor or Subcontractor fails to do so within the ten-day period, Contractor or Subcontractor will forfeit a penalty of \$100.00 per day, or portion a day, for each worker for whom compliance is required, until strict compliance is achieved. Upon request by the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement, these penalties will be withheld from payments then due to Contractor.

d. Apprentices. Contractor is responsible for compliance with the requirements governing employment and payment of apprentices, as set forth in Labor Code section 1777.5, which is fully incorporated by reference.

e. Notices. Pursuant to Labor Code section 1771.4, Contractor is required to post all Job Site notices, including prevailing wage rates and other notices as required by regulation.

f. Other Labor Requirements. Contractor has the responsibility for and shall comply with all other requirements of California Labor Code Section 1720 et seq., the Regulations, and all other applicable State labor laws. Contractor further acknowledges and agrees that it will be independently responsible for reviewing the applicable laws and regulations and effectuating compliance with those laws. Contractor will require the same of all its Subcontractors.

g. Statutory Penalties. The statutory penalties for failure to pay prevailing wage or to comply with State wage and hour laws will be enforced as follows:

(1) Pursuant to Labor Code section 1775, the Contractor and any Subcontractor under it shall forfeit as a penalty to the City not more than Two Hundred Dollars (\$200.00), for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rate as determined by the Director of the DIR for such work or craft in which such worker is employed for any public work done under this Contract by it or by any Subcontractor under it. The difference between such prevailing wage rate and the amount paid to each worker for each calendar day or portion thereof, for which each worker was paid less than the prevailing wage rate, shall be paid to each worker by the Contractor.

(2) The Contractor or Subcontractor shall, as a penalty to the City, forfeit twenty-five dollars (\$25) for each worker employed in the execution of this Contract by the respective contractor or Subcontractor for each calendar day during which the worker is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of this subsection. In awarding any contract for public work, Contractor must forfeit to City Twenty-five Dollars (\$25.00) per day for each worker who works in excess of the minimum working hours when Contractor does not pay overtime. In accordance with the provisions of Labor Code Sections 1810 et seq., eight (8) hours is the legal working day.

h. DIR Monitoring. Pursuant to Labor Code § 1771.4, the Contract for this Project is subject to compliance monitoring and enforcement by the DIR.

i. DIR Registration. Pursuant to Labor Code sections 1725.5 and 1771.1, the Contractor and its Subcontractors must be registered with the DIR prior to the execution of a contract to perform public works. By entering into this Contract, Contractor represents that it is aware of the registration requirement and is currently registered with the DIR. Contractor shall maintain a current registration for the duration of the Project. Contractor shall further include the requirements of Labor Code sections 1725.5 and 1771.1 in any subcontract and ensure that all Subcontractors are registered at the time this Contract is entered into and maintain registration for the duration of the Project.

11. LIQUIDATED DAMAGES

If Contractor fails to complete the Work within the Contract Time, City will assess liquidated damages in the amount of five hundred dollars (\$500) per day for each day of unexcused delay in completion, and such liquidated damages may be deducted from City's payments due or to become due to Contractor under this Contract.

12. COMPLIANCE WITH LAWS

Contractor shall comply with all Laws applicable to the performance of the Work required by the Contract Documents, including any rule, regulation, or bylaw governing the conduct or performance of Contractor, its employees, officers, board members, agents, independent contractors, and Subcontractors. Unless otherwise specified in the Contract Documents, all required permits and licenses, including a City business license, shall be held or obtained by the Contractor at its sole expense and prior to commencing any Work hereunder.

13. WORKERS' COMPENSATION CERTIFICATION

Pursuant to Labor Code § 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code § 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

14. INSURANCE

Contractor shall procure and maintain at its own expense at all times during the period covered by this Contract (and through the one-year guarantee period following the date of City's acceptance of the Project) the following policies of insurance as approved by the City's Risk Manager as set forth in Exhibit INS-G of this Contract.

15. RESERVED

16. TIME OF THE ESSENCE

Time is of the essence in the performance of this Contract.

17. INDEMNIFICATION

a. Notwithstanding the limits of any insurance and to the fullest extent permitted by law, Contractor shall indemnify the City, its elected or appointed officials, officers, agents, volunteers and employees against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities, (hereinafter "Claims or Liabilities") that may be asserted or claimed by any person, firm or entity arising or alleged to arise out of or in connection with the performance of the Work, operations, or activities of Contractor, its agents, employees, Subcontractors, or invitees on the Project, or arising or alleged to arise from the acts or omissions of Contractor hereunder, or arising or alleged to arise from Contractor's performance of or failure to perform any term, provision, covenant or condition of this Contract, but excluding such Claims or Liabilities or portion of such Claims or Liabilities arising or alleged to arise from the active negligence, sole negligence, or willful misconduct of the City, its elected or appointed officials, officers, agents, volunteers, or employees, and in connection therewith:

(1) Contractor will defend any action or actions filed in connection with any of said Claims or Liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(2) Contractor will promptly pay any judgment rendered against the City, its elected or appointed officials, officers, agents, volunteers, or employees for any such claims or liabilities arising or alleged to arise out of or in connection with Contractor's (or its agents', employees', Subcontractors' or invitees') performance of or failure to perform such Work, operations or activities hereunder; and Contractor agrees to save and hold the City, its elected or appointed officials, officers, agents, volunteers and employees harmless therefrom;

(3) In the event the City, its elected or appointed officials, officers, agents, volunteers, or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising or alleged to arise out of or in connection with the performance of or failure to perform the Work, operation, or activities of Contractor hereunder, Contractor shall pay to the City, its elected or appointed officials, officers, agents, volunteers, or employees, any and all costs and expenses incurred by the City, its elected or appointed officers, officials, agents, volunteers, or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees for counsel acceptable to City;

(4) Contractor's duty to defend, indemnify, and hold harmless as set out in this Section shall include any claims, liabilities, obligations, losses, demands, actions, penalties,

suits, costs, expenses or damages or injury to persons or property arising or alleged to arise from, in connection with, as a consequence of, or pursuant to any state or federal law or regulation regarding hazardous substances, including but not limited to, the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), Resource Conservation and Recovery Act of 1976 ("RCRA"), the Hazardous and Solid Waste Amendments of 1984, the Hazardous Material Transportation Act, the Toxic Substances Control Act, the Clean Air Act, the Clean Water Act, the California Hazardous Substance Account Act, the California Hazardous Waste Control Law or the PorterCologne Water Quality Control Act, as any of those statutes may be amended from time to time.

b. City will timely notify Contractor upon receipt of any third-party claim relating to the Contract, as required by Public Contract Code § 9201. The Contractor's indemnification and defense obligations pursuant to this Section shall survive the termination of this Contract. Contractor shall require the same indemnification from all Subcontractors.

18. THIRD PARTY CLAIMS

The City shall have full authority to compromise or otherwise settle any claim relating to the Project at any time. The City shall timely notify the Contractor of the receipt of any third-party claim relating to the Project. The City shall be entitled to recover its reasonable costs incurred in providing this notice.

The Contractor shall not have any authority to compromise or otherwise settle any claim relating to the Project; any effort by the Contractor to do so shall be deemed a breach of the Contract, and the City will not participate in any such compromise or settlement. Within five (5) Calendar Days of the date that the Contractor receives any third-party claim relating to this Project, the Contractor shall provide written notice thereof and a copy of the claim to the City Attorney.

19. CONFLICTS OF INTEREST

The Contractor shall not accept any employment or representation during the Contract Term or within twelve (12) months thereafter that is or may likely make the Contractor "financially interested," as provided in Government Code Sections 1090 and 87100, in any decisions made by the City on any matter in connection with which the Contractor has been retained pursuant to the Contract Documents."

20. REPORTS; BOOKS AND RECORDS; AUDIT

a. Upon request by the Project Manager Contractor shall prepare and submit reports concerning Contractor's performance of the Work required by this Contract.

b. Contractor shall keep such books and records as shall be necessary to perform the work required by this Contract and enable the Project Manager to evaluate the cost and the performance of such Work.

c. Books and records pertaining to costs shall be kept and prepared in accordance with generally accepted accounting principles, and Contractor and its subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred Project costs and matching funds by line item for the Project. The Project Manager and the parties specified in Article V of the Master Agreement referenced in Section 14 of this Contract and attached hereto as Exhibit "B", shall have full and free access to such books and records at all reasonable times, including the right to inspect, copy, audit, and make records and transcripts from such records.

21. NONDISCRIMINATORY EMPLOYMENT

a. The Contractor shall not unlawfully discriminate against any individual based on race, religion or religious creed, color, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration status, citizenship or military and veteran status. The Contractor shall comply with the nondiscrimination mandates of all statutes, ordinances and regulations.

b. For every Subcontractor who will perform Work on the Project, the Contractor shall be responsible for such Subcontractor's compliance with this Section. The Contractor shall include in the written contract between itself and each Subcontractor a copy of the provisions in this Section and a requirement that each Subcontractor shall comply with those provisions. The Contractor shall be required to take all actions necessary to enforce such contractual provisions and ensure Subcontractor's compliance. The Contractor shall diligently take corrective action to halt or rectify any failure to comply.

22. MODIFICATIONS AND AMENDMENTS

This Contract may be modified or amended only by written Change Orders as specified in the Contract Documents or a written instrument signed by both Parties.

23. ENTIRE AGREEMENT

a. This Contract supersedes any and all prior or contemporaneous agreements, either oral or written, between the City and Contractor with respect to the subject matter of this Contract.

b. The Contract Documents contain all of the covenants and agreements between the Parties with respect to the subject matter herein, and each Party acknowledges that no representations, inducements, promises, or agreements have been made by or on behalf of any Party, except those covenants and agreements in this Contract and the Contract Documents incorporated herein.

c. No agreement, statement, or promise with respect to the subject matter of the Contract Documents, which is not contained in the Contract Documents, or in a valid modification or amendment to the Contract Documents, shall be valid or binding on either Party.

24. AMBIGUITIES

This Contract is in all respects intended by each Party hereto to be deemed and construed to have been jointly prepared by the Parties and the Parties hereby expressly agree that any uncertainty or ambiguity existing herein shall not be interpreted against either of them. Except as expressly limited by this paragraph, all of the applicable rules of interpretation of contract shall govern the interpretation of any uncertainty or ambiguity of this Contract. Notwithstanding the foregoing, the Parties agree that Exhibit "A" is attached hereto for reference purposes, and to the extent there are any ambiguities, inconsistencies, or conflicts between the terms of this Contract and Exhibit "A", the terms of this Contract shall control and nothing set forth in Exhibit "A" shall be deemed to supersede any of the provisions of this Contract.

25. NOTICES

a. Any notice to be provided pursuant to this Contract shall be in writing, and all such notices shall be delivered by personal service or by deposit in the United States mail, certified or registered, return receipt requested, with postage prepaid, and addressed to the Parties as follows:

TO CITY: Public Works Department
305 W. Third Street, Third Floor
Oxnard, CA 93030

TO CONTRACTOR: 8800 Crippen Street
Bakersfield, CA 93311

b. Notices, payments, and other documents shall be deemed delivered upon receipt by personal service or as of the second (2nd) day after deposit in the United States mail.

c. Either Party, or the surety, may change its address by giving notice in writing to all other parties listed above, and thereafter notices shall be addressed and transmitted to such new address.

26. NON-LIABILITY OF CITY OFFICERS AND EMPLOYEES

No officer or employee of the City shall be personally liable to Contractor, or any successor in interest, in the event of any default or breach by the City or for any amount, which may become due to Contractor or to its successor(s), or for any breach of any obligation of the terms of this Contract.

27. REVIEW BY ATTORNEYS

Each Party hereto has had its attorneys review this Contract and all related documents. Each Party hereto has consulted with its attorneys and has negotiated the terms of this Contract based on such consultation.

28. BONDS

Concurrently with the execution of this Contract by the Contractor, and before the commencement of any Work, Contractor shall furnish to the City a Performance Bond, and a Payment (Labor and Materials Bond) each in an amount equal to one hundred percent (100%) of the Contract Price written on the forms included in the Contract Documents. These bonds must remain in force until the later of (1) the expiration of the one-year guarantee period; or (2) on one year from the date of completion of the corrective Work. Such bonds must be issued by a responsible corporate Surety, licensed and authorized to issue such bonds in the State of California.

29. CARE OF WORK

Contractor must adopt reasonable methods during the life of the Contract to furnish continuous protection to the Work, and the equipment, materials, papers, documents, plans, studies, and other components to prevent losses or damages, and will be responsible for all damages, to persons or property, until acceptance of the Work by the City, except those losses or damages as may be caused by the City's own negligence. The performance of the Work by Contractor or the payment of money by the City shall not relieve Contractor from any obligation to correct any incomplete, inaccurate, or defective Work (including the obligation to remedy any defective Work or materials during the one-year guarantee period after the City's acceptance thereof) at no further cost to the City.

30. CAPTIONS AND HEADINGS

The captions and headings contained in this Contract are provided for identification purposes only and shall not be interpreted to limit or define the content of the provisions described under the respective caption or heading.

31. OWNERSHIP OF DOCUMENTS

No portion of the Contract Documents may be used for any purpose other than construction of the Project, without prior written consent from City. Contractor is deemed to have conveyed the copyright in any designs, drawings, specifications, Shop Drawings, or other documents (in paper or electronic form) developed by Contractor for the Project, and City will retain all rights to such works, including the right to possession.

32. SUCCESSORS, HEIRS, AND ASSIGNS

Except as otherwise expressly provided herein, this Contract shall be binding upon the successors, endorsees, assigns, heirs, and personal representatives of each of the Parties and, likewise, shall inure to the benefit of the successors, endorsees, assigns, heirs, and personal representatives of each of the Parties. This Contract may not be assigned or transferred by Contractor without the concurrence of the surety and express written consent of the City.

33. GENDER; PLURAL

In this Contract, unless the context clearly requires otherwise, the masculine, feminine and neuter genders and the singular and the plural shall include one another.

34. SEVERABILITY

If any one or more of the sentences, clauses, paragraphs, or sections contained herein is declared invalid, void, or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Contract and shall not affect, impair, or invalidate any of the remaining sentences, clauses, paragraphs, or sections contained herein.

35. GOVERNING LAW

The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the Parties under this Contract, shall be construed pursuant to and in accordance with California law.

36. CUMULATIVE REMEDIES

Except with respect to rights and remedies expressly declared to be exclusive in this Contract, the rights and remedies of the Parties are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default of any other default by the other Party.

37. VENUE

All proceedings involving disputes over the terms, provisions, covenants, or conditions contained in this Contract and all proceedings involving any enforcement action related to this Contract shall be initiated and conducted in the applicable court or forum in Ventura County, California.

38. EFFECTIVENESS OF CONTRACT

This Contract shall not be binding upon the City until signed by the authorized representative(s) of Contractor, approved by the City's Risk Manager and as to form by the City Attorney, and executed by the authorized City personnel or the Mayor.

39. REPRESENTATIONS OF PARTIES AND PERSONS EXECUTING CONTRACT

Each of the Parties to this Contract hereby represents that all necessary and appropriate actions of their governing bodies have been taken to make this Contract a binding obligation of each of the Parties hereto. The persons executing this Contract warrant that they are duly authorized to execute this Contract on behalf of and bind the Parties each purports to represent.

40. WAIVER

No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default under this Contract shall impair such right or remedy or be construed as a waiver. A Party's consent to or approval of any act by the other Party requiring the Party's consent or approval shall not be deemed to waive or render unnecessary the other Party's consent to or approval of any subsequent act. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Contract.

41. INDEPENDENT CONTRACTOR STATUS

Contractor is an independent contractor. All persons working for or under the direction of the Contractor are the Contractor's employees, agents, or subcontractors, and they shall not be deemed agents, servants, or employees of the City.

42. COUNTERPARTS

This Contract may be executed by the Parties in counterparts, and when executed by each of the Parties, each counterpart shall be deemed to be a part of this Contract.

43. PROVISIONS REQUIRED BY LAW DEEMED INSERTED

Each and every provision of law and clause required by Law to be inserted in this Contract shall be deemed to be inserted herein and the Contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not currently inserted, then upon application of either Party the Contract shall forthwith be physically amended to make such insertion or correction.

44. ATTORNEY'S FEES

If either Party commences an action against the other Party, whether legal, administrative, or otherwise, arising out of or in connection with this Contract, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

[END OF THIS PAGE – SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have entered into this Contract effective on the date as stated herein and upon signature of all Parties.

CITY OF OXNARD

**INNOVATIVE ENGINEERING SYSTEMS,
INC., DBA AGILITECH**

x John C. Zaragoza, Mayor¹ Date
☐ Purchasing Manager

David A. Wolfer, CEO² Date

Jordan Stockton, Secretary Date

ATTEST:

Rose Chaparro, City Date
Clerk (only if Mayor signs)

APPROVED AS TO FORM:

Stephen M. Fischer, City Date
Attorney (always required)

¹ The City Council must authorize and the Mayor must execute any agreement over \$200,000. The Purchasing Agent may execute any authorized agreement up to \$200,000.

² The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

EXHIBITS

Exhibit A: Bid Proposal completed by Contractor.

Exhibit INS-G: Insurance Requirements and Sample Acord Forms

Bonds

The corresponding exhibits follow

EXHIBIT A

CITY OF OXNARD

BID SHEETS FOR WATER SYSTEM SCADA IMPROVEMENT PROJECT (REBID)

SPECIFICATION NO. PW 20-97R

Bidder's Name: Innovative Engineering Systems, Inc., dba Agilitech

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, materials, equipment and supplies for the Project in accordance with the Contract Documents to the satisfaction and under the direction of the City Engineer at the following prices:

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	ITEM PRICE
1.	Mobilization and Demobilization (shall not exceed five percent (5%) of the Total Bid Price)	Lump Sum	\$ 23,900
2.	Blending Station BS1 Control Panel Hardware, and Field Retrofits	Lump Sum	\$ 75,250
3.	Blending Station BS4 Control Panel Hardware, and Field Retrofits	Lump Sum	\$ 13,726
4.	Blending Station BS5 Control Panel Hardware, and Field Retrofits	Lump Sum	\$ 18,051
5.	North Generator Room CP02 Control Panel Hardware, and Field Retrofits	Lump Sum	\$ 18,091
6.	Software/Licenses	Lump Sum	\$ 15,560
7.	PC Operator Workstations (Incl. UPS, Dual Monitors, peripherals, MS Office Business, and Laser Printer)	Lump Sum	\$ 9,500
8.	Database & Reporting	Lump Sum	\$ 159,251
9.	SCADA Server Hardware & Software	Lump Sum	\$ 203,968
10.	System Cutover & Startup (Includes Loop Drawings, Cutover Plans, Loop Point to Point and Software Application Testing with City's Programmer)	Lump Sum	\$ 23,435
11.	Training	Lump Sum	\$ 5,000

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	ITEM PRICE
12.	Spare Parts as listed in Specification Appendix A-4	Lump Sum	\$ 31,362
TOTAL BID PRICE:			\$ 594,094 \$597,094.00 *

*calculation correction

Note: Several items may be adjusted or deleted. Any changes to the quantities for these items shall not classify as a substantial change as stipulated in Greenbook Section 7-3.5.1. Regardless of total actual volume compared to estimated quantities, the unit prices provided above shall be applied to the final quantity when payment is calculated for these items. No adjustment in the unit prices will be allowed. The City reserves the right to not use any of the estimated quantities, and if this right is exercised, the Contractor will not be entitled to any additional compensation. The cost of all labor, materials, export of material shall be included in the above unit costs; no additional compensation will be granted for such expenses.

TOTAL BID PRICE IN DIGITS: \$ ~~594,094~~*

TOTAL BID PRICE IN WORDS: Five Hundred Ninety-Four Thousand, Ninety-Four Dollars

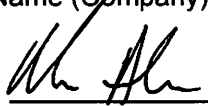
Contractor must complete all Work within two hundred sixty (260) Working Days of the City's Notice to Proceed.

Bidder acknowledges receipt of all addenda

Addendum: Date Received:
#01 _____
#02 _____

Addendum: Date Received:
#03 _____
#04 _____

Bidder's Name (Company): Innovative Engineering Systems, Inc., dba Agilitech

Signature: 

Print: Martin Alonzo

Title: C.O.O

Date: 5-30-24

Signature: _____

Print: _____

Title: _____

Date: _____

EXHIBIT INS-G

INSURANCE REQUIREMENTS FOR CONSTRUCTION PROJECTS (WITHOUT BUILDER'S RISK REQUIREMENT)

1. Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$2,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project location or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. If architectural, engineering, or electrical work will be performed under the Contract, Professional Liability/Errors and Omissions Insurance appropriate to the work being done in an amount not less than \$1,000,000, with neither Contractor nor listed subcontractors having less than \$500,000 individually. The Professional Liability/Errors and Omissions Insurance must be project specific with at least a one year extended reporting period, or longer upon request.

d. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than \$1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Contractor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-G. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email. If you have not received your request or are having difficulty with electronic upload, contact insurance@oxnard.org

3. Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Contractor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-G or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages **(this must be endorsed)**. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

1/23

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

INS-G.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODESUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY
LETTER ASPECIFY COMPANY NAMES IN THIS SPACE

COMPANY
LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY [x] COMMERCIAL GENERAL LIABILITY [] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$2,000,000 PRODUCTS COMP/OP AGG. \$2,000,000 PERSONAL & ADV. INJURY \$2,000,000 EACH OCCURRENCE \$2,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER Errors and omissions insurance or malpractice insurance available for the insured's profession; if architectural, engineering or electrical work will be performed under the Contract				Minimum coverage \$1,000,000 Each consultant/ \$500,000 & listed sub-consultant

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD % Evident ID, Inc.
8520 Allison Pointe Blvd. Ste 223
PMB 5210
Indianapolis, Indiana 462500-4299 US

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT**SUBMIT IN DUPLICATE****FOR THE CITY OF OXNARD (the City)**

ENDORSEMENT NO. _____

ISSUE DATE (MM/DD/YY) _____

PRODUCER**POLICY INFORMATION:**

Insurance Company: _____

Policy No.: _____

Policy Period: (from) _____ (to) _____

LOSS ADJUSTMENT EXPENSE _____

☐ Included in Limits
☐ In Addition to Limits

Telephone: _____

NAMED INSURED☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____
with an Aggregate of \$ _____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim _____ (which) _____**APPLICABILITY.** This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS _____

TYPE OF INSURANCE**GENERAL LIABILITY**

- ☐
- COMMERCIAL GENERAL LIABILITY
-
- ☐
- COMPREHENSIVE GENERAL LIABILITY
-
- ☐
- OWNERS & CONTRACTORS PROTECTIVE

☐ Claims Made

Retroactive Date _____

☐ Occurrence**OTHER PROVISIONS****COVERAGES****LIABILITY LIMITS IN THOUSANDS \$**

EACH OCCURRENCE

AGGREGATE

- ☐
- GENERAL
-
- ☐
- PRODUCTS/COMPLETED OPERATIONS
-
- ☐
- PERSONAL & ADVERTISING INJURY
-
- ☐
- FIRE DAMAGE
-
- ☐
- _____
-
- ☐
- _____

CLAIMS: Underwriter=s representative for claims pursuant to this insurance.

Name: _____

Address: _____

Telephone: (_____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured=s scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company=s limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED=S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
 - a. Insurance Services Office Commercial General Liability Coverage, occurrence form CG0001; or
 - b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER**CITY OF OXNARD % Evident ID, Inc.**
8520 Allison Pointe Blvd. Ste 223
PMB 5210
Indianapolis, Indiana 462500-4299 US**AUTHORIZED REPRESENTATIVE**☐ Broker/Agent☐ Underwriter

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: (_____) _____

Date Signed _____

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT		SUBMIT IN DUPLICATE	
FOR THE CITY OF OXNARD (the City)		ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)
PRODUCER Telephone:	POLICY INFORMATION: Insurance Company: Policy No.: Policy Period: (from) _____ (to) LOSS ADJUSTMENT EXPENSE ☐ Included in Limits ☐ In Addition to Limits		
NAMED INSURED	☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____		
		APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered: CITY AGREEMENTS/PERMITS	
TYPE OF INSURANCE		OTHER PROVISIONS	
☐ COMMERCIAL AUTO POLICY ☐ BUSINESS AUTO POLICY ☐ OTHER			
LIMIT OF LIABILITY		CLAIMS: Underwriter=s representative for claims pursuant to this insurance.	
\$ _____ per accident, for bodily injury and property damage.		Name: _____ Address: _____ _____ Telephone: () _____	
In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows: 1. INSURED. The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured. 2. CONTRIBUTION NOT REQUIRED. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured=s scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it. 3. SEVERABILITY OF INTEREST. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company=s limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included. 4. CANCELLATION NOTICE. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City. 5. PROVISIONS REGARDING THE INSURED=S DUTIES. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers. 6. SCOPE OF COVERAGE. This policy, if primary, affords coverage at least as broad as: a. Insurance Services Office Automobile Liability Coverage, Aoccurrence" form CA0001, code (Aany auto@); or b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1). Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.			
ENDORSEMENT HOLDER			
CITY OF OXNARD % Evident ID, Inc. 8520 Allison Pointe Blvd. Ste 223 PMB 5210 Indianapolis, Indiana 46250-4299 US		AUTHORIZED REPRESENTATIVE ☐ Broker/Agent ☐ Underwriter ☐ _____ I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement. Signature _____ (original signature required) Telephone: () _____ Date Signed _____	

Bond No. _____

**PAYMENT BOND
(LABOR AND MATERIALS)**

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), State of California, has awarded to _____

____ (“Principal”)

(Name and address of Contractor)

a contract (the "Contract") for the Work described as WATER SYSTEM SCADA IMPROVEMENT PROJECT (REBID) SPECIFICATION NO. PW 20-97R.

WHEREAS, under the terms of the Contract, the Principal is required before entering upon the performance of any Work, to file a good and sufficient Payment Bond with the Agency to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

NOW, THEREFORE, we, the undersigned Principal, and _____

(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____
 ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, and
 our heirs, assignees, successors, executors and administrators are held and firmly bound,
 jointly and severally, unto the Agency and all Contractors, Subcontractors, laborers, material
 suppliers, and other persons employed in the performance of the Contract and referred to in
 Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the penal sum
 of _____ Dollars (\$ _____), this
 amount being not less than one _____ hundred percent (100%) of the total Contract Price in lawful
 money of the United States of America, for materials furnished or labor thereon of any kind, or
 for amounts due under the Unemployment Insurance Act with respect to this Work or labor, that
 the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and
 also in case suit is brought upon this Bond, will pay, in addition to the face amount thereof, costs
 and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in
 successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as
 costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this Bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this Bond.

Upon expiration of the time within which the California Labor Commissioner may serve a civil wage and penalty assessment against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to Labor Code Section 1741, and upon expiration of the time within which a joint labor management committee may commence an action against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to

Labor Code Section 1771.2, if the condition of this Bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, including all incorporated documents, shall in any manner affect its obligations on this Bond. The Surety hereby waives notice of any such change, extension, alteration, or addition. Additionally, the Surety hereby waives California Civil Code 2845 and 2849 as well as any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

“Principal”

“Surety”

By: _____

By: _____

Its: _____

Its: _____

By: _____

By: _____

Its: _____

Its: _____

(Seal)

(Seal)

Notes: This Bond must be executed and dated, all Surety signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. Date of Bond must not be before the Effective Date of the Contract. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

Bond No. _____

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), has awarded to _____

(Name and address of Contractor) ("Principal")

a contract (the "Contract") for the Work described as WATER SYSTEM SCADA IMPROVEMENT PROJECT (REBID) SPECIFICATION NO. PW 20-97R.

WHEREAS, Principal is required under the terms of the Contract to furnish a Bond for the faithful performance of the Contract.

NOW, THEREFORE, we, the undersigned Principal, and _____

(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____
("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the Agency in the penal sum of _____
Dollars (\$ _____), this amount being not less than one hundred percent (100%) of the total Contract Price in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, assignees, successors, executors and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the Contract and any alteration thereof made as therein provided, on the Principal's part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Agency, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void one (1) year from the date of recordation of the Notice of Completion for the Project; otherwise, it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered. Surety hereby waives any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, including all incorporated documents, or of the Work to be performed thereunder or the Specifications accompanying the same shall in any way affect the Surety's obligations under this Bond. The Surety hereby waives notice of any such change,

extension of time, alteration or addition to the terms of the Contract or to the Work or to the Specifications. Surety hereby waives California Civil Code 2845 and 2849. The City is the principal beneficiary of this Bond and has all rights of a party hereto.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

“Principal”

“Surety”

By: _____

By: _____

Its: _____

Its: _____

By: _____

By: _____

Its: _____

Its: _____

(Seal)

(Seal)

Notes: This Bond must be executed and dated, all Surety signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. Date of Bond must not be before the Effective Date of the Contract. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.4

DATE: July 2, 2024
TO: City Council, Parking Authority, and Oxnard Housing Authority
FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org
SUBJECT: Oxnard Downtown Management District Ballot.

RECOMMENDATION

That the City Council and Parking Authority:

Authorize the City Manager, or his designee, to sign, on behalf of the City of Oxnard and Parking Authority, as owners of certain properties located in the Oxnard Downtown Management District ("District"), a ballot in support of the District renewal.

That the Oxnard Housing Authority Board of Commissioners:

Authorize the Executive Director, or his designee, to sign, on behalf of the Housing Authority, as owners of certain properties located in the Oxnard Downtown Management District, a ballot in support of the District renewal.

(This item did not originate in Committee.)

BACKGROUND

On April 30, 2024, the City Council adopted a Resolution of Intent (Resolution No. 15,773) to renew the District for an additional five-year period (January 1, 2025, through December 31, 2029), expand the District, levy and collect assessments therein, and to hold a public hearing on July 2, 2024.

A ballot and informational packet for the renewal of the District was mailed to the property owners within the proposed District boundaries. At the July 2, 2024, public hearing, the City Council will receive public testimony on the renewal of the District and the proposed assessments. The City Clerk will open and count the ballots received at the conclusion of the Public Hearing. In order for the district to be renewed, a weighted majority of ballots received must be in favor of the District renewal.

The City of Oxnard (City), Housing Authority, and Parking Authority are all owners of property within the District. The ballot requests property owners to vote for or against the renewal of the District. The City Manager and Executive Director of the Housing Authority, must be directed to sign the ballot (with either a "Yes" or "No" vote) before the July 2, 2024 public hearing is opened on the District renewal.

The funds levied by the District are critical to the continued revitalization of downtown Oxnard, as they support critical services that not only improve safety and cleanliness but also promote positive activities and events in downtown. Therefore, Staff recommends that the City Council, Parking Authority and Board of Commissioners authorize the City Manager and Executive Director to sign ballots in support of the District renewal.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

If the District is renewed, the City will be responsible for paying an annual assessment each year during the five-year term of the renewal. The City, Housing, and Parking Authorities' cumulative assessment for the first year of the renewed District will be \$156,052.78 and may be increased by five percent (5%) per year.

In the City of Oxnard's adopted 2024-2025 budget, General Funds were approved to support the first year's assessment. Ongoing assessment payments will be requested annually as part of the City's budget process.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. City and Parking Authority Ballot
2. Housing Authority Ballot
3. April 30, 2024-Intent to Renewal the District Staff Report
4. April 30, 2024-FY 23-24 District Annual Update Report Staff Report

CITY OF OXNARD - OFFICIAL ASSESSMENT BALLOT

Oxnard Downtown Management District – A Property & Business Improvement District

Being renewed and expanded for five (5) years pursuant to Section 36600 of the California Streets & Highways Code

1. PLEASE MARK EITHER “YES” OR “NO” BELOW
2. PRINT YOUR NAME AND SIGN AND DATE THE BALLOT
3. PUT THE COMPLETED BALLOT IN THE “BALLOT SECRECY ENVELOPE”
4. PUT THE SECRECY ENVELOPE IN THE ENCLOSED STAMPED PRE-ADDRESSED RETURN ENVELOPE AND PLACE IN MAIL

(PLEASE REFER TO THE PROPOSED 2024-25 ASSESSMENT ON THE BACKSIDE OF THIS BALLOT) 

☐

YES, I APPROVE of the proposed assessment on the parcel(s) identified on this ballot.

☐

NO, I DO NOT APPROVE of the proposed assessment on the parcel(s) identified on this ballot

Printed Name

Date



Signature of Record Owner or Authorized Representative

I hereby declare, under penalty of perjury under the laws of the State of California, that I am authorized to submit an assessment ballot on behalf of the parcel(s) identified on this assessment ballot.

Please return ballot either by mail or in person by **4 PM, July 2, 2024** to:

CITY OF OXNARD
CITY CLERK'S OFFICE
300 W. THIRD ST, 4TH FL
OXNARD CA 93030

NOTE: IN ORDER TO BE COUNTED, IF THE DEADLINE SHOWN ABOVE IS NOT MET, THIS ASSESSMENT BALLOT MUST BE RECEIVED BY THE CITY CLERK IN THE COUNCIL CHAMBERS PRIOR TO THE CLOSE OF THE PUBLIC INPUT PORTION OF THE PUBLIC HEARING TO RENEW THIS DISTRICT, WHICH IS SCHEDULED TO BEGIN AT 6:00 PM ON TUESDAY JULY 2, 2024. IF A MAJORITY OF ASSESSMENT BALLOTS RECEIVED (AS WEIGHTED BY ASSESSMENTS) OPPOSE THE DISTRICT ASSESSMENT, THE DISTRICT WILL NOT BE RENEWED, AND THE ASSESSMENTS WILL NOT BE LEVIED.

CITY OF OXNARD - OFFICIAL ASSESSMENT BALLOT

Oxnard Downtown Management District – A Property & Business Improvement District

Being renewed and expanded for five (5) years pursuant to Section 36600 of the California Streets & Highways Code

1. PLEASE MARK EITHER “YES” OR “NO” BELOW
2. PRINT YOUR NAME AND SIGN AND DATE THE BALLOT
3. PUT THE COMPLETED BALLOT IN THE “BALLOT SECRECY ENVELOPE”
4. PUT THE SECRECY ENVELOPE IN THE ENCLOSED STAMPED PRE-ADDRESSED RETURN ENVELOPE AND PLACE IN MAIL

(PLEASE REFER TO THE PROPOSED 2024-25 ASSESSMENT ON THE BACKSIDE OF THIS BALLOT) 

☐

YES, I APPROVE of the proposed assessment on the parcel(s) identified on this ballot.

☐

NO, I DO NOT APPROVE of the proposed assessment on the parcel(s) identified on this ballot

Printed Name

Date



Signature of Record Owner or Authorized Representative

I hereby declare, under penalty of perjury under the laws of the State of California, that I am authorized to submit an assessment ballot on behalf of the parcel(s) identified on this assessment ballot.

Please return ballot either by mail or in person by **4 PM, July 2, 2024** to:

CITY OF OXNARD
CITY CLERK'S OFFICE
300 W. THIRD ST, 4TH FL
OXNARD CA 93030

NOTE: IN ORDER TO BE COUNTED, IF THE DEADLINE SHOWN ABOVE IS NOT MET, THIS ASSESSMENT BALLOT MUST BE RECEIVED BY THE CITY CLERK IN THE COUNCIL CHAMBERS PRIOR TO THE CLOSE OF THE PUBLIC INPUT PORTION OF THE PUBLIC HEARING TO RENEW THIS DISTRICT, WHICH IS SCHEDULED TO BEGIN AT 6:00 PM ON TUESDAY JULY 2, 2024. IF A MAJORITY OF ASSESSMENT BALLOTS RECEIVED (AS WEIGHTED BY ASSESSMENTS) OPPOSE THE DISTRICT ASSESSMENT, THE DISTRICT WILL NOT BE RENEWED, AND THE ASSESSMENTS WILL NOT BE LEVIED.



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. K.5

DATE: April 30, 2024

TO: City Council

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

SUBJECT: Renewal and Expansion of the Oxnard Downtown Management District. (10 Minutes)

RECOMMENDATION

That the City Council Adopt a Resolution of Intent to:

1. Renew and expand the Oxnard Downtown Management District (ODMD), located in downtown Oxnard, the boundaries of which are approximately 1st Street on the north, the railroad tracks and Oxnard Boulevard on the east, 8th Street on the south, and C Street on the west;
2. Levy and collect assessments therein in the amount of \$572,250 in fiscal year 2024-25; and
3. Hold a public hearing on July 2, 2024 on said renewal and levy of assessments.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/6tHhnojVZo>

BACKGROUND

In May 2001, the City Council established the Oxnard Downtown Management District ("ODMD"), a property-based business improvement district ("PBID") for a five-year period, which is the maximum term permitted by the laws of the State of California at the time. The PBID was renewed and expanded in 2006 for another five-year term; renewed again in 2011 for an additional three-year term and renewed again for five-year terms in 2014 and 2019. The PBID expires at the end of this calendar year. Unless renewed, the PBID will cease to exist and to levy any further assessments.

DISCUSSION

Since last fall, a PBID Renewal Committee consisting of downtown property and business owners has been meeting to formulate the details of a PBID renewal. The Committee has determined to propose a five-year PBID renewal period. Note that the maximum period permitted is ten-years. The Committee proposes a 2024 annual budget of approximately \$572,250, an increase to the current \$512,000 assessment, to continue enhanced maintenance, enhanced security, business development, beautification, and related management services. The Committee further proposes to expand the PBID boundaries.

The proposed expanded PBID boundary includes approximately a thirty-five-block area bounded roughly by 1st Street on the north, the railroad tracks on the east, 8th Street on the south and C Street on the west. Note that ODMD proposes to expand north to 1st Street from the centerline of B Street to Oxnard Boulevard. This two-block area includes a combination of commercial parcels associated with downtown Oxnard and mixed-use parcels including residential rental units. (Please refer to the map included in Attachment G)

PBID Proposal

Under the PBID renewal proposal, the City of Oxnard, Housing Authority of the City of Oxnard and the Parking Authority would be assessed \$156,052.78, which will be combined with the PBID assessment funding of \$416,197.22 from the remaining properties within the proposed renewed and expanded district boundary. The total assessment funds of \$572,250 are proposed to be allocated as follows during the first renewal year.

1. Civil Sidewalks: \$335,000 (58.5%) - Civil Sidewalks includes maintenance and safety services in public sidewalk areas adjacent to assessed parcels in ODMD. Services include litter pickup and illegal dumping removal, graffiti abatement, trash enclosures cleaning, sidewalk sweeping and pressure washing, gardening, weed removal, visitor assistance, daily security patrols, loitering & trespassing subject removal, and homeless outreach.
2. District Identity and Placemaking: \$83,250 (14.5%) - Activities and programs that market and promote positive aspects of downtown Oxnard. This work plan category also includes placement of, and care for, a variety of physical improvements and amenities within the public areas for the special benefit of each identified and assessed property within ODMD by creating a unique and marketable “sense of place”. The District Identity and Placemaking work plan component includes a website, social media management, newsletters, advertising, media relations, special events, sidewalk flower planters, public art displays, holiday streetlamp décor, and street banners.
3. Organizational Development: \$154,000 (27%) - This work plan category includes professional management and related corporate operation costs of providing PBID funded services, programs and improvements for the special benefit of each identified and assessed property within ODMD. Organizational Development also includes legal, accounting, insurance, facilitation of board meetings and development, Brown Act compliance, outreach to ODMD property and business owners. The Organizational Development work plan component exists only for the purposes of ODMD and directly relates to the implementation of Civil Sidewalks and District Identity and Placemaking services, programs and improvements which benefit each identified assessed property within the proposed boundaries.

Process for District Renewal

The steps to renew a PBID are similar to the initial establishment in 2001. Section 36600 et seq of the California Streets and Highways Code allows for the formation and renewal of PBIDs and requires a two-step approval process that begins with a petition to gather support from owners who represent more than fifty-percent of the assessment proposed to be levied. This has been accomplished, with collected petitions exceeding fifty-percent of the total assessment to be levied on privately and publicly owned properties. Once this is complete, the City has the option to adopt Resolution of Intention to Renew and Expand the PBID (the subject action).

The second step, the ballot phase, is initiated only if the City Council adopts a Resolution of Intention to Renew and Expand the PBID. This adoption authorizes the City Clerk to mail a ballot for the renewal of the district to each property owner within the proposed boundaries and to set a date for a public hearing to count the ballots. For more information regarding the renewal, use the following link to access a video prepared by ODMD (<https://www.youtube.com/watch?v=mi9bwAPiATY>).

In order for the District to be renewed, a weighted majority of the ballots returned must be in favor of renewal. The City Council may then renew the district by adopting a Resolution to Renew and Expand the PBID.

An informational packet will be mailed prior to May 17, 2024, to the property owners within the proposed district boundary. The packet will include a ballot to be returned to the City Clerk’s Office by the close of the public input period of the public hearing on July 2, 2024.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

FINANCIAL IMPACT

There are no financial impacts associated with the recommended action. However, there will be a financial impact in the form of assessments levied on City and City related properties at such a time that the district is renewed, to be determined by City Council action on July 2, 2024 during a public hearing. If approved, the city's portion of the assessments is expected to increase by approximately \$3,000 per year. The estimated amount of assessment to the City of Oxnard is \$156,052.78 for fiscal year 2024-2025. The ODMD assessments may increase up to 5% per year for each individual parcel each year during the 5-year effective. Any increase in assessments or proposed action must be approved by the Owners' Association Board of Directors, of which the City is a member, and adopted by the City Council.

The district assessments are collected by the County of Ventura with the property tax billing. The County returns the assessment funds to the City, who then remits them to the ODMD.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Oxnard Downtown Management District Renewal Plan
2. Oxnard Downtown Management District Renewal Resolution
3. Renewal Brochure
4. Oxnard Downtown Management District Renewal Notice
5. Oxnard Downtown Management District Ballot Template
6. Oxnard Downtown Management District Ballot Instructions
7. Map of Expanded Oxnard Downtown Management District
8. Presentation

OXNARD DOWNTOWN MANAGEMENT DISTRICT RENEWAL



MANAGEMENT DISTRICT PLAN

*Being Renewed for a 5 Year Term Pursuant to
California Streets and Highways Code Section 36600 et seq.
Property & Business Improvement District Act of 1994, as amended*

JANUARY 22, 2024

V 1.0

MANAGEMENT DISTRICT PLAN

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Appendix 2: Map of ODMD
Attachment 1: Certified Assessment Engineer’s Report

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

I. MANAGEMENT DISTRICT PLAN SUMMARY

The Oxnard Downtown Management District is a property-based Business Improvement District (PBID) being renewed for a 5 year period by a consortium of business and property owners within Downtown Oxnard. The District was originally formed in 2001 for a 5 year period. It was renewed and expanded in 2006 for another 5 year term, renewed for a 3 year term in 2011 and renewed for 5 year terms in 2014 and 2019. The purpose of this District is to continue to provide and manage supplemental services and improvements for this important business center, including a civil sidewalks (“clean and safe”) program, district identity and image enhancement and a program of installing and upgrading placemaking and physical amenities throughout the greater Downtown area. The PBID is a unique benefit assessment district that will enable the District property/business owners and residents, working as a unit, to continue to fund needed property and business related services, programs and improvement projects above what can and is provided by the City of Oxnard.

Name: The name of the PBID is the Oxnard Downtown Management District (ODMD).

Location: The PBID is located in the center of Oxnard and is bounded roughly by First and Second Streets on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. There is one benefit zone (See attached map).

Zones: There is one benefit zone within the renewed ODMD.

Services: Civil Sidewalks, District Identity/Placemaking and Organization.

Finance: Benefit assessment of real property (432 parcels). No bonds shall be issued to fund ODMD programs.

Budget: PBID assessment revenue for Year 1 (2024-25) is projected to be \$571,274. It is noted that the Assessment Engineer has determined that general benefits equate to 2.0% of the total adjusted PBID program costs of \$582,933 or \$11,659. (See attached Engineer’s Report for more details on benefit costs). General benefit costs shall be derived from non-assessment revenue sources such as grants, program income, credits, interest, memberships and other sources.

Year 1 – 2025 PROPOSED BUDGET (ASSESSMENT REVENUES ONLY)

WORK PLAN CATEGORY	ALLOCATION	%
CIVIL SIDEWALKS	\$335,000	59%
DISTRICT IDENTITY & PLACEMAKING	\$82,000	14%
ORGANIZATION	\$154,274	27%
TOTAL	\$571,274	100%

Benefits: “General Benefit” is defined as: “A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied”. “Special Benefit” as defined by the California State Constitution

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

means a distinct benefit over and above general benefits conferred on real property located in the ODMD or to the public at large.

Formula: There is one benefit zone in the ODMD. (A map showing the ODMD boundaries is shown on Appendix 2 attached to this Plan). Year 1 property assessment rates per parcel are as follows:

YEAR 1 –2024/25 Assessment Rates

BLDG ASSMT RATE (\$/UNIT A)	LAND ASSMT RATE 1 (\$/UNIT B-1)	LAND ASSMT RATE 2 (\$/UNIT B-2)	FRONTAGE ASSMT RATE (\$/UNIT C)
\$0.1377	\$397.80	\$0.0306	\$4.59

Cap: Assessment increases are capped at a maximum of 5% per year, subject to approval by the ODMD Property Owner Association Board of Directors.

Renewal: PBID renewal is a two-step process. First, petitions signed by PBID property owners representing at least 50% of the total assessment to be levied must be secured. Second, property owners will be sent a ballot to vote on the PBID renewal. Returned ballots in support of the PBID renewal must outweigh those in opposition based on the amount of assessment to be levied.

Duration: The renewed ODMD will have a term of five (5) years. After five years, the petition and balloting process must be repeated in order to renew the ODMD and levy assessments again at that time.

II. PBID BOUNDARIES

Setting:

The proposed renewed ODMD is centrally located in the center of Oxnard and centered along A Street from First Street to Eighth Street. ODMD is bounded roughly by First and Second Streets on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. There is one benefit zone within ODMD (See attached map in Appendix 2).

General Boundary Description

ODMD includes 433 parcels of which 432 are identified assessed parcels in a 32 block area of Historic Downtown Oxnard. The property uses within the boundaries of the proposed renewed ODMD which will receive special benefits from PBID funded programs and services are currently a unique mix of retail, restaurant, service, office, government, residential and parking. ODMD boundaries were selected to incorporate the core Downtown parcels and businesses. There is one benefit zone within the proposed renewed District. It is noted that ODMD is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. This two block area includes a combination of commercial parcels associated with Downtown Oxnard along with mixed use parcels with residential rental units.

Detailed Boundary Description

More specifically, the ODMD is described as follows:

Beginning at the intersection of the centerlines of Second Street and D Street; thence east along said centerline of Second Street to the centerline of B Street; thence north along said centerline of B Street to the centerline of First Street; thence east along said centerline of First Street to the east property line of Oxnard Boulevard; thence south along said east property line of Oxnard Boulevard to the tangent intersection point with the west property line of the railroad right of way; thence southeast and south along said west property line of the railroad right of way to the centerline of Fifth Street; thence west along said centerline of Fifth Street to the prolongation of the east property line of the public alley lying east of and parallel to Meta Street; thence south along said east property line of said public alley to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the east property line of parcel APN 202-0-360-110; thence south along said east property line of said parcel APN 202-0-360-110 to the south property line of said parcel APN 202-0-360-110; thence west along said south property line of said parcel APN 202-0-360-110 to the west property line of said parcel APN 202-0-360-110; thence north along said west property line of said parcel APN 202-0-360-110 to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the centerline of Oxnard Boulevard; thence south along said centerline of Oxnard Boulevard to the centerline of Eighth Street; thence west along said centerline of Eighth Street to the centerline of D Street; thence north along said centerline of D Street to the centerline of Seventh Street; thence east along said centerline of Seventh Street to the prolongation of the west property line of the public

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

alley lying east of and parallel to D Street; thence north along said west property line of said public alley to the centerline of Third Street; thence west along said centerline of Third Street to the centerline of D Street; thence north along said centerline of D Street to the point of beginning.

Benefit Zones

There is one benefit zone within the proposed renewed District.

District Boundary Rationale

The ODMD boundaries encompass the heart of Downtown Oxnard. These parcels showcase a unique array of pedestrian oriented uses - retail, restaurant, service, office, government, residential and parking that form what is considered the “cohesive urban fabric” of the evolving mixed-use Downtown center.

The District boundaries were chosen to generally include parcels that comprise the commercial core that attracts pedestrians and visitors to Downtown Oxnard. Also included are current as well as future in-town residential parcels. Parcels adjacent to the north, south and east of ODMD are not part of the District's commercial and in-town residential pedestrian core and have different marketing needs than those in the ODMD. These outside parcels and uses require different services than those in the ODMD and would not specially benefit from the increased pedestrian oriented programs, services and improvements offered by the ODMD. Therefore, they have not been included within the ODMD boundaries.

Surrounding parcels to the north, south and west that are zoned solely residential and/or with residential uses have not been included within the boundaries of the PBID. The Property and Business Improvement District Law of 1994, California Streets & Highway Code § 36632 states, “Properties zoned solely for residential use..... are conclusively presumed not to benefit from the improvements and service funded through these assessments and shall not be subject to any assessment”. For these reasons, no residentially zoned parcels or residential uses north, south or west of the proposed renewed District are included in the ODMD boundaries.

A list of all parcels included in the proposed renewed ODMD is shown as Appendix 1, attached to this Plan identified by their respective Ventura County assessor parcel number. The boundary of the proposed renewed ODMD is shown on the map of the proposed renewed ODMD attached as Appendix 2 to this Plan.

All identified assessed parcels within the above-described boundaries shall be assessed to fund supplemental special benefit programs, services and improvements as outlined in this Plan and in the Management District Plan. All ODMD funded services, programs and improvements provided within the above described boundaries shall confer special benefit to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within ODMD will proportionately specially benefit from the District funded programs and services (i.e. civil sidewalks, district identity/placemaking and organization). These services, programs and improvements are intended to improve commerce, employment, livability, rents and occupancy rates and investment viability of individually assessed parcels and businesses/residential units on them within ODMD.

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

District services, activities and programs confer special benefits on each and every individually assessed parcel by deterring crime, improving aesthetics and marketing goods and services available from individually assessed parcels and the businesses/occupants on them within the District, all considered necessary in a competitive properly managed mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of assessed parcels within the boundaries of the proposed renewed ODMD.

The District includes 433 parcels of which 432 are identified as assessable within one Benefit Zone and which are listed in the Assessment Roll included as Appendix 1. For further information, a District Boundary Map is included as Appendix 2.

III. Proposed 5 Year PBID Work Plan and Budget

Overview

The Programs and activities to be funded by the ODMD include civil sidewalks, district identity/placemaking and organization. The property uses within the boundaries of the District that will receive special benefits from District funded programs, services and improvements are currently a unique mix of retail, restaurant, service, office, government, residential and parking. District funded activities are primarily designed to provide special benefits as described below to identified assessed parcels and array of land uses within the boundaries of the District.

These benefits are particular and distinct to each and every identified assessed parcel within the ODMD and are not provided to non-assessed parcels outside of the District. These programs, services and improvements will only be provided to each individual assessed parcel within the District boundaries and, in turn, confer proportionate "special benefits" to each assessed parcel.

In the case of the ODMD, the very nature of the purpose of this District is to fund supplemental programs, services and improvements to assessed parcels within the District boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The City of Oxnard does not provide these supplemental programs and services. All benefits derived from the assessments to be levied on assessed parcels within the District are for services, programs and improvements directly benefiting each individual assessed parcel within the District. No District funded services, activities or programs will be provided outside of the District boundaries.

The projected program special benefit cost allocation of the District assessment revenues for the 5-year District term assuming a 5% maximum annual assessment rate increase is shown in the Table on page 12 of this Plan.

WORK PLAN DETAILS

The programs, services and improvements to be provided by the ODMD include civil sidewalks, district identity/placemaking and organization. Each of these work plan elements are designed to add to the

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cohesive mixed-use urban fabric of Downtown Oxnard and assist in its economic success and vitality. The assessed parcels in the PBID will specially benefit from the District programs in the form of increased commerce and vitality through meeting the ODMD goals: to improve security, cleanliness, beautification, landscaping, livability and to attract and retain businesses and services, generate more pedestrian and visitor traffic and to increase commerce and improve the economic viability of each assessed parcel.

The following programs, services and improvements are proposed by the ODMD to specially benefit each and every individually assessed parcel within the District boundaries. ODMD services, programs and improvements will not be provided to parcels outside the District boundary.

Civil Sidewalks

Civil Sidewalks includes maintenance and safety (“clean and safe”) services in public sidewalk areas adjacent to assessed parcels in ODMD. The maintenance portion of the Civil Sidewalks category includes regular maintenance of public areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. These services include:

- Clean Team 6-days per week
- litter and illegal dumping pickup
- graffiti and illegal sticker/poster removal
- check/empty 130+ sidewalk trash bins
- check, sweep, and secure trash enclosures
- removal of transient discards, including shopping carts, bio-waste
- sidewalk scrubbing/steam cleaning
- curb line block face sweeping
- tree pruning
- weed abatement
- visitor assistance

The maintenance portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the aesthetic appeal of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Maintenance services will only be provided for identified and assessed parcels located within the PBID boundaries.

The maintenance portion of the Civil Sidewalks work plan component will assist in creating a clean environment for each assessed parcel in the District. A dirty environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within

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the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded clean programs and services provide these parcels with enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded clean programs and services are designed to improve the appearance of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the clean programs and services which will only be provided to, and for the direct special benefit of, each identified assessed parcel within the proposed renewed District boundaries.

Safety

The safety portion of the Civil Sidewalks work plan category includes regular security of areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. The safety portion of the Civil Sidewalks work plan component includes:

- daily bike & truck Safety Patrol
- loitering & trespassing subject removal
- Crime prevention awareness campaigns
- street light outage reporting and repair orders

The safety portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the security of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Safety services will only be provided for identified and assessed parcels located within the proposed renewed PBID boundaries.

The safety portion of the Civil Sidewalks work plan component will assist in creating a safe and secure environment for each assessed parcel in the District. An unsafe environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded safe programs and services provide these parcels with safer and enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded safe programs and services are designed to improve the security of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the safe programs and services which will only be provided to, and for the direct benefit of, each identified assessed parcel within the District boundaries

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District Identity/Placemaking

This work plan category includes regular marketing and image enhancement programs and services for the special benefit of each assessed parcel and land use within ODMD by creating a unique, marketable District identity. This work plan category also includes placement of, and care for, a variety of physical improvements and amenities within the public streetscape areas within ODMD for the special benefit of each identified and assessed parcel and land use within ODMD by creating a unique and marketable “sense of place”. The District Identity/Placemaking work plan component includes:

- daily updated responsive website DowntownOxnard.org
- integrated social media promotion – Facebook, Instagram, Twitter, YouTube
- produced and sponsored live events (e.g. First Thursdays, Cruise Night, Halloween, etc.)
- district advertising, newsletters, press releases, media relations, original photo library
- Marketing Committee support for merchant coordinated promotions
- assist prospective businesses with referrals to leasable properties
- permit processing assistance

Also included are:

- district-wide holiday streetlamp décor
- 162 sidewalk flower planters
- Historic Plaza Park hanging flower baskets
- public art – utility box painting and temporary murals
- street banner program (88 street poles)

The District Identity/Placemaking work plan component is designed to specially benefit and improve the image of each assessed parcel within the PBID and attract more customers, clients, employees, tenants, residents and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. District Identity/Placemaking programs and services will only be provided for identified and assessed parcels located within the PBID boundaries.

For parcels with general commercial, retail, restaurant, office and commercial parking uses, District Identity/Placemaking services and programs are specifically designed to attract more customers, employees, tenants and investors for the special benefit of assessed parcels as a result of marketing assessed parcels and the goods and services and spaces available on these assessed parcels. This in turn, is intended to increase business volumes, sales transactions, commercial occupancies, commercial rental income and investment return. In the case of publicly/non-profit owned/occupied parcels that are assessed for these programs, District Identity/Placemaking creates better public/non-profit facilities and services on these assessed parcels by fostering better informed public/non-profit employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of residential use parcels, District Identity/Placemaking specially benefits each assessed residential parcel and creates better informed tenants, visitors and owners, which, in turn, enhance livability and may increase residential occupancies and rental income. District Identity/Placemaking services and programs will only be provided to, and for the direct and special benefit of, each identified assessed parcel within the District.

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Organization

This work plan category includes professional management and related corporate operation costs of providing PBID funded services, programs and improvements for the special benefit of each identified and assessed parcel and land use within ODMD. The Organization work plan component includes:

- staff and full service office to manage PBID programs, projects, compliance reporting.
- full service office to assist property and business owners with District-related needs
- advocacy and representation of member interests on District issues and needs
- Organize “town hall” forums and advocacy on topics such as homeless solutions, Vision Plan

Organization also includes legal, accounting, insurance, production of the Annual Planning Report and Budget and quarterly reports, facilitation of meetings of the Owners’ Association, Brown Act compliance, outreach to District property and business owners, and participation in professional peer/best practice forums such as the California Downtown Association or the International Downtown Association. It also covers the costs associated with District renewal. A portion of the Organization budget is held in reserve to offset delinquent and/or slow assessment payments.

The Organization component is key to the proper expenditure of District assessment funds and the administration of District programs and activities for the special benefit of all parcels and land uses within the ODMD. The Organization work plan component exists only for the purposes of the District and directly relates to the implementation of Civil Sidewalks and District Identity/Placemaking services, programs and improvements which specially benefit each identified assessed parcel within the District boundaries.

In summary, all District funded services, programs and improvements described above confer proportionate special benefits to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within the ODMD will proportionately specially benefit from Civil Sidewalks, District Identity/Placemaking and Organization. These services, programs and improvements are intended to improve commerce, employment, livability, rents, occupancy rates and investment viability of assessed parcels, businesses and residents within the ODMD by deterring crime, reducing litter and debris, making capital improvements and professionally marketing goods, services and spaces available within the District, all considered necessary in a competitive properly managed contemporary mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of each and every assessed parcel within the boundaries of the ODMD.

WORK PLAN BUDGET

Each identified assessed parcel within the ODMD will be assessed the full amount of the proportionate special benefit conferred upon it based on the level of District funded services provided. The projected District program special benefit (assessment) cost allocation budget for Year 1 (2025), is shown in the following Table:

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ODMD Year 1 (2025) Special Benefit Assessment Budget

WORK PLAN CATEGORY	ALLOCATION	%
CIVIL SIDEWALKS	\$335,000	59%
DISTRICT IDENTITY & PLACEMAKING	\$82,000	14%
ORGANIZATION	\$154,274	27%
TOTAL	\$571,274	100%

In order to carry out the District programs outlined in the previous section, a Year 1 assessment budget of \$571,274 is projected. Since the District is planned for a 5-year term, projected program costs for future years (Years 2-5) are set at the inception of the District. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum, commensurate to special benefits received by each assessed parcel, is incorporated into the projected program costs and assessment rates for the 5-year District term. It is noted that the 5% maximum annual rate increase is deemed necessary in order to offset substantial service and improvement cost increases projected over the next several years and to provide levels of service and types of improvements expected and requested by District stakeholders. Carryovers, if any, may be reapportioned the following year for related programs, services and improvements. Detailed annual budgets will be prepared by the Owner's Association Board and included in an Annual Plan for the City Council's review and approval.

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year during the 5-year term of the proposed renewed District. Accordingly, the Owners' Association shall have the ability to reallocate budget line items within the budget categories based on such cost fluctuations subject to the review and approval by the Owners' Association Board and included in the Annual Planning Report that will be approved by the Oxnard City Council pursuant to Streets and Highways Code Section 36650. Any accrued interest or delinquent payments may be expended in any budget category. A 5-year projected ODMD budget is shown in the following Table:

YEAR 1-5 PROJECED DISTRICT ASSESSMENT BUDGET SUMMARY (Special Benefit Costs)

(Assumes 5% max rate increase per year)

YR	CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
	58.6409%	14.3539%	27.0053%	100.00%
1	\$335,000	\$82,000	\$154,274	\$571,274
2	\$351,750	\$86,100	\$161,988	\$599,838
3	\$369,338	\$90,405	\$170,087	\$629,830
4	\$387,805	\$94,925	\$178,591	\$661,321
5	\$407,195	\$99,671	\$187,521	\$694,387

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The ODMD assessments may increase for each individual parcel each year during the 5-year effective operating period, but not to exceed 5% per year, commensurate to special benefits received by each assessed parcel, and must be approved by the Owners’ Association Board of Directors, included in the Annual Planning Report and adopted by the City of Oxnard City Council. The Owners’ Association Board of the Directors (“Property Owner’s Association of the ODMD”) shall determine the percentage increase to the annual assessment. The Owners’ Association Executive Director shall communicate the annual increase to the City each year in which the District operates at a time determined in the Administration Contract held between the Owners’ Association and the City of Oxnard.

No bonds are to be issued in conjunction with the proposed renewed District.

Pursuant to Section 36671 of the Streets and Highways Code, any funds remaining after the 5th year of operation will be rolled over into the renewal budget or returned to stakeholders. District assessment funds may be used to pay for costs related to the following District renewal term. If the District is not renewed or terminated for any reason, unexpended funds will be returned to the property owners.

Special/General Benefits

The Assessment Engineer (see attached Engineer’s Report) has found that the general benefits (i.e. general benefits to assessed parcels within the District, the general public and surrounding parcels outside the ODMD) of the proposed programs, services and improvements (i.e. civil sidewalks, district identity/placemaking and organization) represent 2.0% of the total benefits generated and, in turn, 2.0% (\$11,659) of the total adjusted costs of the ODMD funded improvements, activities and services provided.

Total Year 1 adjusted costs are estimated at \$582,933. General benefits are factored at 2.0% of the total adjusted costs (see Finding 2 on pages 5-9 of the attached Engineer’s Report) with special benefits set at 98.0%. Article XIID Section 4(b) of the California Constitution limits the levy of property assessments to costs attributed to special benefits only. The 2.0% general benefit cost is computed to be \$11,659 with a resultant 98.0% special benefit limit computed at \$571,274. Based on current property data and land uses, this is the maximum amount of Year 1 (2024-25) revenue that can be derived from property assessments from the subject District.

All program costs associated with general benefits will be derived from sources other than District assessments. Sample “other” revenue sources are shown in the following Table:

Special and General Benefit Revenue Sources

Revenue Source	Revenue	% of Total
District Assessments	\$571,274	98.0%
Grants, donations, sponsors, program income, etc.	\$11,659	2.0%
TOTAL	\$582,933	100.0%

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A breakdown of projected special and general benefit costs for each year of the 5-year renewal term is shown in the following Table:

5 Year Special + General Benefit Costs

YR	PROGRAM CATEGORY	SPECIAL BENEFIT ASSESSMENT COSTS	GENERAL BENEFIT NON- ASSESSMENT COSTS	TOTAL ADJUSTED COSTS	% OF TOTAL
1	CIVIL SIDEWALKS	\$335,000	\$6,836	\$341,836	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$82,000	\$1,674	\$83,674	14.3539%
	ORGANIZATION	<u>\$154,274</u>	<u>\$3,149</u>	<u>\$157,423</u>	<u>27.0053%</u>
	Total	\$571,274	\$11,659	\$582,933	100%
2	CIVIL SIDEWALKS	\$351,750	\$7,178	\$358,928	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$86,100	\$1,758	\$87,858	14.3539%
	ORGANIZATION	<u>\$161,988</u>	<u>\$3,306</u>	<u>\$165,294</u>	<u>27.0053%</u>
	Total	\$599,838	\$12,242	\$612,080	100%
3	CIVIL SIDEWALKS	\$369,338	\$7,537	\$376,875	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$90,405	\$1,846	\$92,251	14.3539%
	ORGANIZATION	<u>\$170,087</u>	<u>\$3,471</u>	<u>\$173,558</u>	<u>27.0053%</u>
	Total	\$629,830	\$12,854	\$642,684	100%
4	CIVIL SIDEWALKS	\$387,805	\$7,914	\$395,719	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$94,925	\$1,938	\$96,863	14.3539%
	ORGANIZATION	<u>\$178,591</u>	<u>\$3,645</u>	<u>\$182,236</u>	<u>27.0053%</u>
	Total	\$661,321	\$13,497	\$674,818	100%
5	CIVIL SIDEWALKS	\$407,195	\$8,310	\$415,505	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$99,671	\$2,035	\$101,706	14.3539%
	ORGANIZATION	<u>\$187,521</u>	<u>\$3,827</u>	<u>\$191,348</u>	<u>27.0053%</u>
	Total	\$694,387	\$14,172	\$708,559	100%

Duration

As allowed by State PBID Law, the District will have a five (5) year operational term from January 1, 2025 to December 31, 2029. The proposed renewed District operation is expected to begin services on January 1, 2025. If the District is not renewed, services will end on December 31, 2029.

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Manner of Collection

Assessments for the Property Tax Year beginning July 1, 2024 and ending June 30, 2029, shall be collected at the same time and in the same manner as ad valorem taxes paid to the County of Ventura (Operation Years 2025-2029). The District assessments shall appear as a separate line item on the property tax bills issued by the Ventura County Assessor. The City of Oxnard is authorized to collect any assessments not placed on the County tax rolls, or to place assessments, unpaid delinquent assessments, or penalties on the County tax rolls as appropriate to implement this Management District Plan.

IV PROPOSED ASSESSMENT FORMULA

The PBID programs and services described in this Management District Plan will be funded through benefit assessments against real property in the PBID and non-assessment revenues to fund the costs associated with general benefits conferred on assessed parcels within the District, the public at large and surrounding parcels outside of the ODMD boundaries. The assessment formula has been developed by the Assessment Engineer to ensure that no parcel will be assessed an amount that exceeds the cost of the proportional special benefit that parcel derives from the programs, services and improvements to be funded by the proposed benefit assessments. The assessment rates are based on the anticipated special benefit to be conferred on each assessed parcel within the boundary of the ODMD.

Based on the specific needs and corresponding nature of the program activities to be funded by the proposed renewed ODMD (i.e. civil sidewalks, district identity/placemaking and organization) it is the opinion of the Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area and street frontage, except as noted herein, within one benefit zone.

The “Basic Benefit Units” will be expressed as a combined function of building square footage (Benefit Unit “A”), land square footage (Benefit Unit “B”) and street frontage (Benefit Unit “C”). Based on the shape of the proposed ODMD, as well as the nature of the District program elements, it is determined that all identified properties will gain a direct and proportionate degree of special benefit based on the respective amount of building area, land area and street frontage, except as noted herein, within one benefit zone. Special benefit proportionality varies for different land uses/ownership types and assessable property characteristics (units), are adjusted via differing assessment methodologies and multiplier factors. See “Special Circumstances” beginning on page 20 of this Plan which delineates special assessment methodologies and factors and how and when they are applied.

For the array of land uses within the PBID, the interactive application of building and land areas and street frontage quantities are a common method of fairly and equitably spreading special benefit costs to these beneficiaries of PBID funded services, programs and improvements. Each of these factors directly relates to the degree of special benefit each assessed parcel will receive from PBID funded activities. There are no parcels zoned solely residential within ODMD.

Building area is a direct measure of the static utilization of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of the Assessment Engineer, the targeted weight of this factor,

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building area, should generate approximately 30% of the total PBID revenue (28.2392% when adjusted for precise parcel measurements, land use factors and program costs).

Land area is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of the Assessment Engineer, the targeted weight of this factor, land area, should generate approximately 40% of the total PBID revenue (43.4303% when adjusted for precise parcel measurements, land use factors and program costs).

Street Frontage is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. Street frontage includes all public street frontages of a parcel. In the opinion of the Assessment Engineer, the targeted weight of this factor, street frontage, should generate approximately 30% of the total PBID revenue (28.3305% when adjusted for precise parcel measurements, land use factors and program costs).

Special Circumstances

1. Lower Tier Residential Uses (1-6 non-condominium residential units)

It is the opinion of the Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels and parcels with higher density residential rental units on them do. It is the opinion of the Assessment Engineer that the assessment for parcels with 1-6 residential units on them shall be based on only on exterior building area which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 1-6 units on them will receive from ODMD funded services, programs and improvements for these land uses.

2. Upper Tier Residential Uses (7+ non-condominiums residential units)

It is the opinion of the Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels do but more than parcels with 1-6 residential units on them do. It is the opinion of the Assessment Engineer that the assessment for parcels with 7+ residential units on them shall be based on exterior building area, parcel land area and parcel street frontage which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area, land area and street frontage which then produces the number of assessable building area units, land area units and street frontage units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 7+ units on them will receive from ODMD funded services, programs and improvements for these land uses.

3. Mixed-Use (Non-Condominium Commercial and Residential)

It is the opinion of the Assessment Engineer that parcels with non-condominium mixed commercial and residential uses on them will specially benefit from PBID funded programs, services and improvements but different than those with only commercial uses on them. The residential portions of these land uses do not specially benefit from marketing and promotion activities to the extent that commercial uses do. As such,

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the assessment rates and applicable assessment methodology will be applied based on each land use portion and the area of the parcel they cover. Mixed-use parcels will be assessed for the commercial use portions at commercial rates for the commercial building area, the parcel land area covered by commercial uses and the amount of direct commercial street frontage. The residential land use portions will be assessed based on the residential criteria and methodologies delineated in # 2 and 3 above.

4. Residential Condominiums

It is the opinion of the Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels and other parcels with residential units on them do. It is the opinion of the Assessment Engineer that the assessment for residential condominiums shall be based on only on interior building area which is a common method of fairly and equitably spreading special benefit costs to these unique property ownerships, subdivisions and land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured interior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential condominium parcel will receive from ODMD funded services, programs and improvements for these land uses.

5. Commercial Condominiums

It is the opinion of the Assessment Engineer that such units, when located solely on ground floors, shall be assessed based on actual land area covered, interior condo building area and direct street frontage or pro-rated street frontage for each unit. Multi-floor commercial condominiums shall be assessed on interior condo building area and pro-rated land area and street frontage as determined by the Assessment Engineer depending on the development configuration. If residential condominiums are part of the development, the residential portions will be assessed based on the residential criteria and methodology delineated in #1 above.

6. Publicly Owned/Occupied Parcels

Each assessable publicly (government) owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of the Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded district identity/placemaking services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for publicly used building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

It is noted that the only publicly owned parcel not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct ODMD funded special benefit services, programs and improvements will be provided adjacent to or for the special benefit of this parcel.

7. Non-Profit Owned and Occupied Parcels

Each identified and assessable non-profit owned parcel and use within ODMD will proportionately

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specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than other privately owned parcels. It is the opinion of the Assessment Engineer that non-profit owned parcels and uses do not specially benefit to the same extent as other privately owned parcels from district identity/placemaking services, programs and improvements. To offset this special benefit differential, non-profit owned parcels with non-profit uses on them will not be assessed for non-profit used building areas located on these parcels. Non-profit owned parcels with “for-profit” uses on them will be assessed for building areas occupied by “for-profit” uses.

8. Changes to Building or Parcel Size

Any changes in building size, parcel size and street frontage(s) as a result of new construction or demolition or land adjustments including but not limited to lot splits, consolidations, subdivisions, street dedications, right of way setbacks shall have their assessment adjusted upon final City approval of such parcel adjustments.

9. Other Future Development

Other than future maximum rates and the assessment methodology delineated in this Plan and the Engineer’s Report, per State Law (Government Code Section 53750), future assessments may increase for any given parcel if such an increase is attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land. Any change in assessment formula methodology or rates other than as stipulated in this Plan and the Engineer’s Report would require a new Proposition 218 ballot procedure in order to approve any such changes.

Taking into account all identified specially benefiting parcels within the District and their respective assessable benefit units, the rates, cumulative quantities and assessment revenues by factor are shown in the following Tables:

Year 1 – 2024/2025 – Gross Quantities

GROSS BLDG AREA (SF)	# OF ASSESABLE PARCELS	GROSS LAND AREA (SF)	GROSS STREET FRONTAGE (LF)
1,277,861	432	3,262,505	30,708

Year 1 – 2024/2025 - Assessable Benefit Units

ASSESSABLE BLDG AREA UNITS	# OF ASSESABLE PARCEL UNITS	ASSESSABLE LAND AREA UNITS	ASSESSABLE STREET FRONTAGE UNITS
1,171,556.50	383.50	3,122,529.41	35,260.37

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Year 1 – 2024/25 Projected Assessment Revenue

BLDG ASSMT REVENUE	LAND 1 ASSMT REVENUE	LAND 2 ASSMT REVENUE	STREET FRONTAGE ASSMT REVENUE	TOTAL ASSMT REVENUE
\$161,323.33	\$152,556.30	\$95,549.40	\$161,845.10	\$571,274.13
28.2392%	26.7046%	16.7257%	28.3305%	100.00%

The number of Benefit Units for each identified benefiting parcel within the proposed renewed ODMD was computed from data extracted from County Assessor records and maps. These data sources delineate current land uses, building and property areas and dimensions of record for each tax parcel. While it is understood that this data does not represent legal field survey measurements or detailed title search of recorded land subdivision maps or building records, it does provide an acceptable basis for the purpose of calculating property-based assessments. All respective property data being used for assessment computations will be provided to each property owner in the District for their review. If a property owner believes there is an error on a parcel's assessed quantities, the District may confirm the data with the Ventura County Assessor's office. If District data matches Assessor's data, the property owner may opt to work with the Assessor's office to correct the data so that the District assessment may be corrected.

Assessment Formula

Based on the nature of the programs to be funded as well as other rationale outlined in Step 1 above, it is the opinion of the Assessment Engineer that the ODMD assessments will be based on building area, land area, and street frontage except as otherwise noted herein.

The proposed assessment formula is as follows:

Assessment = Assessable Building Area (Unit A) x Unit A Rate, plus
Assessable Land Area (Unit B-1) x Unit B-1 Rate, plus
Assessable Land Area (Unit B-2) x Unit B-2 Rate, plus
Assessable Street Frontage (Unit C) x Unit C Rate

YEAR 1 –2024/25 Assessment Rates

BLDG ASSMT RATE (\$/UNIT A)	LAND ASSMT RATE 1 (\$/UNIT B-1)	LAND ASSMT RATE 2 (\$/UNIT B-2)	FRONTAGE ASSMT RATE (\$/UNIT C)
\$0.1377	\$397.80	\$0.0306	\$4.59

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The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this District is included in this Plan as Appendix I.

Assessment Formula Unit Rates

Using figures from the Assessable Benefit Units Table and the Projected Assessment Revenue Table on pages 18-19 of this Plan, the assessment rates and weighted multipliers for each factor are calculated as follows:

Building Area Rate (Unit A)

$$(\$571,274.14 \times 28.2392\%) / 1,171,556.50 \text{ units} = \$0.1377 / \text{Building Unit A}$$

Land Area Rate (Unit B-1)

$$(\$571,274.14 \times 26.7046\%) / 383.50 \text{ units} = \$397.80 / \text{Land Unit B-1}$$

Land Area Rate (Unit B-2)

$$(\$571,274.14 \times 16.7257\%) / 3,122,529.41 \text{ units} = \$0.0306 / \text{Land Unit B-2}$$

Street Frontage Rate (Unit C)

$$(\$571,274.14 \times 28.3305\%) / 35,260.37 \text{ units} = \$4.59 / \text{Street Frontage Unit C}$$

Since the ODMD is planned for a 5-year term, maximum assessment rates for future years (Years 2-5) must be set at the inception of the PBID. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum is incorporated into the projected program costs and, in turn, the resultant assessment rates for the 5-year term of the PBID. These figures are shown in the table below. Assessment rates may not exceed those indicated below.

In addition, any annual budget surplus or deficit will be incorporated into the subsequent year's PBID budget. Within the constraints of the annual adjustment, annual assessments will be set to account for surpluses or deficits carried forward.

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

ODMD – 5-Year Maximum Assessment Rates (Includes a 5%/Yr. Max Increase)

YEAR	BLDG ASSMT RATE (\$/UNIT)	LAND ASSMT RATE 1 (\$/UNIT)	LAND ASSMT RATE 2 (\$/UNIT)	FRONTAGE ASSMT RATE (\$/UNIT)
1	\$0.1377	\$397.8000	\$0.0306	\$4.5900
2	\$0.1446	\$417.6900	\$0.0321	\$4.8195
3	\$0.1518	\$438.5745	\$0.0337	\$5.0605
4	\$0.1594	\$447.3460	\$0.0344	\$5.3135
5	\$0.1674	\$456.2929	\$0.0351	\$5.5792

SAMPLE ASSESSMENT CALCULATION:

A 7,000 square foot lot with 50 linear feet of street frontage and a 5,000 square foot building on it

Bldg Area = 5,000 SF x \$0.1377 = \$ 688.50

Land Area = 7,000 SF x \$0.0306 SF + \$397.80 = \$ 612.00

Street Frontage = 50 LF x \$4.59/LF = \$ 229.50

TOTAL YEAR 1 ASSESSMENT = **\$1,530.00**

Per Month = \$ 128/Month

Per Day = \$4.25/Day

The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this PBID is included in this Plan as Appendix I.

V. PUBLICLY OWNED PARCELS

The State Constitution - Article 13D (Proposition 218) states that “parcels within a District that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly-owned parcels in fact receive no special benefit.”

There are 154 publicly owned parcels within ODMD, all of which are identified and assessable for which District funded special benefit programs, services and improvements will be provided. All 154 of the

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

assessed publicly owned parcels are owned by the City of Oxnard, including the Oxnard Parking Authority and the Oxnard Housing Authority. It is noted that the only publicly owned parcel within ODMD not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct PBID funded special benefit services, programs and improvements will be provided adjacent to this parcel.

For all other publicly owned/occupied parcels and facilities within ODMD, each of these parcels specially benefit from District funded programs services and improvements. The special benefits include cleaner and safer facility entrances and perimeters for their employees, visitors, tenants, vendors and other users of these public locations and facilities. Publicly owned parcels and facilities will be included in all maps, directories and District advertisements and web displays and are active components of Downtown Oxnard's identity and fabric.

ODMD services are designed to improve the safety and cleanliness for visitors, employees, tenants and users of public facilities on publicly owned parcels within the District by deterring crime and reducing litter and debris, each considered detractors to employment, visitation and use of public facilities if not contained and properly managed. In turn, these services will serve to enhance the public service levels provided by public facilities and parcels within ODMD.

Each identified and assessable publicly owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of the Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for public building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

There is no compelling evidence that these identified assessable publicly owned parcels and facilities would not proportionately specially benefit from ODMD funded programs, services and improvements as delineated herein and, thus, will be assessed similar to privately owned parcels, except as noted herein.

VI. PBID DISTRICT GOVERNANCE

The governance or management of a PBID typically requires an "Owner's Association" to carry out the PBID services and activities. State PBID Law (36600 Streets & Highways Code) also requires that the Owner's Association carry out specific additional functions. This includes preparation of an Annual Report to the City Council on the PBID activities for the past fiscal year and those proposed for the next fiscal year. The Owner's Association may also recommend to the City Council from time to time, changes to the PBID boundaries, benefit zones, assessment formula or PBID programs and activities, all subject to public notification and, in some cases petition/balloting requirements.

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

Meetings of the Owner’s Association and its standing Committees shall be subject to the State of California “Brown Act” open meeting law.

VII. PROPOSED RULES AND REGULATION APPLIED TO THE DISTRICT

There are no specific rules or regulations applied to this PBID

VIII. OTHER ITEMS

No bonds will be issued for any ODMD projects in conjunction with this renewal.

IX. PLAN AUTHOR

The author and preparer of this Plan is Ed Henning of Edward Henning & Associates

X. IMPLEMENTATION TIME TABLE

The renewed PBID is expected to begin operation by January 2025. In order to meet this goal, the following procedural timeline is proposed:

<u>Date</u>	<u>Action/Task</u>
Jan 2024	• Finalize PBID Management District Plan
Feb 2024	• Initiate petition drive
Feb-Mar 2024	• Collect petitions signed by property owners
April 2024	• Submit majority support petitions to City along with Management Plan
Spring 2024	• City Council adopts Resolution of Intention to renew the PBID
Spring 2024	• City sends notice of PBID public hearing and a ballot to all property owners within PBID
Mid-2024	• City Council conducts hearing (ballots due by this date)
Mid-2024	• Providing no majority ballot protest is filed at the hearing, Council approves Ordinance of Renewal for the PBID
August 2024	• Assessment roll submitted to County Assessor
Dec 10/Apr 10 (due)	• Assessments billed and collected by County with property taxes
1st Quarter ‘25	• Revenues remitted to Owner’s Association per contract with City
(5 years)	• Owner’s Association carries out renewed PBID programs and services

APPENDIX 1

YR 1 – 2024/25 ASSESSMENT ROLL

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

APN			SITE ADDRESS	2024-25 TOTAL ASSMT	% OF TOTAL
2010113110	202	S	OXNARD BL	\$3,971.91	0.695%
2010160010		N	OXNARD BL	\$703.80	0.123%
2010160020		E	FOURTH ST	\$666.56	0.117%
2010160030		E	FOURTH ST	\$1,877.31	0.329%
2010160040		E	FOURTH ST	\$500.71	0.088%
2010160050		E	FOURTH ST	\$927.18	0.162%
2010160060		E	FOURTH ST	\$468.18	0.082%
2010160070		E	FOURTH ST	\$789.48	0.138%
2010160080		E	FOURTH ST	\$729.81	0.128%
2010160090		E	FOURTH ST	\$704.57	0.123%
2010160100		E	FOURTH ST	\$795.60	0.139%
2010160110		E	FOURTH ST	\$983.18	0.172%
2010160120	400	S	OXNARD BL	\$826.20	0.145%
2010160130		E	FOURTH ST	\$1,358.64	0.238%
2010160170	344	S	OXNARD BL	\$1,604.21	0.281%
2010160180	330	S	OXNARD BL	\$1,818.48	0.318%
2010160190	332	S	OXNARD BL	\$1,040.34	0.182%
2010160200	320	S	OXNARD BL	\$2,024.80	0.354%
2010160220	300	S	OXNARD BL	\$1,170.08	0.205%
2010160250	350	S	OXNARD BL	\$1,175.81	0.206%
2010160260	350	S	OXNARD BL	\$2,270.29	0.397%
2010211010	134		ENTERPRISE ST	\$2,040.26	0.357%
2010211040			META ST	\$497.77	0.087%
2010211110		E	FIFTH ST	\$911.12	0.159%
2010211120		E	FIFTH ST	\$772.04	0.135%
2010211130		E	FIFTH ST	\$584.92	0.102%
2010211140		E	FIFTH ST	\$584.92	0.102%
2010211155	135	E	FIFTH ST	\$584.92	0.102%
2010211170	115	E	FIFTH ST	\$1,940.32	0.340%
2010211180	111	E	FIFTH ST	\$1,419.23	0.248%
2010211190	450	S	OXNARD BL	\$1,649.16	0.289%
2010211200	446	S	OXNARD BL	\$1,686.83	0.295%
2010211210	430	S	OXNARD BL	\$1,688.20	0.296%
2010211225		E	FIFTH ST	\$468.00	0.082%
2010211230		E	FIFTH ST	\$697.50	0.122%
2010211300	136		ENTERPRISE ST	\$597.77	0.105%
2010211360			META ST	\$1,197.55	0.210%
2010211380			ENTERPRISE ST	\$1,407.60	0.246%
2010212010	512	S	OXNARD BL	\$1,614.41	0.283%
2010212020	106	E	FIFTH ST	\$1,393.77	0.244%
2010212030	114	E	FIFTH ST	\$1,386.88	0.243%
2010212060	144	E	FIFTH ST	\$1,318.03	0.231%
2010212070	154	E	FIFTH ST	\$1,479.13	0.259%
2010212140	127	E	SIXTH ST	\$1,371.03	0.240%
2010212150	550	S	OXNARD BL	\$3,128.24	0.548%
2010212165	604	S	OXNARD BL	\$1,698.68	0.297%
2010212170	546	S	OXNARD BL	\$1,743.44	0.305%
2010212180	532	S	OXNARD BL	\$1,032.75	0.181%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2010212190	528	S	OXNARD BL	\$1,063.35	0.186%
2010212200	523		META ST	\$784.13	0.137%
2010212230	128	E	FIFTH ST	\$1,249.18	0.219%
2010212260	136	E	FIFTH ST	\$1,899.51	0.333%
2010212270	511		META ST	\$3,959.85	0.693%
2010213010	200	E	FIFTH ST	\$1,243.32	0.218%
2010213020	204	E	FIFTH ST	\$754.63	0.132%
2010213030	210	E	FIFTH ST	\$935.01	0.164%
2010213075	238	E	FIFTH ST	\$582.50	0.102%
2010213080			META ST	\$1,256.68	0.220%
2010213090	536		META ST	\$1,325.65	0.232%
2010213100	538		META ST	\$684.09	0.120%
2010213110	235	E	SIXTH ST	\$1,531.93	0.268%
2010213120	209	E	SIXTH ST	\$106.99	0.019%
2010213130		E	SIXTH ST	\$1,153.62	0.202%
2010213140	544		META ST	\$602.99	0.106%
2010213150			META ST	\$566.12	0.099%
2010213160	214-228	E	FIFTH ST	\$2,629.99	0.460%
2010214010			ENTERPRISE ST	\$844.56	0.148%
2010214020	200		ENTERPRISE ST	\$3,294.18	0.577%
2010214030	480		META ST	\$2,309.08	0.404%
2010214040	235	E	FIFTH ST	\$2,897.16	0.507%
2010271030	638		META ST	\$684.09	0.120%
2010271040	634		META ST	\$646.43	0.113%
2010271060	616		META ST	\$703.80	0.123%
2010271070	612		META ST	\$909.59	0.159%
2010271080	600		META ST	\$1,279.08	0.224%
2010271090		E	SIXTH ST	\$627.30	0.110%
2010271100	220	E	SIXTH ST	\$856.80	0.150%
2010271110	224	E	SIXTH ST	\$856.80	0.150%
2010271160	235	E	SEVENTH ST	\$883.48	0.155%
2010271170	234	E	SIXTH ST	\$1,463.63	0.256%
2010271180	650		META ST	\$2,957.18	0.518%
2010272010	155	E	SEVENTH ST	\$1,457.33	0.255%
2010272020		E	SEVENTH ST	\$642.60	0.112%
2010272030	141	E	SEVENTH ST	\$642.60	0.112%
2010272040	131	E	SEVENTH ST	\$887.40	0.155%
2010272050	125	E	SEVENTH ST	\$887.40	0.155%
2010272060	658	S	OXNARD BL	\$1,797.75	0.315%
2010272070	656	S	OXNARD BL	\$841.50	0.147%
2010272080	650	S	OXNARD BL	\$841.50	0.147%
2010272090	638	S	OXNARD BL	\$1,063.35	0.186%
2010272100	626	S	OXNARD BL	\$1,736.55	0.304%
2010272110	620	S	OXNARD BL	\$992.40	0.174%
2010272120	610-612	S	OXNARD BL	\$1,361.04	0.238%
2010272140	128	E	SIXTH ST	\$627.30	0.110%
2010272150	128	E	SIXTH ST	\$1,906.38	0.334%
2010272160	140	E	SIXTH ST	\$844.18	0.148%
2010272170	150	E	SIXTH ST	\$856.80	0.150%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2010272180	154	E	SIXTH ST	\$1,487.93	0.260%
2010272190	629		META ST	\$55.08	0.010%
2010272200			META ST	\$589.05	0.103%
2010272210			META ST	\$474.30	0.083%
2010272220	633		META ST	\$1,814.58	0.318%
2010272230	600	S	OXNARD BL	\$1,832.36	0.321%
2010360110	126	E	SEVENTH ST	\$1,751.61	0.307%
2020052060	143	S	B ST	\$1,392.30	0.244%
2020052070		S	B ST	\$841.50	0.147%
2020052080		S	B ST	\$1,190.34	0.208%
2020052090		W	SECOND ST	\$691.56	0.121%
2020054010	216	W	FIRST ST	\$1,219.41	0.213%
2020054020	111	S	A ST	\$841.50	0.147%
2020054030		S	A ST	\$841.50	0.147%
2020054040		S	A ST	\$841.50	0.147%
2020054050	141	S	A ST	\$3,157.92	0.553%
2020054060	155	S	A ST	\$3,511.35	0.615%
2020054090	136	S	B ST	\$841.50	0.147%
2020054100	122	S	B ST	\$242.21	0.042%
2020054110	118	S	B ST	\$962.37	0.168%
2020054120	110	S	B ST	\$185.90	0.033%
2020054130	254	W	FIRST ST	\$1,828.35	0.320%
2020054145			B ST	\$1,384.65	0.242%
2020056030	141	S	OXNARD BL	\$2,149.65	0.376%
2020056040	155	S	OXNARD BL	\$2,181.78	0.382%
2020056060	156	S	A ST	\$963.90	0.169%
2020056080	150	S	A ST	\$895.05	0.157%
2020056090	144	S	A ST	\$841.50	0.147%
2020056100	138	S	A ST	\$963.90	0.169%
2020056110	134	S	A ST	\$791.78	0.139%
2020056120	132	S	A ST	\$1,530.00	0.268%
2020056130	122	S	A ST	\$1,075.59	0.188%
2020056140	110	S	A ST	\$1,461.15	0.256%
2020056150	136	W	FIRST ST	\$2,034.90	0.356%
2020056160	135	W	SECOND ST	\$2,379.15	0.416%
2020056170	111	S	OXNARD BL	\$3,534.30	0.619%
2020081010	201	S	C ST	\$1,484.10	0.260%
2020081020	211	S	C ST	\$841.50	0.147%
2020081100	260	S	D ST	\$1,257.66	0.220%
2020081160	208	S	D ST	\$841.50	0.147%
2020081170	200	S	D ST	\$1,484.10	0.260%
2020081180	231	S	C ST	\$856.80	0.150%
2020081190		S	C ST	\$856.80	0.150%
2020081200		S	C ST	\$856.80	0.150%
2020081210	251	S	C ST	\$856.80	0.150%
2020081220		S	C ST	\$856.80	0.150%
2020081230		W	THIRD ST	\$1,499.40	0.262%
2020081240		S	D ST	\$639.54	0.112%
2020081250		S	D ST	\$856.80	0.150%

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2020081260		S	D ST	\$856.80	0.150%
2020081270		S	D ST	\$856.80	0.150%
2020081280		S	D ST	\$856.80	0.150%
2020081290	210	S	D ST	\$856.80	0.150%
2020083030	321	S	C ST	\$1,381.28	0.242%
2020083040	327	S	C ST	\$68.85	0.012%
2020083050	331	S	C ST	\$1,668.82	0.292%
2020083060	345	S	C ST	\$1,202.15	0.210%
2020083070	361	S	C ST	\$1,332.63	0.233%
2020083210	301	S	C ST	\$2,381.97	0.417%
2020083220	418	W	THIRD ST	\$918.00	0.161%
2020085030	431	S	C ST	\$843.41	0.148%
2020085040	437	S	C ST	\$904.70	0.158%
2020085050	441	S	C ST	\$3,681.58	0.644%
2020085190	418	W	FOURTH ST	\$845.33	0.148%
2020085200	401	S	C ST	\$2,044.08	0.358%
2020091100		S	C ST	\$841.50	0.147%
2020091370	351	W	THIRD ST	\$1,927.80	0.337%
2020091380		W	SECOND ST	\$1,063.96	0.186%
2020091390	206	W	SECOND ST	\$12,485.99	2.186%
2020091400	214	W	SECOND ST	\$3,907.38	0.684%
2020092030		S	B ST	\$483.48	0.085%
2020092040		S	B ST	\$755.82	0.132%
2020092050	343	S	B ST	\$1,296.60	0.227%
2020092060	351	S	B ST	\$1,322.62	0.232%
2020092070	361	S	B ST	\$2,448.00	0.429%
2020092120	320	S	C ST	\$841.50	0.147%
2020092130	310	S	C ST	\$1,365.59	0.239%
2020092140	330	W	THIRD ST	\$2,310.30	0.404%
2020092170	300	W	THIRD ST	\$6,359.32	1.113%
2020092180	344	S	C ST	\$2,180.25	0.382%
2020092190	350	S	C ST	\$3,028.47	0.530%
2020094010	301	S	A ST	\$2,092.12	0.366%
2020094020	309	S	A ST	\$1,226.45	0.215%
2020094035	325	S	A ST	\$2,649.96	0.464%
2020094040	327-337	S	A ST	\$2,099.16	0.367%
2020094050	339	S	A ST	\$1,276.02	0.223%
2020094060	345	S	A ST	\$1,523.88	0.267%
2020094080	361	S	A ST	\$2,073.12	0.363%
2020094140	324	S	B ST	\$1,373.94	0.241%
2020094155		S	B ST	\$416.16	0.073%
2020094160		S	B ST	\$416.16	0.073%
2020094170		S	B ST	\$823.14	0.144%
2020094185		W	THIRD ST	\$789.48	0.138%
2020094195		S	B ST	\$1,536.12	0.269%
2020094205		S	B ST	\$434.52	0.076%
2020094215	365	S	B ST	\$1,891.08	0.331%
2020094225		S	B ST	\$434.52	0.076%
2020094235		S	B ST	\$1,248.48	0.219%

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2020094240	355	S	A ST	\$1,702.31	0.298%
2020095075	254	S	A ST	\$841.50	0.147%
2020095085	242	S	A ST	\$841.50	0.147%
2020095090	228	S	A ST	\$1,474.92	0.258%
2020095100	220	S	A ST	\$1,357.88	0.238%
2020095110	210	S	A ST	\$841.50	0.147%
2020095120	200	S	A ST	\$4,435.29	0.776%
2020095140	221	S	OXNARD BL	\$2,785.37	0.488%
2020095150	229	S	OXNARD BL	\$1,686.83	0.295%
2020095160	235	S	OXNARD BL	\$1,686.83	0.295%
2020096035	357	S	OXNARD BL	\$1,568.25	0.275%
2020096040	350	S	A ST	\$0.00	0.000%
2020096050	336	S	A ST	\$1,754.91	0.307%
2020096060	326	S	A ST	\$1,402.70	0.246%
2020096070	318	S	A ST	\$1,530.00	0.268%
2020096080	300	S	A ST	\$3,265.97	0.572%
2020096095		S	OXNARD BL	\$1,058.76	0.185%
2020096105	321	S	OXNARD BL	\$2,677.42	0.469%
2020096110	349	S	OXNARD BL	\$1,363.08	0.239%
2020096125		S	OXNARD BL	\$786.11	0.138%
2020101130	422	S	C ST	\$1,698.30	0.297%
2020101190	329	W	FIFTH ST	\$711.60	0.125%
2020101205		S	C ST	\$553.86	0.097%
2020101215		S	C ST	\$1,940.04	0.340%
2020101225		W	FOURTH ST	\$410.81	0.072%
2020101235		W	FOURTH ST	\$583.70	0.102%
2020101255	425	S	B ST	\$499.55	0.087%
2020101270		W	FIFTH ST	\$412.34	0.072%
2020101290		W	FIFTH ST	\$451.35	0.079%
2020101310		W	FIFTH ST	\$412.34	0.072%
2020101330		W	FIFTH ST	\$412.34	0.072%
2020101355		W	FIFTH ST	\$412.34	0.072%
2020101360	424	S	C ST	\$407.35	0.071%
2020101370		W	FIFTH ST	\$421.52	0.074%
2020101405		S	B ST	\$457.62	0.080%
2020101415	425	S	B ST	\$4,009.58	0.702%
2020101420	314	W	FOURTH ST	\$1,366.11	0.239%
2020101435		W	FOURTH ST	\$423.81	0.074%
2020101445	405	S	B ST	\$2,312.38	0.405%
2020102010	500	S	C ST	\$5,214.94	0.913%
2020103025		W	FIFTH ST	\$795.60	0.139%
2020103090		W	SIXTH ST	\$795.60	0.139%
2020103100	560	S	C ST	\$2,269.14	0.397%
2020103115	544	S	C ST	\$501.08	0.088%
2020103120	338	W	FIFTH ST	\$2,043.27	0.358%
2020103130	319	W	SIXTH ST	\$872.10	0.153%
2020103145		W	SIXTH ST	\$780.30	0.137%
2020103175		W	FIFTH ST	\$405.83	0.071%
2020103185		W	FIFTH ST	\$589.92	0.103%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020103195	301	E	SIXTH ST	\$2,296.96	0.402%
2020103205		W	SIXTH ST	\$668.30	0.117%
2020103210	318	W	FIFTH ST	\$1,205.64	0.211%
2020103225		W	FIFTH ST	\$423.81	0.074%
2020103235		S	B ST	\$518.67	0.091%
2020103245	300	W	FIFTH ST	\$2,534.45	0.444%
2020104015	401	S	A ST	\$3,886.20	0.680%
2020104165	400	S	B ST	\$2,829.63	0.495%
2020104395	445	S	A ST	\$9,008.56	1.577%
2020104405	445	S	A ST	\$1,202.18	0.210%
2020104415	445	S	A ST	\$2,469.70	0.432%
2020104425	445	S	A ST	\$2,120.06	0.371%
2020104435	445	S	A ST	\$3,524.29	0.617%
2020105100	545	S	A ST	\$7,328.70	1.283%
2020105120	538	S	B ST	\$619.65	0.108%
2020105170		W	SIXTH ST	\$507.96	0.089%
2020105180		S	B ST	\$2,261.58	0.396%
2020105195		S	B ST	\$406.98	0.071%
2020105205		S	B ST	\$610.47	0.107%
2020105210		S	B ST	\$406.98	0.071%
2020105220		S	B ST	\$610.47	0.107%
2020105235		S	B ST	\$425.34	0.074%
2020105245		S	B ST	\$1,035.81	0.181%
2020105260		W	FIFTH ST	\$489.60	0.086%
2020105275	270	W	FIFTH ST	\$1,836.00	0.321%
2020105295	200	W	FIFTH ST	\$2,851.16	0.499%
2020105305		S	A ST	\$662.49	0.116%
2020105325	529	S	A ST	\$2,705.65	0.474%
2020105335	505	S	A ST	\$2,378.20	0.416%
2020106015	403	S	OXNARD BL	\$1,311.21	0.230%
2020106035		S	OXNARD BL	\$604.35	0.106%
2020106065		W	FIFTH ST	\$833.85	0.146%
2020106120	424	S	A ST	\$1,063.73	0.186%
2020106130	420	S	A ST	\$1,758.58	0.308%
2020106140	400-410	S	A ST	\$3,847.61	0.674%
2020106245		S	OXNARD BL	\$664.02	0.116%
2020106250	425	N	OXNARD BL	\$901.17	0.158%
2020106265		W	FOURTH ST	\$483.17	0.085%
2020106275		W	FOURTH ST	\$716.13	0.125%
2020106285		W	FOURTH ST	\$434.52	0.076%
2020106295	421	S	OXNARD BL	\$691.56	0.121%
2020106310		W	FIFTH ST	\$454.56	0.080%
2020106320		W	FIFTH ST	\$569.71	0.100%
2020106355	105	W	FIFTH ST	\$2,082.33	0.365%
2020106370	428	S	A ST	\$1,067.18	0.187%
2020106380	434	S	A ST	\$1,067.30	0.187%
2020106390	438	S	A ST	\$1,050.12	0.184%
2020106400	143	W	FIFTH ST	\$2,211.28	0.387%
2020106410	141	W	FIFTH ST	\$2,620.19	0.459%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020107050		W	FIFTH ST	\$601.14	0.105%
2020107060		W	FIFTH ST	\$615.83	0.108%
2020107070		W	FIFTH ST	\$615.83	0.108%
2020107080	104	W	FIFTH ST	\$2,409.37	0.422%
2020107100	531	S	OXNARD BL	\$1,019.75	0.179%
2020107110	545	S	OXNARD BL	\$2,205.11	0.386%
2020107120	559	S	OXNARD BL	\$604.35	0.106%
2020107135	563	S	OXNARD BL	\$1,361.70	0.238%
2020107160	534	S	A ST	\$1,303.56	0.228%
2020107170	528	S	A ST	\$1,545.15	0.270%
2020107195		W	FIFTH ST	\$572.22	0.100%
2020107205		W	FIFTH ST	\$440.64	0.077%
2020107215		S	OXNARD BL	\$439.11	0.077%
2020107225		S	OXNARD BL	\$558.91	0.098%
2020107235	150	W	FIFTH ST	\$3,147.21	0.551%
2020107240	560	S	A ST	\$3,222.18	0.564%
2020107250	544-550	S	A ST	\$1,640.77	0.287%
2020131030	519	S	C ST	\$895.05	0.157%
2020131040	521-523	S	C ST	\$1,747.57	0.306%
2020131050	535	S	C ST	\$1,855.13	0.325%
2020131060	543-545	S	C ST	\$1,704.21	0.298%
2020131070	555	S	C ST	\$1,609.56	0.282%
2020131170	509-511	S	C ST	\$1,232.42	0.216%
2020131190		S	C ST	\$405.30	0.071%
2020131220		W	FIFTH ST	\$642.60	0.112%
2020131230	515	S	C ST	\$1,386.18	0.243%
2020133010	416	W	SIXTH ST	\$1,484.10	0.260%
2020133020	613	S	C ST	\$1,013.63	0.177%
2020133030	619	S	C ST	\$841.50	0.147%
2020133040	625	S	C ST	\$841.50	0.147%
2020133050	637	S	C ST	\$94.12	0.016%
2020133060	643	S	C ST	\$841.50	0.147%
2020133210	699	S	C ST	\$3,519.89	0.616%
2020135025	711	S	C ST	\$3,913.59	0.685%
2020135035	761	S	C ST	\$6,364.80	1.114%
2020141050	333	W	SEVENTH ST	\$1,927.80	0.337%
2020141060	644	S	C ST	\$1,032.75	0.181%
2020141070	642	S	C ST	\$619.65	0.108%
2020141080	634-636	S	C ST	\$1,199.52	0.210%
2020141090	630	S	C ST	\$1,199.52	0.210%
2020141100	618	S	C ST	\$43.17	0.008%
2020141110	340	W	6TH ST	\$1,927.80	0.337%
2020141155	687	S	B ST	\$88.61	0.016%
2020141165	685	S	B ST	\$83.03	0.015%
2020141175	683	S	B ST	\$83.03	0.015%
2020141185	681	S	B ST	\$88.61	0.016%
2020141195	673	S	B ST	\$83.93	0.015%
2020141205	671	S	B ST	\$82.90	0.015%
2020141215	669	S	B ST	\$82.90	0.015%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020141225	667	S	B ST	\$82.90	0.015%
2020141235	665	S	B ST	\$82.90	0.015%
2020141245	663	S	B ST	\$82.90	0.015%
2020141255	661	S	B ST	\$83.93	0.015%
2020141265	655	S	B ST	\$83.93	0.015%
2020141275	653	S	B ST	\$82.90	0.015%
2020141285	651	S	B ST	\$83.93	0.015%
2020141295	645	S	B ST	\$83.93	0.015%
2020141305	643	S	B ST	\$82.90	0.015%
2020141315	641	S	B ST	\$83.93	0.015%
2020141325	633	S	B ST	\$83.93	0.015%
2020141335	631	S	B ST	\$82.90	0.015%
2020141345	629	S	B ST	\$82.90	0.015%
2020141355	627	S	B ST	\$82.90	0.015%
2020141365	625	S	B ST	\$82.90	0.015%
2020141375	623	S	B ST	\$82.90	0.015%
2020141385	621	S	B ST	\$83.93	0.015%
2020141395	611	S	B ST	\$88.61	0.016%
2020141405	613	S	B ST	\$83.03	0.015%
2020141415	615	S	B ST	\$83.03	0.015%
2020141425	617	S	B ST	\$88.61	0.016%
2020142160	785	S	B ST	\$10,611.61	1.858%
2020143015	601	S	A ST	\$3,376.40	0.591%
2020143025	623	S	A ST	\$1,524.08	0.267%
2020143030	629	S	A ST	\$1,015.00	0.178%
2020143040	635	S	A ST	\$877.84	0.154%
2020143050	637	S	A ST	\$619.65	0.108%
2020143140	246	W	6TH ST	\$3,938.83	0.689%
2020143230	640	S	B ST	\$1,904.85	0.333%
2020143240	237	W	SEVENTH ST	\$1,689.18	0.296%
2020143250	235	W	SEVENTH ST	\$1,260.40	0.221%
2020144170	230	W	SEVENTH ST	\$951.05	0.166%
2020144180	220	W	SEVENTH ST	\$1,110.52	0.194%
2020144190	210	W	SEVENTH ST	\$1,170.21	0.205%
2020144200	200	W	SEVENTH ST	\$1,023.37	0.179%
2020144210	710	S	B ST	\$1,079.71	0.189%
2020144220	720	S	B ST	\$560.50	0.098%
2020144230	730	S	B ST	\$1,781.51	0.312%
2020144240	715	S	A ST	\$560.16	0.098%
2020144250	721	S	A ST	\$1,294.47	0.227%
2020144260	711	S	A ST	\$947.72	0.166%
2020144270	740	S	B ST	\$1,049.76	0.184%
2020144280	731	S	A ST	\$952.98	0.167%
2020144290	750	S	B ST	\$853.07	0.149%
2020144300	741	S	A ST	\$981.33	0.172%
2020145010	112	W	SIXTH ST	\$3,468.51	0.607%
2020145030	637	S	OXNARD BL	\$1,221.29	0.214%
2020145050	653	S	OXNARD BL	\$1,795.82	0.314%
2020145060	663	S	OXNARD BL	\$1,179.71	0.207%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020145100	630	S	A ST	\$841.50	0.147%
2020145110	622	S	A ST	\$1,667.70	0.292%
2020145120	618	S	A ST	\$841.50	0.147%
2020145130	608	S	A ST	\$1,557.54	0.273%
2020145140	120	W	SIXTH ST	\$1,484.10	0.260%
2020145190		S	A ST	\$841.50	0.147%
2020145200	631	S	OXNARD BL	\$810.90	0.142%
2020145210	629	S	OXNARD BL	\$708.54	0.124%
2020145220	658	S	A ST	\$4,770.07	0.835%
2020145230	643	S	OXNARD BL	\$1,198.11	0.210%
2020145240	645	S	OXNARD BL	\$1,327.28	0.232%
2020146010	110	W	7TH ST	\$1,935.45	0.339%
2020146020	705	S	OXNARD BL	\$1,120.73	0.196%
2020146030	711	S	OXNARD BL	\$1,051.88	0.184%
2020146040	715	S	OXNARD BL	\$742.05	0.130%
2020146050	719	S	OXNARD BL	\$948.60	0.166%
2020146070	733	S	OXNARD BL	\$1,335.95	0.234%
2020146080	737	S	OXNARD BL	\$776.48	0.136%
2020146090	745	S	OXNARD BL	\$604.35	0.106%
2020146100	755	S	OXNARD BL	\$1,017.45	0.178%
2020146110	749	S	OXNARD BL	\$604.35	0.106%
2020146120		S	OXNARD BL	\$604.35	0.106%
2020146130	761	S	OXNARD BL	\$879.75	0.154%
2020146140	752	S	A ST	\$2,747.34	0.481%
2020146150	744	S	A ST	\$1,428.94	0.250%
2020146180	700	S	A ST	\$2,280.28	0.399%
2020146190		S	OXNARD BL	\$604.35	0.106%
2020146200		S	OXNARD BL	\$604.35	0.106%
2020146210	723	S	OXNARD BL	\$604.35	0.106%
2020146220	708	S	A ST	\$4,889.15	0.856%
2020380015	651	S	A ST	\$118.49	0.021%
2020380025	653	S	A ST	\$96.05	0.017%
2020380035	655	S	A ST	\$120.69	0.021%
2020380045	657	S	A ST	\$120.69	0.021%
2020380055	659	S	A ST	\$96.05	0.017%
2020380065	661	S	A ST	\$118.49	0.021%
2020380075	211	W	SEVENTH ST	\$120.69	0.021%
2020380085	213	W	SEVENTH ST	\$96.05	0.017%
2020380095	215	W	SEVENTH ST	\$118.49	0.021%
2020380105	645	S	A ST	\$120.69	0.021%
2020380115	643	S	A ST	\$95.36	0.017%
2020380125	641	S	A ST	\$118.49	0.021%
				\$571,274.14	100.000%

OXNARD DOWNTOWN

Management District



APPENDIX 2

ATTACHMENT 1

ASSESSMENT ENGINEER'S REPORT

ATTACHMENT 1



OXNARD DOWNTOWN MANAGEMENT DISTRICT RENEWAL

ASSESSMENT ENGINEER’S REPORT

*Being Renewed for a 5 Year Term Pursuant to
California Streets and Highways Code Section 36600 et seq.
Property & Business Improvement District Act of 1994, as amended*

*Prepared by
Edward V. Henning
California Registered Professional Engineer # 26549
Edward Henning & Associates*

JANUARY 22, 2024

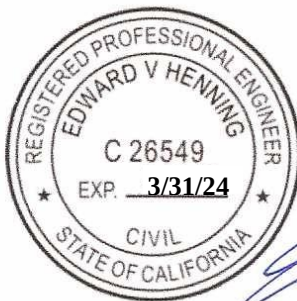
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ASSESSMENT ENGINEER’S REPORT

To Whom It May Concern:

I hereby certify to the best of my professional knowledge and experience that each of the identified benefiting properties located within the proposed Oxnard Downtown Management District ("ODMD") being renewed for a five (5) year term will receive a special benefit over and above the benefits conferred on the public at large and that the amount of the proposed assessment is proportional to, and no greater than the benefits conferred on each respective property.

Prepared by Edward V. Henning, California Registered Professional Engineer # 26549



A handwritten signature in blue ink that reads "Edward V. Henning". The signature is written over a horizontal line and extends slightly below it.

RPE #26549

January 22, 2024

Edward V. Henning

Date

(NOT VALID WITHOUT SIGNATURE AND CERTIFICATION SEAL HERE)

Introduction

This report serves as the “detailed engineer’s report” required by Section 4(b) of Article XIIIID of the California Constitution (Proposition 218) to support the benefit property assessments to be levied within the proposed ODMD in the City of Oxnard, California being renewed for a five (5) year term. The discussion and analysis contained within this Report constitutes the required “nexus” of rationale between assessment amounts levied and special benefits derived by real properties within the proposed renewed ODMD.

Background

The ODMD is a property-based benefit assessment type district being renewed for a five (5) year term pursuant to Section 36600 et seq. of the California Streets and Highways Code (as amended), also known as the Property and Business Improvement District Law of 1994 (the “Act”). Due to the benefit assessment nature of assessments levied within a property and business improvement district (“PBID”), district program costs are to be distributed amongst all identified benefiting properties based on the proportional amount of special program benefit each property is expected to derive from the assessments levied. Within the Act, frequent references are made to the concept of relative “benefit” received from PBID programs and activities versus amount of assessment paid. Only those properties expected to derive special benefits from PBID funded programs and activities may be assessed and only in an amount proportional to the relative special benefits expected to be conferred on each assessed property.

Supplemental Article XIID Section 4(b) California Constitution **Proposition 218 Procedures and Requirements**

Proposition 218, approved by the voters of California in November of 1996, adds a supplemental array of procedures and requirements to be carried out prior to levying a property-based assessment like the ODMD. These requirements are in addition to requirements imposed by State and local assessment enabling laws. These requirements were “chaptered” into law as Article XIID Section 4(b) of the California Constitution.

Since Article XIID provisions will affect all subsequent calculations to be made in the final assessment formula for the ODMD, these supplemental requirements will be taken into account. The key provisions of Article XIID along with a description of how the ODMD complies with each of these provisions are delineated herein.

(Note: All section references below pertain to Article XIID of the California Constitution):

Finding 1. From Section 4(a): “Identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed”.

Setting:

The proposed renewed ODMD is centrally located in the center of Oxnard and centered along A Street from First Street to Eighth Street. ODMD is bounded roughly by First and Second Streets on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. There is one benefit zone within ODMD (See attached map in Appendix 2).

General Boundary Description

ODMD includes 433 parcels of which 432 are identified assessed parcels in a 32 block area of Historic Downtown Oxnard. The property uses within the boundaries of the proposed renewed ODMD which will receive special benefits from PBID funded programs and services are currently a unique mix of retail, restaurant, service, office, government, residential and parking. ODMD boundaries were selected to incorporate the core Downtown parcels and businesses. There is one benefit zone within the proposed renewed District. It is noted that ODMD is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. This two block area includes a combination of commercial parcels associated with Downtown Oxnard along with mixed use parcels with residential rental units.

Detailed Boundary Description

More specifically, the ODMD is described as follows:

Beginning at the intersection of the centerlines of Second Street and D Street; thence east along said centerline of Second Street to the centerline of B Street; thence north along said centerline of B Street to the centerline of First Street; thence east along said centerline of First Street to the east property line of Oxnard Boulevard; thence south along said east property line of Oxnard Boulevard to the tangent intersection point with the west property line of the railroad right of way; thence southeast and south along said west property line of the railroad right of way to the centerline of Fifth Street; thence west along said centerline of Fifth Street to the prolongation of the east property line of the public alley lying east of and parallel to Meta Street; thence south along said east property line of said public alley to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the east property line of parcel APN 202-0-360-110; thence south along said east property line of said parcel APN 202-0-360-110 to the south property line of said parcel APN 202-0-360-110; thence west along said south property line of said parcel APN 202-0-360-110 to the west property line of said parcel APN 202-0-360-110; thence north along said west property line of said parcel APN 202-0-360-110 to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the centerline of Oxnard Boulevard; thence south along said centerline of Oxnard Boulevard to the centerline of Eighth Street; thence west along said centerline of Eighth Street to the centerline of D Street; thence north along said centerline of D Street to the centerline of Seventh Street; thence east along said centerline of Seventh Street to the prolongation of the west property line of the public alley lying

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

east of and parallel to D Street; thence north along said west property line of said public alley to the centerline of Third Street; thence west along said centerline of Third Street to the centerline of D Street; thence north along said centerline of D Street to the point of beginning.

Benefit Zones

There is one benefit zone within the proposed renewed District.

District Boundary Rationale

The ODMD boundaries encompass the heart of Downtown Oxnard. These parcels showcase a unique array of pedestrian oriented uses - retail, restaurant, service, office, government, residential and parking that form what is considered the “cohesive urban fabric” of the evolving mixed-use Downtown center.

The District boundaries were chosen to generally include parcels that comprise the commercial core that attracts pedestrians and visitors to Downtown Oxnard. Also included are current as well as future in-town residential parcels. Parcels adjacent to the north, south and east of ODMD are not part of the District's commercial and in-town residential pedestrian core and have different marketing needs than those in the ODMD. These outside parcels and uses require different services than those in the ODMD and would not specially benefit from the increased pedestrian oriented programs, services and improvements offered by the ODMD. Therefore, they have not been included within the ODMD boundaries.

Surrounding parcels to the north, south and west that are zoned solely residential and/or with residential uses have not been included within the boundaries of the PBID. The Property and Business Improvement District Law of 1994, California Streets & Highway Code § 36632 states, “Properties zoned solely for residential use..... are conclusively presumed not to benefit from the improvements and service funded through these assessments and shall not be subject to any assessment”. For these reasons, no residentially zoned parcels or residential uses north, south or west of the proposed renewed District are included in the ODMD boundaries.

A list of all parcels included in the proposed renewed ODMD is shown as Appendix 1, attached to this Report identified by their respective Ventura County assessor parcel number. The boundary of the proposed renewed ODMD is shown on the map of the proposed renewed ODMD attached as Appendix 2 to this Report.

All identified assessed parcels within the above-described boundaries shall be assessed to fund supplemental special benefit programs, services and improvements as outlined in this Report and in the Management District Plan. All ODMD funded services, programs and improvements provided within the above described boundaries shall confer special benefit to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within ODMD will proportionately specially benefit from the District funded programs and services (i.e. civil sidewalks, district identity/placemaking and organization). These services, programs and improvements are intended to improve commerce, employment, livability, rents and occupancy rates and investment viability of individually assessed parcels and businesses/residential units on them within ODMD.

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

District services, activities and programs confer special benefits on each and every individually assessed parcel by deterring crime, improving aesthetics and marketing goods and services available from individually assessed parcels and the businesses/occupants on them within the District, all considered necessary in a competitive properly managed mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of assessed parcels within the boundaries of the proposed renewed ODMD.

The District includes 433 parcels of which 432 are identified as assessable within one Benefit Zone and which are listed in the Assessment Roll included as Appendix 1. For further information, a District Boundary Map is included as Appendix 2.

Finding 2. From Section 4(a): “Separate general benefits (if any) from the special benefits conferred on parcel(s). Only special benefits are assessable. “

QUANTITATIVE BENEFIT ANALYSIS

As stipulated in Article XIID Section 4(b) of the California Constitution, assessment district programs and activities confer a combination of general and special benefits to properties, but the only program benefits that can be assessed are those that provide special benefit to the assessed properties. For the purposes of this analysis, a “general benefit” is hereby defined as: “A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied”. “Special benefit” as defined by Article XIID means a distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.

The property uses within the boundaries of the District that will receive special benefits from District funded programs and services are currently an array of retail, restaurant, service, office, banking, residential and commercial parking. Services, programs and improvements provided and funded by the District (i.e. civil sidewalks, district identity/placemaking and organization) are designed to provide special benefits to identified assessed parcels and the array of land uses within the boundaries of the ODMD as described in the Work Plan Details starting on page 10 of this Report.

The proposed renewed District programs, improvements and services and Year 1 – 2025 budget allocations are shown in the Table below:

Year 1 – 2025 District Special Benefit Budget (Assessment Revenue Only)

WORK PLAN CATEGORY	ALLOCATION	%
CIVIL SIDEWALKS	\$335,000	59%
DISTRICT IDENTITY & PLACEMAKING	\$82,000	14%
ORGANIZATION	\$154,274	27%
TOTAL	\$571,274	100%

The special benefits conferred on assessed parcels within the ODMD are particular and distinct to each

and every identified assessed parcel within the ODMD and are not provided to non-assessed parcels outside of the ODMD. These programs, services and improvements will only be provided to each individual assessed parcel within the District boundaries and, in turn, confer proportionate “special benefits” to each assessed parcel.

In the case of the ODMD, the very nature of the purpose of this ODMD is to fund supplemental programs, services and improvements to assessed parcels within the District boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The City of Oxnard does not provide these programs and services. All benefits derived from the assessments to be levied on assessed parcels within the District are for services, programs and improvements directly benefiting each individual assessed parcel within the District. No District funded services, activities or programs will be provided outside of the District boundaries.

While every attempt is made to provide District services and programs to confer benefits only to those identified assessed parcels within the District, Article XIIID stipulates that general benefits exist either by design or unintentional in all assessment districts and that a portion of the program costs must be considered attributable to general benefits and assigned a value. General benefits cannot be funded by assessment revenues. General benefits might be conferred on parcels within the ODMD, or “spillover” onto parcels surrounding the ODMD, or to the public at large who might be passing through the ODMD with no intention of transacting business within the ODMD or interest in the ODMD itself.

Assessment engineering experience throughout California has found that general benefits within a PBID type assessment district tend to range from 2-6% of the total costs. Most PBIDs in California for which this Assessment Engineer has provided assessment engineering services in conformance with Article XIIID have used the composite district overlay determinant method of computing general benefits which will be used for ODMD. This method of computing the value of general benefit involves a composite of three distinct types of general benefit – general benefit to assessed parcels within ODMD, general benefit to the public at large within ODMD and general benefit to parcels immediately outside/adjacent to ODMD.

General Benefit – Assessed Parcels within District

ODMD funded programs are narrowly designed and carefully implemented to specially benefit the assessed District parcels and are only provided for the special benefit to each and every assessed parcel within the District. It is the opinion of this Engineer, based on over 30 years of professional assessment engineering experience, that nearly 100% of benefits conferred on the 432 assessed parcels within the District are distinct and special. In the case of ODMD, it is projected that there are 0.25% general benefits conferred on these 432 assessed parcels. While this factor can typically range from 0.10% to 1.0%, this high ratio of special benefits to general benefits (0.25%) is because ODMD funded programs and services are specially geared to the unique needs of each assessed parcel within ODMD and are directed specially only to these parcels within ODMD. This concept is further reinforced by the proportionality of special benefits conferred on each assessed parcel within ODMD as determined by the special benefit assessment formula as it is applied to the unique and varying property characteristics of each parcel.. The computed 0.25% general benefit value on the 432 assessed parcels within the ODMD equates to \$1,428 or (.25% x \$571,274).

General Benefit – Public At Large

While the ODMD funded programs are narrowly designed and carefully implemented to specially benefit the assessed District properties and are only provided for the special benefit to each and every assessed parcel within the District, these District funded programs may also provide an incidental general benefit to the public at large within the District. Assessment Engineering experience in California has found that generally well over 95% of people moving about within PBID boundaries are engaged in business related to assessed parcels and businesses contained on them within the PBID, while the public at large “just passing through” is typically much less than 5%.

Tangible services and improvements such as security, cleanliness, bench and shade tree maintenance would confer higher levels of general benefits on the public at large than say planters, decorative pavement/signage and other general district management and operation activities. Typically, a factor range from 0.5% to 2% (0.005 to 0.02) is assigned to tangible streetscape/sidewalk type services, programs and improvements,. Then a factor range from 0.25% to 1.5% (0.0025 to 0.015) is assigned to intangible services, programs and improvements.

Based on experience curves and the nature of the proposed ODMD funded services, programs and improvements and over 30 years of assessment engineering experience, it is the opinion of this Assessment Engineer that districtwide general benefit factors for each of the ODMD funded special benefit program element costs that provide a general benefit to the public at large would be 1.5% (0.015) assigned to Civil Sidewalks and 0.5% (0.005) assigned to both District Identity/Placemaking and Organization.

These factors are applied to each assessment funded program element cost in order to compute the dollar and percent value of districtwide general benefits to the public at large. The total dollar value of this general benefit type, public at large, equates to \$6,206. Each of these factors and corresponding general benefit calculations/values for the public at large are shown in the Table below:

GENERAL BENEFITS TO “PUBLIC AT LARGE”

	A	B	C	E
Program Element	Dollar Allocation	General Benefit Percent	General Benefit Factor	General Benefit Value (A x C)
CIVIL SIDEWALKS	\$335,000	1.50%	0.0150	\$5,025
DISTRICT IDENTITY & PLACEMAKING	\$82,000	0.50%	0.0050	\$410
ORGANIZATION	<u>\$154,274</u>	0.50%	0.0050	<u>\$771</u>
Total	\$571,274			\$6,206

Spillover General Benefits to Parcels Outside of District

While District programs and services will not be provided directly to parcels outside the District boundaries, it is reasonable to conclude that District services may confer an indirect general benefit on parcels immediately adjacent to the District boundaries. An inventory of the District boundaries finds

that the District is surrounded by 69 parcels, of which 12 are commercial uses and 57 are residential, non-profit or public uses adjacent to or across a street or alley from the proposed renewed ODMD. There is 1 non-identified (i.e. not assessed) exempt parcel within the proposed renewed ODMD. Typically, a factor of 100% (1.0) is first assigned to assessed parcels within the district, then a factor range from 5% to 15% (0.05 to 0.15) is assigned to commercial zoned and used parcels directly outside the district, then a factor range from 0.5% to 1.5% (0.005 to 0.015) is assigned to residential zoned and used parcels directly outside the district, and finally, a factor range from 0.5% to 1.5% (0.005 to 0.015) is assigned to public and/or non-profit owned and fully occupied parcels directly outside the district.

The 69 parcels outside the District boundaries adjacent to or across streets or alleys from assessed parcels within the District as well as the 1 non-identified, non-assessed parcel within the District can reasonably be assumed to receive some indirect general benefit as a result of PBID funded programs, services and improvements. Based on over 30 years of assessment engineering experience, it is the opinion of this Assessment Engineer that a benefit factor of 1.0 be attributed to the 432 identified assessed parcels within the District; a benefit factor of 0.1 be attributed to general benefits conferred on the 13 commercial parcels adjacent to or across a street or alley from the proposed renewed ODMD as well as the 1 non-assessed parcel within the ODMD; and a benefit factor of 0.01 be attributed to general benefits conferred on the 57 residential, non-profit and public parcels adjacent to or across a street or alley from the proposed renewed ODMD. The cumulative dollar value of this general benefit type equates to \$2,473 (\$1,719+ \$754) as delineated in the Table below.

“Spillover” General Benefits

Parcel Type	Quantity	Benefit Factor	Benefit Units	Benefit Percent	Benefit Value
Assessed Parcels In	432	1.00	432.00	99.5690%	\$571,274
Commercial Perimeter Parcels Out; Non-Assessed In	13	0.10	1.30	0.2996%	\$1,719
Other Perimeter Parcels Out	57	0.01	0.57	<u>0.1314%</u>	<u>\$754</u>
TOTAL			433.87	100.00%	\$573,747

Composite General Benefit

Based on the general benefit values delineated in the three sections above, the total value of general benefits conferred on assessed parcels within the District, the public at large and parcels outside the District equates to \$10,107 (\$1,428 + \$6,206 + \$2,473) or 1.74% of the total adjusted costs. This leaves a value of 98.26% assigned to special benefit related costs. For the purposes of this analysis, the general benefit value of 1.74% will be conservatively rounded up to 2.0% or \$11,659. The general benefit value of \$11,659 when added to the special benefit value of \$571,274 (Year 1 –2025 assessments) equates to a total adjusted Year 1 – 2025 program cost of \$582,933. Remaining costs that are attributed to general benefits will need to be derived from other sources. A comparison of special and general benefit funding sources is shown in the Table below.

Special and General Benefit Revenue Sources

Revenue Source	Revenue	% of Total
District Assessments	\$571,274	98.0%
Grants, donations, sponsors, program income, etc.	\$11,659	2.0%
TOTAL	\$582,933	100.0%

A breakdown of projected special and general benefit costs for each year of the 5-year renewal term is shown in the following Table:

5 Year Special + General Benefit Costs

YR	PROGRAM CATEGORY	SPECIAL BENEFIT ASSESSMENT COSTS	GENERAL BENEFIT NON- ASSESSMENT COSTS	TOTAL ADJUSTED COSTS	% OF TOTAL
1	CIVIL SIDEWALKS	\$335,000	\$6,836	\$341,836	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$82,000	\$1,674	\$83,674	14.3539%
	ORGANIZATION	<u>\$154,274</u>	<u>\$3,149</u>	<u>\$157,423</u>	<u>27.0053%</u>
	Total	\$571,274	\$11,659	\$582,933	100%
2	CIVIL SIDEWALKS	\$351,750	\$7,178	\$358,928	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$86,100	\$1,758	\$87,858	14.3539%
	ORGANIZATION	<u>\$161,988</u>	<u>\$3,306</u>	<u>\$165,294</u>	<u>27.0053%</u>
	Total	\$599,838	\$12,242	\$612,080	100%
3	CIVIL SIDEWALKS	\$369,338	\$7,537	\$376,875	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$90,405	\$1,846	\$92,251	14.3539%
	ORGANIZATION	<u>\$170,087</u>	<u>\$3,471</u>	<u>\$173,558</u>	<u>27.0053%</u>
	Total	\$629,830	\$12,854	\$642,684	100%
4	CIVIL SIDEWALKS	\$387,805	\$7,914	\$395,719	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$94,925	\$1,938	\$96,863	14.3539%
	ORGANIZATION	<u>\$178,591</u>	<u>\$3,645</u>	<u>\$182,236</u>	<u>27.0053%</u>
	Total	\$661,321	\$13,497	\$674,818	100%
5	CIVIL SIDEWALKS	\$407,195	\$8,310	\$415,505	58.6409%
	DISTRICT IDENTITY & PLACEMAKING	\$99,671	\$2,035	\$101,706	14.3539%
	ORGANIZATION	<u>\$187,521</u>	<u>\$3,827</u>	<u>\$191,348</u>	<u>27.0053%</u>
	Total	\$694,387	\$14,172	\$708,559	100%

DISTRICT WORK PLAN

Overview

The Programs and activities to be funded by the ODMD include civil sidewalks, district identity/placemaking and organization. The property uses within the boundaries of the District that will receive special benefits from District funded programs, services and improvements are currently a unique mix of retail, restaurant, service, office, government, residential and parking. District funded activities are primarily designed to provide special benefits as described below to identified assessed parcels and array of land uses within the boundaries of the District.

These benefits are particular and distinct to each and every identified assessed parcel within the ODMD and are not provided to non-assessed parcels outside of the District. These programs, services and improvements will only be provided to each individual assessed parcel within the District boundaries and, in turn, confer proportionate "special benefits" to each assessed parcel.

In the case of the ODMD, the very nature of the purpose of this District is to fund supplemental programs, services and improvements to assessed parcels within the District boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The City of Oxnard does not provide these supplemental programs and services. All benefits derived from the assessments to be levied on assessed parcels within the District are for services, programs and improvements directly benefiting each individual assessed parcel within the District. No District funded services, activities or programs will be provided outside of the District boundaries.

The projected program special benefit cost allocation of the District assessment revenues for the 5-year District term assuming a 5% maximum annual assessment rate increase is shown in the Table on page 15 of this Report.

WORK PLAN DETAILS

The programs, services and improvements to be provided by the ODMD include civil sidewalks, district identity/placemaking and organization. Each of these work plan elements are designed to add to the cohesive mixed-use urban fabric of Downtown Oxnard and assist in its economic success and vitality. The assessed parcels in the PBID will specially benefit from the District programs in the form of increased commerce and vitality through meeting the ODMD goals: to improve security, cleanliness, beautification, landscaping, livability and to attract and retain businesses and services, generate more pedestrian and visitor traffic and to increase commerce and improve the economic viability of each assessed parcel.

The following programs, services and improvements are proposed by the ODMD to specially benefit each and every individually assessed parcel within the District boundaries. ODMD services, programs and improvements will not be provided to parcels outside the District boundary.

Civil Sidewalks

Civil Sidewalks includes maintenance and safety (“clean and safe”) services in public sidewalk areas adjacent to assessed parcels in ODMD. The maintenance portion of the Civil Sidewalks category

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includes regular maintenance of public areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. These services include:

- Clean Team 6-days per week
- litter and illegal dumping pickup
- graffiti and illegal sticker/poster removal
- check/empty 130+ sidewalk trash bins
- check, sweep, and secure trash enclosures
- removal of transient discards, including shopping carts, bio-waste
- sidewalk scrubbing/steam cleaning
- curb line block face sweeping
- tree pruning
- weed abatement
- visitor assistance

The maintenance portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the aesthetic appeal of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Maintenance services will only be provided for identified and assessed parcels located within the PBID boundaries.

The maintenance portion of the Civil Sidewalks work plan component will assist in creating a clean environment for each assessed parcel in the District. A dirty environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded clean programs and services provide these parcels with enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded clean programs and services are designed to improve the appearance of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the clean programs and services which will only be provided to, and for the direct special benefit of, each identified assessed parcel within the proposed renewed District boundaries.

Safety

The safety portion of the Civil Sidewalks work plan category includes regular security of areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. The safety portion of the Civil Sidewalks work plan component includes:

- daily bike & truck Safety Patrol
- loitering & trespassing subject removal
- Crime prevention awareness campaigns
- street light outage reporting and repair orders

The safety portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the security of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Safety services will only be provided for identified and assessed parcels located within the proposed renewed PBID boundaries.

The safety portion of the Civil Sidewalks work plan component will assist in creating a safe and secure environment for each assessed parcel in the District. An unsafe environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded safe programs and services provide these parcels with safer and enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded safe programs and services are designed to improve the security of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the safe programs and services which will only be provided to, and for the direct benefit of, each identified assessed parcel within the District boundaries

District Identity/Placemaking

This work plan category includes regular marketing and image enhancement programs and services for the special benefit of each assessed parcel and land use within ODMD by creating a unique, marketable District identity. This work plan category also includes placement of, and care for, a variety of physical improvements and amenities within the public streetscape areas within ODMD for the special benefit of each identified and assessed parcel and land use within ODMD by creating a unique and marketable “sense of place”. The District Identity/Placemaking work plan component includes:

- daily updated responsive website DowntownOxnard.org
- integrated social media promotion – Facebook, Instagram, Twitter, YouTube
- produced and sponsored live events (e.g. First Thursdays, Cruise Night, Halloween, etc.)
- district advertising, newsletters, press releases, media relations, original photo library
- Marketing Committee support for merchant coordinated promotions
- assist prospective businesses with referrals to leasable properties
- permit processing assistance

Also included are:

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- district-wide holiday streetlamp décor
- 162 sidewalk flower planters
- Historic Plaza Park hanging flower baskets
- public art – utility box painting and temporary murals
- street banner program (88 street poles)

The District Identity/Placemaking work plan component is designed to specially benefit and improve the image of each assessed parcel within the PBID and attract more customers, clients, employees, tenants, residents and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. District Identity/Placemaking programs and services will only be provided for identified and assessed parcels located within the PBID boundaries.

For parcels with general commercial, retail, restaurant, office and commercial parking uses, District Identity/Placemaking services and programs are specifically designed to attract more customers, employees, tenants and investors for the special benefit of assessed parcels as a result of marketing assessed parcels and the goods and services and spaces available on these assessed parcels. This in turn, is intended to increase business volumes, sales transactions, commercial occupancies, commercial rental income and investment return. In the case of publicly/non-profit owned/occupied parcels that are assessed for these programs, District Identity/Placemaking creates better public/non-profit facilities and services on these assessed parcels by fostering better informed public/non-profit employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of residential use parcels, District Identity/Placemaking specially benefits each assessed residential parcel and creates better informed tenants, visitors and owners, which, in turn, enhance livability and may increase residential occupancies and rental income. District Identity/Placemaking services and programs will only be provided to, and for the direct and special benefit of, each identified assessed parcel within the District.

Organization

This work plan category includes professional management and related corporate operation costs of providing PBID funded services, programs and improvements for the special benefit of each identified and assessed parcel and land use within ODMD. The Organization work plan component includes:

- staff and full service office to manage PBID programs, projects, compliance reporting.
- full service office to assist property and business owners with District-related needs
- advocacy and representation of member interests on District issues and needs
- Organize “town hall” forums and advocacy on topics such as homeless solutions, Vision Plan

Organization also includes legal, accounting, insurance, production of the Annual Planning Report and Budget and quarterly reports, facilitation of meetings of the Owners’ Association, Brown Act compliance, outreach to District property and business owners, and participation in professional peer/best practice forums such as the California Downtown Association or the International Downtown Association. It also covers the costs associated with District renewal. A portion of the Organization budget is held in reserve to offset delinquent and/or slow assessment payments.

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The Organization component is key to the proper expenditure of District assessment funds and the administration of District programs and activities for the special benefit of all parcels and land uses within the ODMD. The Organization work plan component exists only for the purposes of the District and directly relates to the implementation of Civil Sidewalks and District Identity/Placemaking services, programs and improvements which specially benefit each identified assessed parcel within the District boundaries.

In summary, all District funded services, programs and improvements described above confer proportionate special benefits to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within the ODMD will proportionately specially benefit from Civil Sidewalks, District Identity/Placemaking and Organization. These services, programs and improvements are intended to improve commerce, employment, livability, rents, occupancy rates and investment viability of assessed parcels, businesses and residents within the ODMD by deterring crime, reducing litter and debris, making capital improvements and professionally marketing goods, services and spaces available within the District, all considered necessary in a competitive properly managed contemporary mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of each and every assessed parcel within the boundaries of the ODMD.

WORK PLAN BUDGET

Each identified assessed parcel within the ODMD will be assessed the full amount of the proportionate special benefit conferred upon it based on the level of District funded services provided. The projected District program special benefit (assessment) cost allocation budget for Year 1 (2025), is shown in the following Table:

ODMD Year 1 (2025) Special Benefit Assessment Budget

WORK PLAN CATEGORY	ALLOCATION	%
CIVIL SIDEWALKS	\$335,000	59%
DISTRICT IDENTITY & PLACEMAKING	\$82,000	14%
ORGANIZATION	\$154,274	27%
TOTAL	\$571,274	100%

In order to carry out the District programs outlined in the previous section, a Year 1 assessment budget of \$571,274 is projected. Since the District is planned for a 5-year term, projected program costs for future years (Years 2-5) are set at the inception of the District. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum, commensurate to special benefits received by each assessed parcel, is incorporated into the projected program costs and assessment rates for the 5-year District term. It is noted that the 5% maximum annual rate increase is deemed necessary in order to offset substantial service and improvement cost increases projected over the next several years and to provide levels of service and types of improvements expected and requested by District stakeholders. Carryovers, if any, may be reapportioned the following

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year for related programs, services and improvements. Detailed annual budgets will be prepared by the Owner’s Association Board and included in an Annual Plan for the City Council’s review and approval.

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year during the 5-year term of the proposed renewed District. Accordingly, the Owners’ Association shall have the ability to reallocate budget line items within the budget categories based on such cost fluctuations subject to the review and approval by the Owners’ Association Board and included in the Annual Planning Report that will be approved by the Oxnard City Council pursuant to Streets and Highways Code Section 36650. Any accrued interest or delinquent payments may be expended in any budget category. A 5-year projected ODMD budget is shown in the following Table:

YEAR 1-5 PROJECED DISTRICT ASSESSMENT BUDGET SUMMARY (Special Benefit Costs)

(Assumes 5% max rate increase per year)

YR	CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
	58.6409%	14.3539%	27.0053%	100.00%
1	\$335,000	\$82,000	\$154,274	\$571,274
2	\$351,750	\$86,100	\$161,988	\$599,838
3	\$369,338	\$90,405	\$170,087	\$629,830
4	\$387,805	\$94,925	\$178,591	\$661,321
5	\$407,195	\$99,671	\$187,521	\$694,387

The ODMD assessments may increase for each individual parcel each year during the 5-year effective operating period, but not to exceed 5% per year, commensurate to special benefits received by each assessed parcel, and must be approved by the Owners’ Association Board of Directors, included in the Annual Planning Report and adopted by the City of Oxnard City Council. The Owners’ Association Board of the Directors (“Property Owner’s Association of the ODMD) shall determine the percentage increase to the annual assessment. The Owners’ Association Executive Director shall communicate the annual increase to the City each year in which the District operates at a time determined in the Administration Contract held between the Owners’ Association and the City of Oxnard.

No bonds are to be issued in conjunction with the proposed renewed District.

Pursuant to Section 36671 of the Streets and Highways Code, any funds remaining after the 5th year of operation will be rolled over into the renewal budget or returned to stakeholders. District assessment funds may be used to pay for costs related to the following District renewal term. If the District is not renewed or terminated for any reason, unexpended funds will be returned to the property owners.

Finding 3. From Section 4(a): “(Determine) the proportionate special benefit derived by each parcel in relationship to the entirety of the.....cost of public improvement(s) or the maintenance and operation expenses.....or the cost of the property related service being provided.

Each identified assessed parcel within the district will be assessed based on property characteristics unique only to that parcel. Based on the specific needs and corresponding nature of the program activities to be funded by the proposed renewed ODMD (i.e., civil sidewalks, district identity/placemaking and organization). It is the opinion of this Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area and street frontage, except as noted otherwise herein, within one benefit zone.

The calculated assessment rates are applied to the actual measured parameters of each parcel and thereby are proportional to each and every other identified assessed parcel within the district. Larger buildings and parcels and/or ones with larger frontages are expected to impact the demand for services and programs to a greater extent than smaller building, land and/or street frontages and thus, are assigned a greater proportionate degree of assessment program and service costs. The proportionality is further achieved by setting targeted formula component weights for the respective parcel by parcel identified property attributes.

The proportionate special benefit cost for each parcel has been calculated based on proportionate formula components and is listed as an attachment to the Management District Plan and this Report. The individual percentages (i.e. proportionate relationship to the total special benefit related program and activity costs) is computed by dividing the individual parcel assessment by the total special benefit program costs.

Finding 4. From Section 4(a): “No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

Not only are the proposed program costs reasonable due to the benefit of group purchasing and contracting which would be possible through the proposed renewed ODMD, they are also considerably less than other options considered by the ODMD Renewal Committee. The actual assessment rates for each parcel within the District directly relate to the level of service and, in turn, special benefit to be conferred on each parcel based on the respective building area, land area and street frontage of each parcel within one benefit zone, except as noted otherwise herein.

Finding 5. From Section 4(a): “Parcels.....that are owned or used by any (public) agency shall not be exempt from assessment.....”

The State Constitution - Article 13D (Proposition 218) states that “parcels within a District that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly-owned parcels in fact receive no special benefit.”

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There are 154 publicly owned parcels within ODMD, all of which are identified and assessable for which District funded special benefit programs, services and improvements will be provided. All 154 of the assessed publicly owned parcels are owned by the City of Oxnard, including the Oxnard Parking Authority and the Oxnard Housing Authority. It is noted that the only publicly owned parcel within ODMD not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct PBID funded special benefit services, programs and improvements will be provided adjacent to this parcel.

For all other publicly owned/occupied parcels and facilities within ODMD, each of these parcels specially benefit from District funded programs services and improvements. The special benefits include cleaner and safer facility entrances and perimeters for their employees, visitors, tenants, vendors and other users of these public locations and facilities. Publicly owned parcels and facilities will be included in all maps, directories and District advertisements and web displays and are active components of Downtown Oxnard’s identity and fabric.

ODMD services are designed to improve the safety and cleanliness for visitors, employees, tenants and users of public facilities on publicly owned parcels within the District by deterring crime and reducing litter and debris, each considered detractions to employment, visitation and use of public facilities if not contained and properly managed. In turn, these services will serve to enhance the public service levels provided by public facilities and parcels within ODMD.

Each identified and assessable publicly owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of this Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for public building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

There is no compelling evidence that these identified assessable publicly owned parcels and facilities would not proportionately specially benefit from ODMD funded programs, services and improvements as delineated herein and, thus, will be assessed similar to privately owned parcels, except as noted herein.

Finding 6. From Section 4(b): “All assessments must be supported by a detailed engineer’s report prepared by a registered professional engineer certified by the State of California”.

This report serves as the “detailed engineer’s report” to support the benefit property assessments proposed to be levied within the proposed renewed ODMD.

Finding 7. From Section 4(c): “The amount of the proposed assessment for each parcel shall be calculated (along with) the total amount thereof chargeable to the entire district, the duration of such payments, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated.”

The individual and total parcel assessments attributable to special property benefits are shown in Appendix 1 to the Management District Plan and this Report. The proposed renewed District and resultant assessment levies will continue for 5-years and may be renewed again at that time. The reasons (purposes) for the proposed assessments are outlined in Finding 2 above as well as in the Management District Plan. The calculation basis of the proposed assessment is attributed to building area, land area and street frontage, except as noted herein, within one benefit zone.

Assessment Formula Methodology

Step 1. Select “Basic Benefit Unit(s)”

Background – Generic Assessment Formula Development

The method used to determine special benefits derived by each identified assessed property within a PBID begins with the selection of a suitable and tangible basic benefit unit. For property related services, such as those proposed in the ODMD, the benefit unit may be measured in linear feet of street frontage or parcel size in square feet or building size in square feet or any combination of these factors. Factor quantities for each parcel are then measured or otherwise determined. From these figures, the amount of benefit units to be assigned to each property can be calculated. Special circumstances such as unique geography, land uses, development constraints etc. are carefully reviewed relative to specific programs and improvements to be funded by the PBID in order to determine any levels of different benefit that may apply on a parcel-by-parcel or categorical basis.

Based on the factors described above such as geography and nature of programs and activities proposed, an assessment formula is developed which is derived from a singular or composite basic benefit unit factor or factors. Within the assessment formula, different factors may be assigned different “weights” or percentage of values based on their relationship to programs/services to be funded.

Next, all program and activity costs, including incidental costs, District administration and ancillary program costs, are estimated. It is noted, as stipulated in Article XIID Section 4(b) of the California Constitution, and now required of all property-based assessment Districts, indirect or general benefits costs may not be incorporated into the assessment formula and levied on the District properties; only direct or “special” benefits and costs may be considered. Indirect or general benefit costs, if any, must be identified and, if quantifiable, calculated and factored out of the assessment cost basis to produce a “net” cost figure. In addition, Article XIID Section 4(b) of the California Constitution also no longer automatically exempts publicly owned property from being assessed unless the respective public agency can provide clear and convincing evidence that their property does not specially benefit from the programs and services to be funded by the proposed special assessments. If special benefit is determined to be conferred upon such properties, they must be assessed in proportion to special benefits conferred in a manner similar to privately owned property assessments. (See pages 16- 17 of this Report for discussion regarding assessment of publicly owned parcels within the ODMD).

From the estimated net program costs, the value of a basic benefit unit or “basic net unit cost” can be computed by dividing the total amount of estimated net program costs by the total number of benefit units. The amount of assessment for each parcel can be computed at this time by multiplying the Net Unit Cost times the number of Basic Benefit Units per parcel. This is known as “spreading the assessment” or the “assessment spread” in that all costs are allocated proportionally or “spread” amongst all benefitting properties within the PBID.

The method and basis of spreading program costs varies from one PBID to another based on local geographic conditions, types of programs and activities proposed, and size and development complexity of the district.

Proposed ODMD Assessment Formula

Based on the specific needs and corresponding nature of the program activities to be funded by the proposed renewed ODMD (i.e. civil sidewalks, district identity/placemaking and organization) it is the opinion of this Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area and street frontage, except as noted herein, within one benefit zone.

The “Basic Benefit Units” will be expressed as a combined function of building square footage (Benefit Unit “A”), land square footage (Benefit Unit “B”) and street frontage (Benefit Unit “C”). Based on the shape of the proposed ODMD, as well as the nature of the District program elements, it is determined that all identified properties will gain a direct and proportionate degree of special benefit based on the respective amount of building area, land area and street frontage, except as noted herein, within one benefit zone. Special benefit proportionality varies for different land uses/ownership types and assessable property characteristics (units), are adjusted via differing assessment methodologies and multiplier factors. See “Special Circumstances” beginning on page 20 of this Report which delineates special assessment methodologies and factors and how and when they are applied.

For the array of land uses within the PBID, the interactive application of building and land areas and street frontage quantities are a common method of fairly and equitably spreading special benefit costs to these beneficiaries of PBID funded services, programs and improvements. Each of these factors directly relates to the degree of special benefit each assessed parcel will receive from PBID funded activities. There are no parcels zoned solely residential within ODMD.

Building area is a direct measure of the static utilization of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of this Assessment Engineer, the targeted weight of this factor, building area, should generate approximately 30% of the total PBID revenue (28.2392% when adjusted for precise parcel measurements, land use factors and program costs).

Land area is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of this Assessment Engineer, the targeted weight of this factor, land area, should generate approximately 40% of the total PBID revenue (43.4303% when adjusted for precise parcel measurements, land use factors and program costs).

Street Frontage is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. Street frontage includes all public street frontages of a parcel. In the opinion of this Assessment Engineer, the targeted weight of this factor, street frontage, should generate approximately 30% of the total PBID revenue (28.3305% when adjusted for precise parcel measurements, land use factors and program costs).

Special Circumstances

1. Lower Tier Residential Uses (1-6 non-condominium residential units)

It is the opinion of this Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels and parcels with higher density residential rental units on them do. It is the opinion of this Assessment Engineer that the assessment for parcels with 1-6 residential units on them shall be based on only on exterior building area which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 1-6 units on them will receive from ODMD funded services, programs and improvements for these land uses.

2. Upper Tier Residential Uses (7+ non-condominiums residential units)

It is the opinion of this Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels do but more than parcels with 1-6 residential units on them do. It is the opinion of this Assessment Engineer that the assessment for parcels with 7+ residential units on them shall be based on exterior building area, parcel land area and parcel street frontage which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area, land area and street frontage which then produces the number of assessable building area units, land area units and street frontage units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 7+ units on them will receive from ODMD funded services, programs and improvements for these land uses.

3. Mixed-Use (Non-Condominium Commercial and Residential)

It is the opinion of this Assessment Engineer that parcels with non-condominium mixed commercial and residential uses on them will specially benefit from PBID funded programs, services and improvements but different than those with only commercial uses on them. The residential portions of these land uses do not specially benefit from marketing and promotion activities to the extent that commercial uses do. As such, the assessment rates and applicable assessment methodology will be applied based on each land use portion and the area of the parcel they cover. Mixed-use parcels will be assessed for the commercial use portions at commercial rates for the commercial building area, the parcel land area covered by commercial uses and the amount of direct commercial street frontage. The residential land use portions will be assessed based on the residential criteria and methodologies delineated in # 2 and 3 above.

4. Residential Condominiums

It is the opinion of this Assessment Engineer that these land uses do not specially benefit from

marketing and promotion activities to the extent that commercial parcels and other parcels with residential units on them do. It is the opinion of this Assessment Engineer that the assessment for residential condominiums shall be based on only on interior building area which is a common method of fairly and equitably spreading special benefit costs to these unique property ownerships, subdivisions and land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured interior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential condominium parcel will receive from ODMD funded services, programs and improvements for these land uses.

5. Commercial Condominiums

It is the opinion of this Assessment Engineer that such units, when located solely on ground floors, shall be assessed based on actual land area covered, interior condo building area and direct street frontage or pro-rated street frontage for each unit. Multi-floor commercial condominiums shall be assessed on interior condo building area and pro-rated land area and street frontage as determined by the Assessment Engineer depending on the development configuration. If residential condominiums are part of the development, the residential portions will be assessed based on the residential criteria and methodology delineated in #1 above.

6. Publicly Owned/Occupied Parcels

Each assessable publicly (government) owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of this Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded district identity/placemaking services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for publicly used building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

It is noted that the only publicly owned parcel not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct ODMD funded special benefit services, programs and improvements will be provided adjacent to or for the special benefit of this parcel.

7. Non-Profit Owned and Occupied Parcels

Each identified and assessable non-profit owned parcel and use within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than other privately owned parcels. It is the opinion of this Assessment Engineer that non-profit owned parcels and uses do not specially benefit to the same extent as other privately owned parcels from district identity/placemaking services, programs and improvements. To offset this special benefit differential, non-profit owned parcels with non-profit uses on them will not be assessed for non-profit used building areas located on these parcels. Non-profit owned parcels with “for-profit” uses on them will be assessed for building areas occupied by “for-profit” uses.

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8. Changes to Building or Parcel Size

Any changes in building size, parcel size and street frontage(s) as a result of new construction or demolition or land adjustments including but not limited to lot splits, consolidations, subdivisions, street dedications, right of way setbacks shall have their assessment adjusted upon final City approval of such parcel adjustments.

9. Other Future Development

Other than future maximum rates and the assessment methodology delineated in this Report, per State Law (Government Code Section 53750), future assessments may increase for any given parcel if such an increase is attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land. Any change in assessment formula methodology or rates other than as stipulated in this Report would require a new Proposition 218 ballot procedure in order to approve any such changes.

Step 2. Quantify Total Basic Benefit Units

Taking into account all identified specially benefiting parcels within the District and their respective assessable benefit units and land use factors, the assessable quantities and assessment revenues by factor are shown in the following Tables:

Year 1 – 2024/2025 – Gross Quantities

GROSS BLDG AREA (SF)	# OF ASSESABLE PARCELS	GROSS LAND AREA (SF)	GROSS STREET FRONTAGE (LF)
1,277,861	432	3,262,505	30,708

Year 1 – 2024/2025 - Assessable Benefit Units

ASSESSABLE BLDG AREA UNITS	# OF ASSESABLE PARCEL UNITS	ASSESSABLE LAND AREA UNITS	ASSESSABLE STREET FRONTAGE UNITS
1,171,556.50	383.50	3,122,529.41	35,260.37

Year 1 – 2024/25 Projected Assessment Revenue

BLDG ASSMT REVENUE	LAND 1 ASSMT REVENUE	LAND 2 ASSMT REVENUE	STREET FRONTAGE ASSMT REVENUE	TOTAL ASSMT REVENUE
\$161,323.33	\$152,556.30	\$95,549.40	\$161,845.10	\$571,274.13
28.2392%	26.7046%	16.7257%	28.3305%	100.00%

Step 3. Calculate Benefit Units for Each Property.

The number of Benefit Units for each identified benefiting parcel within the proposed renewed ODMD was computed from data extracted from County Assessor records and maps. These data sources delineate current land uses, building areas, property areas and dimensions of record for each tax parcel. While it is understood that this data does not represent legal field survey measurements or detailed title search of recorded land subdivision maps or building records, it does provide an acceptable basis for the purpose of calculating property-based assessments. All respective property data being used for assessment computations will be provided to each property owner in the District for their review. If a property owner believes there is an error on a parcel’s assessed quantities, the District may confirm the data with the County Assessor’s office. If District data matches Assessor’s data, the property owner may opt to work with the Assessor’s office to correct the data so that the District assessment may be corrected.

Step 4. Determine Assessment Formula

Based on the nature of the programs to be funded as well as other rationale outlined in Step 1 above, it is the opinion of this Engineer that the ODMD assessments will be based on building area, land area, and street frontage except as otherwise noted herein.

The proposed assessment formula is as follows:

Assessment = Assessable Building Area (Unit A) x Unit A Rate, plus
Assessable Land Area (Unit B-1) x Unit B-1 Rate, plus
Assessable Land Area (Unit B-2) x Unit B-2 Rate, plus
Assessable Street Frontage (Unit C) x Unit C Rate

YEAR 1 –2024/25 Assessment Rates

BLDG ASSMT RATE (\$/UNIT A)	LAND ASSMT RATE 1 (\$/UNIT B-1)	LAND ASSMT RATE 2 (\$/UNIT B-2)	FRONTAGE ASSMT RATE (\$/UNIT C)
\$0.1377	\$397.80	\$0.0306	\$4.59

The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this District is included in this Report as Appendix I.

Assessment Formula Unit Rates

Using figures from the Assessable Benefit Units Table and the Projected Assessment Revenue Table on page 22 of this Report, the assessment rates and weighted multipliers for each factor are calculated as follows:

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Building Area Rate (Unit A)

$$(\$571,274.14 \times 28.2392\%)/1,171,556.50 \text{ units} = \$0.1377/\text{Building Unit A}$$

Land Area Rate (Unit B-1)

$$(\$571,274.14 \times 26.7046\%)/383.50 \text{ units} = \$397.80/\text{Land Unit B-1}$$

Land Area Rate (Unit B-2)

$$(\$571,274.14 \times 16.7257\%)/3,122,529.41 \text{ units} = \$0.0306/\text{Land Unit B-2}$$

Street Frontage Rate (Unit C)

$$(\$571,274.14 \times 28.3305\%)/35,260.37 \text{ units} = \$4.59 \text{ Street Frontage Unit C}$$

Step 5. Estimate Total District Costs

The total projected 5-year special benefit costs for 2025 – 2029 of the District are shown in the Table on page 15 of this Report assuming a maximum increase of 5% per year, commensurate to special benefits received by each assessed parcel.

Step 6. Separate General Benefits from Special Benefits and Related Costs (Article XIII D Section 4(b) of the California Constitution – Proposition 218)

Total Year 1 adjusted costs are estimated at \$582,933. General benefits are factored at 2.0% of the total adjusted costs (see Finding 2 on pages 5-9 of this Report) with special benefits set at 98.0%. Article XIII D Section 4(b) of the California Constitution limits the levy of property assessments to costs attributed to special benefits only. The 2.0% general benefit cost is computed to be \$11,659 with a resultant 98.0% special benefit limit computed at \$571,274. Based on current property data and land uses, this is the maximum amount of Year 1 (2024-25) revenue that can be derived from property assessments from the subject District.

All program costs associated with general benefits will be derived from sources other than District assessments. Sample “other” revenue sources are shown in the following Table:

Special and General Benefit Revenue Sources

Revenue Source	Revenue	% of Total
District Assessments (Special Benefit Costs)	\$571,274	98.0 %
Grants, donations, sponsors, program income, etc. (General Benefit Costs)	\$11,659	2.0%
TOTAL	\$582,933	100.0%

Step 7. Calculate “Basic Unit Cost”

With a YR 1 - 2020 assessment revenue portion of the budget set at \$571,274 (special benefit only), the Basic Unit Costs (rates) are shown earlier in Step 4. Since the District is proposed to be renewed for a 5-year term, maximum assessments for future years (2026-2029) must be set at the inception of the proposed renewed District. An annual inflationary assessment rate increase of up to 5%, commensurate to special benefits received by each assessed parcel, may be imposed for future year assessments, on approval by the District Property Owner’s Association. The maximum assessment rates for the 5-year proposed renewed District term of 2025-2029 are shown in the Table below. The assessment rates listed constitute the maximum assessment rates that may be imposed for each year of the proposed renewed District term (2025-2029).

**ODMD – 5 Year Maximum Assessment Rates
(Includes a 5%/Yr. Max Increase)**

YEAR	BLDG ASSMT RATE (\$/UNIT)	LAND ASSMT RATE 1 (\$/UNIT)	LAND ASSMT RATE 2 (\$/UNIT)	FRONTAGE ASSMT RATE (\$/UNIT)
1	\$0.1377	\$397.8000	\$0.0306	\$4.5900
2	\$0.1446	\$417.6900	\$0.0321	\$4.8195
3	\$0.1518	\$438.5745	\$0.0337	\$5.0605
4	\$0.1594	\$447.3460	\$0.0344	\$5.3135
5	\$0.1674	\$456.2929	\$0.0351	\$5.5792

SAMPLE ASSESSMENT CALCULATION:

A 7,000 square foot lot with 50 linear feet of street frontage and a 5,000 square foot building on it

Bldg Area	= 5,000 SF x \$0.1377	= \$ 688.50
Land Area	= 7,000 SF x \$0.0306 SF + \$397.80	= \$ 612.00
Street Frontage	= 50 LF x \$4.59/LF	= \$ 229.50
TOTAL YEAR 1 ASSESSMENT		= <u>\$1,530.00</u>

Per Month	= \$ 128/Month
Per Day	= \$4.25/Day

The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this PBID is included in this Report as Appendix I.

Step 8. Spread the Assessments

The resultant assessment spread calculation results for each parcel within the District are shown in the Management District Plan and were determined by applying the District assessment formula to each identified benefiting property.

Miscellaneous District Provisions

Time and Manner of Collecting Assessments:

Assessments for the Property Tax Year beginning July 1, 2024 and ending June 30, 2029, shall be collected at the same time and in the same manner as ad valorem taxes paid to the Ventura County (Operation Years 2025-2029). The District assessments shall appear as a separate line item on the property tax bills issued by the Ventura County Assessor. The City of Oxnard is authorized to collect any assessments not placed on the County tax rolls, or to place assessments, unpaid delinquent assessments, or penalties on the County tax rolls as appropriate to implement the Management District Plan.

Bonds:

No bonds are to be issued in conjunction with this proposed renewed District.

Duration

As allowed by State PBID Law, the District will have a five (5) year operational term from January 1, 2025 to December 31, 2029. The proposed renewed District operation is expected to begin services on January 1, 2025. If the District is not renewed, services will end on December 31, 2029.

APPENDIX 1

ODMD YR 1 – 2024/2025 ASSESSMENT ROLL

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APN			SITE ADDRESS	2024-25 TOTAL ASSMT	% OF TOTAL
2010113110	202	S	OXNARD BL	\$3,971.91	0.695%
2010160010		N	OXNARD BL	\$703.80	0.123%
2010160020		E	FOURTH ST	\$666.56	0.117%
2010160030		E	FOURTH ST	\$1,877.31	0.329%
2010160040		E	FOURTH ST	\$500.71	0.088%
2010160050		E	FOURTH ST	\$927.18	0.162%
2010160060		E	FOURTH ST	\$468.18	0.082%
2010160070		E	FOURTH ST	\$789.48	0.138%
2010160080		E	FOURTH ST	\$729.81	0.128%
2010160090		E	FOURTH ST	\$704.57	0.123%
2010160100		E	FOURTH ST	\$795.60	0.139%
2010160110		E	FOURTH ST	\$983.18	0.172%
2010160120	400	S	OXNARD BL	\$826.20	0.145%
2010160130		E	FOURTH ST	\$1,358.64	0.238%
2010160170	344	S	OXNARD BL	\$1,604.21	0.281%
2010160180	330	S	OXNARD BL	\$1,818.48	0.318%
2010160190	332	S	OXNARD BL	\$1,040.34	0.182%
2010160200	320	S	OXNARD BL	\$2,024.80	0.354%
2010160220	300	S	OXNARD BL	\$1,170.08	0.205%
2010160250	350	S	OXNARD BL	\$1,175.81	0.206%
2010160260	350	S	OXNARD BL	\$2,270.29	0.397%
2010211010	134		ENTERPRISE ST	\$2,040.26	0.357%
2010211040			META ST	\$497.77	0.087%
2010211110		E	FIFTH ST	\$911.12	0.159%
2010211120		E	FIFTH ST	\$772.04	0.135%
2010211130		E	FIFTH ST	\$584.92	0.102%
2010211140		E	FIFTH ST	\$584.92	0.102%
2010211155	135	E	FIFTH ST	\$584.92	0.102%
2010211170	115	E	FIFTH ST	\$1,940.32	0.340%
2010211180	111	E	FIFTH ST	\$1,419.23	0.248%
2010211190	450	S	OXNARD BL	\$1,649.16	0.289%
2010211200	446	S	OXNARD BL	\$1,686.83	0.295%
2010211210	430	S	OXNARD BL	\$1,688.20	0.296%
2010211225		E	FIFTH ST	\$468.00	0.082%
2010211230		E	FIFTH ST	\$697.50	0.122%
2010211300	136		ENTERPRISE ST	\$597.77	0.105%
2010211360			META ST	\$1,197.55	0.210%
2010211380			ENTERPRISE ST	\$1,407.60	0.246%
2010212010	512	S	OXNARD BL	\$1,614.41	0.283%
2010212020	106	E	FIFTH ST	\$1,393.77	0.244%
2010212030	114	E	FIFTH ST	\$1,386.88	0.243%
2010212060	144	E	FIFTH ST	\$1,318.03	0.231%
2010212070	154	E	FIFTH ST	\$1,479.13	0.259%
2010212140	127	E	SIXTH ST	\$1,371.03	0.240%
2010212150	550	S	OXNARD BL	\$3,128.24	0.548%
2010212165	604	S	OXNARD BL	\$1,698.68	0.297%
2010212170	546	S	OXNARD BL	\$1,743.44	0.305%
2010212180	532	S	OXNARD BL	\$1,032.75	0.181%
2010212190	528	S	OXNARD BL	\$1,063.35	0.186%
2010212200	523		META ST	\$784.13	0.137%
2010212230	128	E	FIFTH ST	\$1,249.18	0.219%
2010212260	136	E	FIFTH ST	\$1,899.51	0.333%
2010212270	511		META ST	\$3,959.85	0.693%

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2010213010	200	E	FIFTH ST	\$1,243.32	0.218%
2010213020	204	E	FIFTH ST	\$754.63	0.132%
2010213030	210	E	FIFTH ST	\$935.01	0.164%
2010213075	238	E	FIFTH ST	\$582.50	0.102%
2010213080			META ST	\$1,256.68	0.220%
2010213090	536		META ST	\$1,325.65	0.232%
2010213100	538		META ST	\$684.09	0.120%
2010213110	235	E	SIXTH ST	\$1,531.93	0.268%
2010213120	209	E	SIXTH ST	\$106.99	0.019%
2010213130		E	SIXTH ST	\$1,153.62	0.202%
2010213140	544		META ST	\$602.99	0.106%
2010213150			META ST	\$566.12	0.099%
2010213160	214-228	E	FIFTH ST	\$2,629.99	0.460%
2010214010			ENTERPRISE ST	\$844.56	0.148%
2010214020	200		ENTERPRISE ST	\$3,294.18	0.577%
2010214030	480		META ST	\$2,309.08	0.404%
2010214040	235	E	FIFTH ST	\$2,897.16	0.507%
2010271030	638		META ST	\$684.09	0.120%
2010271040	634		META ST	\$646.43	0.113%
2010271060	616		META ST	\$703.80	0.123%
2010271070	612		META ST	\$909.59	0.159%
2010271080	600		META ST	\$1,279.08	0.224%
2010271090		E	SIXTH ST	\$627.30	0.110%
2010271100	220	E	SIXTH ST	\$856.80	0.150%
2010271110	224	E	SIXTH ST	\$856.80	0.150%
2010271160	235	E	SEVENTH ST	\$883.48	0.155%
2010271170	234	E	SIXTH ST	\$1,463.63	0.256%
2010271180	650		META ST	\$2,957.18	0.518%
2010272010	155	E	SEVENTH ST	\$1,457.33	0.255%
2010272020		E	SEVENTH ST	\$642.60	0.112%
2010272030	141	E	SEVENTH ST	\$642.60	0.112%
2010272040	131	E	SEVENTH ST	\$887.40	0.155%
2010272050	125	E	SEVENTH ST	\$887.40	0.155%
2010272060	658	S	OXNARD BL	\$1,797.75	0.315%
2010272070	656	S	OXNARD BL	\$841.50	0.147%
2010272080	650	S	OXNARD BL	\$841.50	0.147%
2010272090	638	S	OXNARD BL	\$1,063.35	0.186%
2010272100	626	S	OXNARD BL	\$1,736.55	0.304%
2010272110	620	S	OXNARD BL	\$992.40	0.174%
2010272120	610-612	S	OXNARD BL	\$1,361.04	0.238%
2010272140	128	E	SIXTH ST	\$627.30	0.110%
2010272150	128	E	SIXTH ST	\$1,906.38	0.334%
2010272160	140	E	SIXTH ST	\$844.18	0.148%
2010272170	150	E	SIXTH ST	\$856.80	0.150%
2010272180	154	E	SIXTH ST	\$1,487.93	0.260%
2010272190	629		META ST	\$55.08	0.010%
2010272200			META ST	\$589.05	0.103%
2010272210			META ST	\$474.30	0.083%
2010272220	633		META ST	\$1,814.58	0.318%
2010272230	600	S	OXNARD BL	\$1,832.36	0.321%
2010360110	126	E	SEVENTH ST	\$1,751.61	0.307%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020052060	143	S	B ST	\$1,392.30	0.244%
2020052070		S	B ST	\$841.50	0.147%
2020052080		S	B ST	\$1,190.34	0.208%
2020052090		W	SECOND ST	\$691.56	0.121%
2020054010	216	W	FIRST ST	\$1,219.41	0.213%
2020054020	111	S	A ST	\$841.50	0.147%
2020054030		S	A ST	\$841.50	0.147%
2020054040		S	A ST	\$841.50	0.147%
2020054050	141	S	A ST	\$3,157.92	0.553%
2020054060	155	S	A ST	\$3,511.35	0.615%
2020054090	136	S	B ST	\$841.50	0.147%
2020054100	122	S	B ST	\$242.21	0.042%
2020054110	118	S	B ST	\$962.37	0.168%
2020054120	110	S	B ST	\$185.90	0.033%
2020054130	254	W	FIRST ST	\$1,828.35	0.320%
2020054145			B ST	\$1,384.65	0.242%
2020056030	141	S	OXNARD BL	\$2,149.65	0.376%
2020056040	155	S	OXNARD BL	\$2,181.78	0.382%
2020056060	156	S	A ST	\$963.90	0.169%
2020056080	150	S	A ST	\$895.05	0.157%
2020056090	144	S	A ST	\$841.50	0.147%
2020056100	138	S	A ST	\$963.90	0.169%
2020056110	134	S	A ST	\$791.78	0.139%
2020056120	132	S	A ST	\$1,530.00	0.268%
2020056130	122	S	A ST	\$1,075.59	0.188%
2020056140	110	S	A ST	\$1,461.15	0.256%
2020056150	136	W	FIRST ST	\$2,034.90	0.356%
2020056160	135	W	SECOND ST	\$2,379.15	0.416%
2020056170	111	S	OXNARD BL	\$3,534.30	0.619%
2020081010	201	S	C ST	\$1,484.10	0.260%
2020081020	211	S	C ST	\$841.50	0.147%
2020081100	260	S	D ST	\$1,257.66	0.220%
2020081160	208	S	D ST	\$841.50	0.147%
2020081170	200	S	D ST	\$1,484.10	0.260%
2020081180	231	S	C ST	\$856.80	0.150%
2020081190		S	C ST	\$856.80	0.150%
2020081200		S	C ST	\$856.80	0.150%
2020081210	251	S	C ST	\$856.80	0.150%
2020081220		S	C ST	\$856.80	0.150%
2020081230		W	THIRD ST	\$1,499.40	0.262%
2020081240		S	D ST	\$639.54	0.112%
2020081250		S	D ST	\$856.80	0.150%
2020081260		S	D ST	\$856.80	0.150%
2020081270		S	D ST	\$856.80	0.150%
2020081280		S	D ST	\$856.80	0.150%
2020081290	210	S	D ST	\$856.80	0.150%
2020083030	321	S	C ST	\$1,381.28	0.242%
2020083040	327	S	C ST	\$68.85	0.012%
2020083050	331	S	C ST	\$1,668.82	0.292%
2020083060	345	S	C ST	\$1,202.15	0.210%
2020083070	361	S	C ST	\$1,332.63	0.233%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020083210	301	S	C ST	\$2,381.97	0.417%
2020083220	418	W	THIRD ST	\$918.00	0.161%
2020085030	431	S	C ST	\$843.41	0.148%
2020085040	437	S	C ST	\$904.70	0.158%
2020085050	441	S	C ST	\$3,681.58	0.644%
2020085190	418	W	FOURTH ST	\$845.33	0.148%
2020085200	401	S	C ST	\$2,044.08	0.358%
2020091100		S	C ST	\$841.50	0.147%
2020091370	351	W	THIRD ST	\$1,927.80	0.337%
2020091380		W	SECOND ST	\$1,063.96	0.186%
2020091390	206	W	SECOND ST	\$12,485.99	2.186%
2020091400	214	W	SECOND ST	\$3,907.38	0.684%
2020092030		S	B ST	\$483.48	0.085%
2020092040		S	B ST	\$755.82	0.132%
2020092050	343	S	B ST	\$1,296.60	0.227%
2020092060	351	S	B ST	\$1,322.62	0.232%
2020092070	361	S	B ST	\$2,448.00	0.429%
2020092120	320	S	C ST	\$841.50	0.147%
2020092130	310	S	C ST	\$1,365.59	0.239%
2020092140	330	W	THIRD ST	\$2,310.30	0.404%
2020092170	300	W	THIRD ST	\$6,359.32	1.113%
2020092180	344	S	C ST	\$2,180.25	0.382%
2020092190	350	S	C ST	\$3,028.47	0.530%
2020094010	301	S	A ST	\$2,092.12	0.366%
2020094020	309	S	A ST	\$1,226.45	0.215%
2020094035	325	S	A ST	\$2,649.96	0.464%
2020094040	327-337	S	A ST	\$2,099.16	0.367%
2020094050	339	S	A ST	\$1,276.02	0.223%
2020094060	345	S	A ST	\$1,523.88	0.267%
2020094080	361	S	A ST	\$2,073.12	0.363%
2020094140	324	S	B ST	\$1,373.94	0.241%
2020094155		S	B ST	\$416.16	0.073%
2020094160		S	B ST	\$416.16	0.073%
2020094170		S	B ST	\$823.14	0.144%
2020094185		W	THIRD ST	\$789.48	0.138%
2020094195		S	B ST	\$1,536.12	0.269%
2020094205		S	B ST	\$434.52	0.076%
2020094215	365	S	B ST	\$1,891.08	0.331%
2020094225		S	B ST	\$434.52	0.076%
2020094235		S	B ST	\$1,248.48	0.219%
2020094240	355	S	A ST	\$1,702.31	0.298%
2020095075	254	S	A ST	\$841.50	0.147%
2020095085	242	S	A ST	\$841.50	0.147%
2020095090	228	S	A ST	\$1,474.92	0.258%
2020095100	220	S	A ST	\$1,357.88	0.238%
2020095110	210	S	A ST	\$841.50	0.147%
2020095120	200	S	A ST	\$4,435.29	0.776%
2020095140	221	S	OXNARD BL	\$2,785.37	0.488%
2020095150	229	S	OXNARD BL	\$1,686.83	0.295%
2020095160	235	S	OXNARD BL	\$1,686.83	0.295%
2020096035	357	S	OXNARD BL	\$1,568.25	0.275%

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2020096040	350	S	A ST	\$0.00	0.000%
2020096050	336	S	A ST	\$1,754.91	0.307%
2020096060	326	S	A ST	\$1,402.70	0.246%
2020096070	318	S	A ST	\$1,530.00	0.268%
2020096080	300	S	A ST	\$3,265.97	0.572%
2020096095		S	OXNARD BL	\$1,058.76	0.185%
2020096105	321	S	OXNARD BL	\$2,677.42	0.469%
2020096110	349	S	OXNARD BL	\$1,363.08	0.239%
2020096125		S	OXNARD BL	\$786.11	0.138%
2020101130	422	S	C ST	\$1,698.30	0.297%
2020101190	329	W	FIFTH ST	\$711.60	0.125%
2020101205		S	C ST	\$553.86	0.097%
2020101215		S	C ST	\$1,940.04	0.340%
2020101225		W	FOURTH ST	\$410.81	0.072%
2020101235		W	FOURTH ST	\$583.70	0.102%
2020101255	425	S	B ST	\$499.55	0.087%
2020101270		W	FIFTH ST	\$412.34	0.072%
2020101290		W	FIFTH ST	\$451.35	0.079%
2020101310		W	FIFTH ST	\$412.34	0.072%
2020101330		W	FIFTH ST	\$412.34	0.072%
2020101355		W	FIFTH ST	\$412.34	0.072%
2020101360	424	S	C ST	\$407.35	0.071%
2020101370		W	FIFTH ST	\$421.52	0.074%
2020101405		S	B ST	\$457.62	0.080%
2020101415	425	S	B ST	\$4,009.58	0.702%
2020101420	314	W	FOURTH ST	\$1,366.11	0.239%
2020101435		W	FOURTH ST	\$423.81	0.074%
2020101445	405	S	B ST	\$2,312.38	0.405%
2020102010	500	S	C ST	\$5,214.94	0.913%
2020103025		W	FIFTH ST	\$795.60	0.139%
2020103090		W	SIXTH ST	\$795.60	0.139%
2020103100	560	S	C ST	\$2,269.14	0.397%
2020103115	544	S	C ST	\$501.08	0.088%
2020103120	338	W	FIFTH ST	\$2,043.27	0.358%
2020103130	319	W	SIXTH ST	\$872.10	0.153%
2020103145		W	SIXTH ST	\$780.30	0.137%
2020103175		W	FIFTH ST	\$405.83	0.071%
2020103185		W	FIFTH ST	\$589.92	0.103%
2020103195	301	E	SIXTH ST	\$2,296.96	0.402%
2020103205		W	SIXTH ST	\$668.30	0.117%
2020103210	318	W	FIFTH ST	\$1,205.64	0.211%
2020103225		W	FIFTH ST	\$423.81	0.074%
2020103235		S	B ST	\$518.67	0.091%
2020103245	300	W	FIFTH ST	\$2,534.45	0.444%
2020104015	401	S	A ST	\$3,886.20	0.680%
2020104165	400	S	B ST	\$2,829.63	0.495%
2020104395	445	S	A ST	\$9,008.56	1.577%
2020104405	445	S	A ST	\$1,202.18	0.210%
2020104415	445	S	A ST	\$2,469.70	0.432%
2020104425	445	S	A ST	\$2,120.06	0.371%
2020104435	445	S	A ST	\$3,524.29	0.617%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020105100	545	S	A ST	\$7,328.70	1.283%
2020105120	538	S	B ST	\$619.65	0.108%
2020105170		W	SIXTH ST	\$507.96	0.089%
2020105180		S	B ST	\$2,261.58	0.396%
2020105195		S	B ST	\$406.98	0.071%
2020105205		S	B ST	\$610.47	0.107%
2020105210		S	B ST	\$406.98	0.071%
2020105220		S	B ST	\$610.47	0.107%
2020105235		S	B ST	\$425.34	0.074%
2020105245		S	B ST	\$1,035.81	0.181%
2020105260		W	FIFTH ST	\$489.60	0.086%
2020105275	270	W	FIFTH ST	\$1,836.00	0.321%
2020105295	200	W	FIFTH ST	\$2,851.16	0.499%
2020105305		S	A ST	\$662.49	0.116%
2020105325	529	S	A ST	\$2,705.65	0.474%
2020105335	505	S	A ST	\$2,378.20	0.416%
2020106015	403	S	OXNARD BL	\$1,311.21	0.230%
2020106035		S	OXNARD BL	\$604.35	0.106%
2020106065		W	FIFTH ST	\$833.85	0.146%
2020106120	424	S	A ST	\$1,063.73	0.186%
2020106130	420	S	A ST	\$1,758.58	0.308%
2020106140	400-410	S	A ST	\$3,847.61	0.674%
2020106245		S	OXNARD BL	\$664.02	0.116%
2020106250	425	N	OXNARD BL	\$901.17	0.158%
2020106265		W	FOURTH ST	\$483.17	0.085%
2020106275		W	FOURTH ST	\$716.13	0.125%
2020106285		W	FOURTH ST	\$434.52	0.076%
2020106295	421	S	OXNARD BL	\$691.56	0.121%
2020106310		W	FIFTH ST	\$454.56	0.080%
2020106320		W	FIFTH ST	\$569.71	0.100%
2020106355	105	W	FIFTH ST	\$2,082.33	0.365%
2020106370	428	S	A ST	\$1,067.18	0.187%
2020106380	434	S	A ST	\$1,067.30	0.187%
2020106390	438	S	A ST	\$1,050.12	0.184%
2020106400	143	W	FIFTH ST	\$2,211.28	0.387%
2020106410	141	W	FIFTH ST	\$2,620.19	0.459%
2020107050		W	FIFTH ST	\$601.14	0.105%
2020107060		W	FIFTH ST	\$615.83	0.108%
2020107070		W	FIFTH ST	\$615.83	0.108%
2020107080	104	W	FIFTH ST	\$2,409.37	0.422%
2020107100	531	S	OXNARD BL	\$1,019.75	0.179%
2020107110	545	S	OXNARD BL	\$2,205.11	0.386%
2020107120	559	S	OXNARD BL	\$604.35	0.106%
2020107135	563	S	OXNARD BL	\$1,361.70	0.238%
2020107160	534	S	A ST	\$1,303.56	0.228%
2020107170	528	S	A ST	\$1,545.15	0.270%
2020107195		W	FIFTH ST	\$572.22	0.100%
2020107205		W	FIFTH ST	\$440.64	0.077%
2020107215		S	OXNARD BL	\$439.11	0.077%
2020107225		S	OXNARD BL	\$558.91	0.098%
2020107235	150	W	FIFTH ST	\$3,147.21	0.551%

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2020107240	560	S	A ST	\$3,222.18	0.564%
2020107250	544-550	S	A ST	\$1,640.77	0.287%
2020131030	519	S	C ST	\$895.05	0.157%
2020131040	521-523	S	C ST	\$1,747.57	0.306%
2020131050	535	S	C ST	\$1,855.13	0.325%
2020131060	543-545	S	C ST	\$1,704.21	0.298%
2020131070	555	S	C ST	\$1,609.56	0.282%
2020131170	509-511	S	C ST	\$1,232.42	0.216%
2020131190		S	C ST	\$405.30	0.071%
2020131220		W	FIFTH ST	\$642.60	0.112%
2020131230	515	S	C ST	\$1,386.18	0.243%
2020133010	416	W	SIXTH ST	\$1,484.10	0.260%
2020133020	613	S	C ST	\$1,013.63	0.177%
2020133030	619	S	C ST	\$841.50	0.147%
2020133040	625	S	C ST	\$841.50	0.147%
2020133050	637	S	C ST	\$94.12	0.016%
2020133060	643	S	C ST	\$841.50	0.147%
2020133210	699	S	C ST	\$3,519.89	0.616%
2020135025	711	S	C ST	\$3,913.59	0.685%
2020135035	761	S	C ST	\$6,364.80	1.114%
2020141050	333	W	SEVENTH ST	\$1,927.80	0.337%
2020141060	644	S	C ST	\$1,032.75	0.181%
2020141070	642	S	C ST	\$619.65	0.108%
2020141080	634-636	S	C ST	\$1,199.52	0.210%
2020141090	630	S	C ST	\$1,199.52	0.210%
2020141100	618	S	C ST	\$43.17	0.008%
2020141110	340	W	6TH ST	\$1,927.80	0.337%
2020141155	687	S	B ST	\$88.61	0.016%
2020141165	685	S	B ST	\$83.03	0.015%
2020141175	683	S	B ST	\$83.03	0.015%
2020141185	681	S	B ST	\$88.61	0.016%
2020141195	673	S	B ST	\$83.93	0.015%
2020141205	671	S	B ST	\$82.90	0.015%
2020141215	669	S	B ST	\$82.90	0.015%
2020141225	667	S	B ST	\$82.90	0.015%
2020141235	665	S	B ST	\$82.90	0.015%
2020141245	663	S	B ST	\$82.90	0.015%
2020141255	661	S	B ST	\$83.93	0.015%
2020141265	655	S	B ST	\$83.93	0.015%
2020141275	653	S	B ST	\$82.90	0.015%
2020141285	651	S	B ST	\$83.93	0.015%
2020141295	645	S	B ST	\$83.93	0.015%
2020141305	643	S	B ST	\$82.90	0.015%
2020141315	641	S	B ST	\$83.93	0.015%
2020141325	633	S	B ST	\$83.93	0.015%
2020141335	631	S	B ST	\$82.90	0.015%
2020141345	629	S	B ST	\$82.90	0.015%
2020141355	627	S	B ST	\$82.90	0.015%
2020141365	625	S	B ST	\$82.90	0.015%
2020141375	623	S	B ST	\$82.90	0.015%
2020141385	621	S	B ST	\$83.93	0.015%

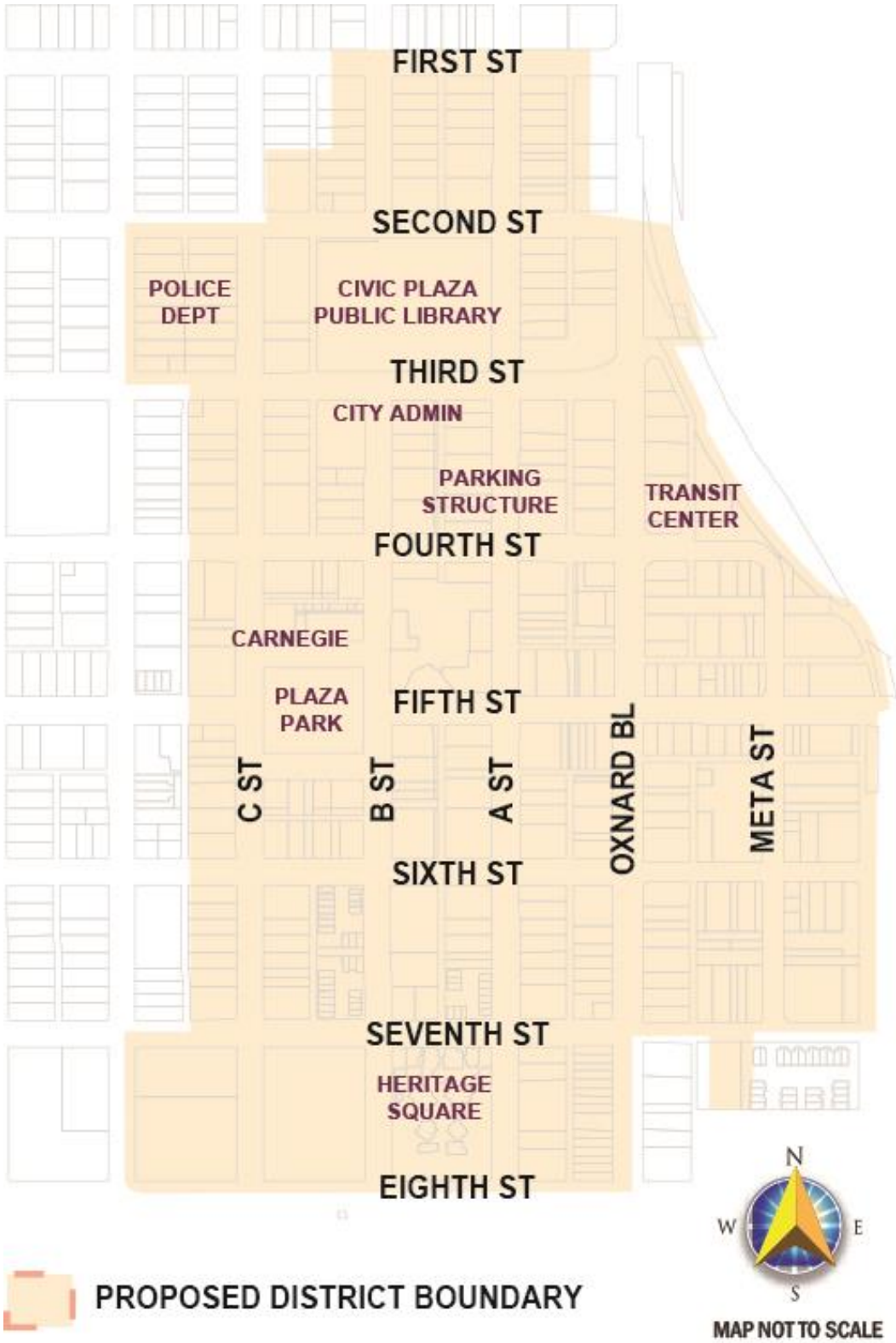
OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020141395	611	S	B ST	\$88.61	0.016%
2020141405	613	S	B ST	\$83.03	0.015%
2020141415	615	S	B ST	\$83.03	0.015%
2020141425	617	S	B ST	\$88.61	0.016%
2020142160	785	S	B ST	\$10,611.61	1.858%
2020143015	601	S	A ST	\$3,376.40	0.591%
2020143025	623	S	A ST	\$1,524.08	0.267%
2020143030	629	S	A ST	\$1,015.00	0.178%
2020143040	635	S	A ST	\$877.84	0.154%
2020143050	637	S	A ST	\$619.65	0.108%
2020143140	246	W	6TH ST	\$3,938.83	0.689%
2020143230	640	S	B ST	\$1,904.85	0.333%
2020143240	237	W	SEVENTH ST	\$1,689.18	0.296%
2020143250	235	W	SEVENTH ST	\$1,260.40	0.221%
2020144170	230	W	SEVENTH ST	\$951.05	0.166%
2020144180	220	W	SEVENTH ST	\$1,110.52	0.194%
2020144190	210	W	SEVENTH ST	\$1,170.21	0.205%
2020144200	200	W	SEVENTH ST	\$1,023.37	0.179%
2020144210	710	S	B ST	\$1,079.71	0.189%
2020144220	720	S	B ST	\$560.50	0.098%
2020144230	730	S	B ST	\$1,781.51	0.312%
2020144240	715	S	A ST	\$560.16	0.098%
2020144250	721	S	A ST	\$1,294.47	0.227%
2020144260	711	S	A ST	\$947.72	0.166%
2020144270	740	S	B ST	\$1,049.76	0.184%
2020144280	731	S	A ST	\$952.98	0.167%
2020144290	750	S	B ST	\$853.07	0.149%
2020144300	741	S	A ST	\$981.33	0.172%
2020145010	112	W	SIXTH ST	\$3,468.51	0.607%
2020145030	637	S	OXNARD BL	\$1,221.29	0.214%
2020145050	653	S	OXNARD BL	\$1,795.82	0.314%
2020145060	663	S	OXNARD BL	\$1,179.71	0.207%
2020145100	630	S	A ST	\$841.50	0.147%
2020145110	622	S	A ST	\$1,667.70	0.292%
2020145120	618	S	A ST	\$841.50	0.147%
2020145130	608	S	A ST	\$1,557.54	0.273%
2020145140	120	W	SIXTH ST	\$1,484.10	0.260%
2020145190		S	A ST	\$841.50	0.147%
2020145200	631	S	OXNARD BL	\$810.90	0.142%
2020145210	629	S	OXNARD BL	\$708.54	0.124%
2020145220	658	S	A ST	\$4,770.07	0.835%
2020145230	643	S	OXNARD BL	\$1,198.11	0.210%
2020145240	645	S	OXNARD BL	\$1,327.28	0.232%
2020146010	110	W	7TH ST	\$1,935.45	0.339%
2020146020	705	S	OXNARD BL	\$1,120.73	0.196%
2020146030	711	S	OXNARD BL	\$1,051.88	0.184%
2020146040	715	S	OXNARD BL	\$742.05	0.130%
2020146050	719	S	OXNARD BL	\$948.60	0.166%
2020146070	733	S	OXNARD BL	\$1,335.95	0.234%
2020146080	737	S	OXNARD BL	\$776.48	0.136%
2020146090	745	S	OXNARD BL	\$604.35	0.106%

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2020146100	755	S	OXNARD BL	\$1,017.45	0.178%
2020146110	749	S	OXNARD BL	\$604.35	0.106%
2020146120		S	OXNARD BL	\$604.35	0.106%
2020146130	761	S	OXNARD BL	\$879.75	0.154%
2020146140	752	S	A ST	\$2,747.34	0.481%
2020146150	744	S	A ST	\$1,428.94	0.250%
2020146180	700	S	A ST	\$2,280.28	0.399%
2020146190		S	OXNARD BL	\$604.35	0.106%
2020146200		S	OXNARD BL	\$604.35	0.106%
2020146210	723	S	OXNARD BL	\$604.35	0.106%
2020146220	708	S	A ST	\$4,889.15	0.856%
2020380015	651	S	A ST	\$118.49	0.021%
2020380025	653	S	A ST	\$96.05	0.017%
2020380035	655	S	A ST	\$120.69	0.021%
2020380045	657	S	A ST	\$120.69	0.021%
2020380055	659	S	A ST	\$96.05	0.017%
2020380065	661	S	A ST	\$118.49	0.021%
2020380075	211	W	SEVENTH ST	\$120.69	0.021%
2020380085	213	W	SEVENTH ST	\$96.05	0.017%
2020380095	215	W	SEVENTH ST	\$118.49	0.021%
2020380105	645	S	A ST	\$120.69	0.021%
2020380115	643	S	A ST	\$95.36	0.017%
2020380125	641	S	A ST	\$118.49	0.021%
				\$571,274.14	100.000%

APPENDIX 2



RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OXNARD STATING ITS INTENTION TO
RENEW AND EXPAND THE OXNARD DOWNTOWN MANAGEMENT DISTRICT
AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT
PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT
LAW OF 1994, PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND
HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING
OBJECTIONS THERETO

WHEREAS, the Property and Business Improvement District Law of 1994, Part 7 of Division 18 of the California Streets and Highways Code, commencing with Section 36600, (the “Law”) authorizes cities and counties to establish property and business improvement districts (PBID) to promote the economic revitalization and physical maintenance of business districts; and

WHEREAS, the Law authorizes cities and counties to levy and collect assessments on real property within such districts for the purpose of providing improvements and promoting activities that specially benefit real property within such districts; and

WHEREAS, on May 1, 2001, the City Council of the City of Oxnard established a property and business improvement district in Downtown Oxnard for a five-year period known as the Oxnard Downtown Management District; and

WHEREAS, on July 25, 2006, the City Council of the City of Oxnard renewed the Oxnard Downtown Management District for a five-year period; and

WHEREAS, on August 2, 2011, the City Council of the City of Oxnard renewed the Oxnard Downtown Management District for a three-year period; and

WHEREAS, on July 22, 2014, the City Council of the City of Oxnard renewed the Oxnard Downtown Management District for a five-year period; and

WHEREAS, on July 16, 2019, the City Council of the City of Oxnard renewed the Oxnard Downtown Management District for a five-year period; and

WHEREAS, unless renewed again by the City Council, the Oxnard Downtown Management District’s authority to levy assessments will have ended with property tax year 2023-2024 with operations to end by December 31, 2024; and

WHEREAS, a written petition has been submitted by property owners within Downtown Oxnard requesting the City Council to initiate proceedings pursuant to the Law to renew and expand the Oxnard Downtown Management District; and

WHEREAS, such petition was signed by property owners in the proposed renewed and expanded district who will pay more than fifty percent (50%) of the assessments proposed to be levied; and

WHEREAS, a Management District Plan entitled the “Oxnard Downtown Management District Plan” (the “Management District Plan”) has been prepared and submitted to the

City Clerk, containing all of the information to renew and expand the District required by Section 36622 of the Law, including a description of the expanded boundaries of the district, the term of the renewed District (five years), the improvements and activities proposed for the district, and the cost of such improvements and activities; and

WHEREAS, Articles XIIC and XIID of the California Constitution and Section 53753 of the California Government Code impose certain procedural and substantive requirements relating to the levy of new or increased assessments, including mailing of a notice to each affected property owner regarding the proposed assessment, conducting a ballot procedure; and holding a public hearing; now therefore be it

RESOLVED, that the City of Oxnard City Council declares as follows:

Section 1. Pursuant to Section 36621(a) of the Law, the City Council declares its intention to renew and expand “The Oxnard Downtown Management District” (the “District”) for five (5) years, and to levy and collect assessments against lots and parcels of real property within the District, commencing with fiscal year 2024-25.

Section 2. The City Council hereby approves the Management District Plan, on file in the office of the City Clerk.

Section 3. The City Clerk shall make the Management District Plan and other documents related to the District available to the public for review during normal business hours.

Section 4. NOTICE IS HEREBY GIVEN that the City Council shall conduct a public hearing on the renewal and expansion of the District and the levy and collection of assessments for fiscal year 2024-25 on July 2, 2024 at 6 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 305 W. Third St., Oxnard, California 93030. At the public hearing, the City Council will consider all objections or protests, if any, to the proposed renewal and expansion of the District and the proposed assessment. Any interested person may present written or oral testimony at the public hearing.

Section 5. The boundaries of the proposed renewed District include an approximate 35 block area bounded roughly by First Street on the north, the railroad tracks/Oxnard Boulevard on the east, 8th Street on the south and C Street/D Street on the west.

Section 6. The proposed activities for the District include providing street, sidewalk, alley and public parking lot cleaning and other municipal services supplemental to those normally provided by the City of Oxnard, additional public safety services, image enhancement, promotions and marketing, expansion of physical amenities throughout Downtown, related management and operation services, and other improvements and activities which benefit businesses and real property located in the District.

Section 7. The assessment proposed to be levied and collected for fiscal year 2024-25 is approximately \$572,250. A maximum increase of 5% per annum, upon approval of the Property Owner’s Association Board may be imposed. Assessments may also be increased where new building construction occurs on parcels within the District which exceeds the current building area.

Section 8. No bonds shall be issued in conjunction with the renewal of the District.

Section 9. The City Clerk is hereby authorized and directed to give notice of the public hearing as provided in Section 53753 of the Government Code and Article XIID, Section 4 of the California Constitution.

PASSED AND ADOPTED THIS 30th day of April, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

CITY CLERK

Approved as to form:

CITY ATTORNEY



Board of Directors 2023-24

The Downtown Oxnard Improvement Association is a 501c3 nonprofit governed by a Board of Directors of property and business owners.

Executive Board

Angela Whitecomb, Chair
John Pence Building

Osbaldo Lopez, Vice Chair
Casa Lopez

Mark Spellman, Treasurer
Lazer Media

Lorenzo Castillo, Secretary
Exit Castillo Realty

Directors

Walter Beaumont
Cabrillo Economic Development Corporation

Gary Blum
Heritage Square POA

Michael Darden
Ventura County Rescue Mission

Rex Levi
Rex Levi Broker

Tiffany Lopez
Dr. Manuel Lopez Family Trust

Matt Mansi
Aldersgate Investment

Priti Patel
City Center Motel

Emilio Ramirez
City of Oxnard

Doug Spondello
Centennial Plaza

Kimberly Vazquez
COVA Realty

Management & Administration

Abel Ramirez Magaña
Executive Director

Sarah Morales
Program Coordinator

District Safety
Professional Security Consultants, Inc.
805-422-2020

Cleaning & Ambassador Services
District Maintenance Services, Inc.
805-253-2251

DOIA Offices
519 S. C St.
Oxnard, CA 93030
805-385-2705

www.DowntownOxnard.org

THE VALUE OF WHAT WE DO

The PBID functions similar to a mall management company, which maintains common areas and promotes a shopping center with fees collected from individual tenants. The chart below compares PBID costs & benefits to estimated Common Area Maintenance (CAM) fees at two local commercial centers based on a 1,600 square foot retail space:

	The Collection	The Esplanade	ODMD PBID
Annual CAM/PBID	\$16,944	\$16,704	\$746
Cleaning	✓	✓	✓
Security	✓	✓	✓
Marketing	✓	X	✓
Special Events	X	X	✓
Advocacy	X	X	✓

THANKS TO YOU, WE DO

District Safety Patrols
Homeless Outreach
Sidewalk / Curb Sweeping
Pressure Washing
Trash Enclosure Cleaning
Weed Abatement
Graffiti Removal
Print & Online Marketing
Special Events Production
Holiday Street Decorations
Sidewalk Planters & Art
Business Assistance



NEW DEVELOPMENT RISING UP



\$88MM IN NEW CONSTRUCTION
700+ HOUSING UNITS PROPOSED
3 CANNABIS STORES PERMITTED
14,374 SF
COMMERCIAL SPACE PLANNED

COME TO A PBID INFO SESSION

Dates: Tues., March 26th at 2 p.m.
Thurs., March 28th at 5:30 p.m.
Wed., April 3rd at 2 p.m.
Tues, April 9th at 2 p.m.

Place: 519 S. C St., Oxnard

1:1 meetings available by appointment, email info@downtownoxnard.org



WE ARE AS WE DO



WE ARE THE "HEART OF THE CITY"

As the cultural and historic commercial center of Oxnard, what we do here is an authentic reflection of our community.

The Downtown Oxnard Property-based Business Improvement District (**PBID**) was established to promote a clean, safe, and attractive center where business can thrive and generations of residents and visitors connect via wonderful experiences.

The PBID provides **special benefits** for this special place, over and above what the City ordinarily provides to the general public (basic services such as trash pickup and police). PBID services are provided only within the district boundaries.

The PBID is managed by **invested stakeholders** organized as the nonprofit Downtown Oxnard Improvement Association (DOIA), assuring the equitable delivery of maintenance, safety, beautification, marketing, and business support services to over 200 property owners and 300-plus merchants.

Daily operations are administered by dedicated staff guided by the 5-year **Management District Plan** and an annual work plan developed and overseen by a volunteer Board of Directors comprised of Downtown property owners and merchants.

Downtown isn't some generic strip mall or big box center run by outside corporate interests. It is the real center of the City powered by you. Thank you for recognizing the importance of what we do – together. We couldn't do it without you!

“Downtown has been cleaned up.
It's so much nicer and welcoming
than years ago. You've helped me
find good tenants.
~ Carmen Davenport
C Street Property owner

RENEW... BECAUSE THERE'S MORE TO DO

Downtown has made tremendous progress as shown in the tangible improvements, service metrics, and new developments summarized within this brochure.

Continuing the PBID ensures an active partnership in the future of Downtown by leveraging your investment to secure public funds and support.

Investors seek well-maintained, safe markets with upside. Established local merchants rely on the PBID and are more likely to renew leases if they feel supported. PBID staff serve as your "tenant relations agent" on-the-ground daily.

The PBID is an economical way to keep the progress going. State law requires that the district must be renewed by its property owners through a petition and ballot process. The PBID's current term ends on December 31, 2024. The time to renew is now.



**WE HELP MAKE
DOWNTOWN A
GREAT PLACE
TO DO
BUSINESS**

STEPS TO RENEW

1. Review the information in this brochure
2. Review your PBID assessment
3. Contact us with any questions
4. Sign & return the enclosed petition by April 15, 2024
5. Vote "YES" on your ballot mailed in May

LET'S DO THIS!



WHAT WE DO, BY THE NUMBERS

53,854 LBS
LITTER PICKED UP

3,394
TAGS GRAFFITI &
STICKERS REMOVED

121
BLOCKS
PRESSURE WASHED

2,759
TRESPASSING,
ANTI-SOCIAL
INCIDENTS DISPATCHED

1,956 HOURS
SECURITY PATROLS

879
VISITOR DIRECTIONS
PROVIDED

300+
MERCHANT OUTREACH
SERVICES CONTACTS



312K
REACHED ACROSS
SOCIAL MEDIA

10,300
INSTAGRAM FOLLOWERS

8,800
FACEBOOK FANS

20K
WEBSITE UNIQUE VISITORS

34K
EMAILS DELIVERED



10,000+
SPECIAL EVENTS
ATTENDEES

162
SIDEWALK PLANTERS
MAINTAINED

12
UTILITY BOX
MURALS INSTALLED

100+
STREET LAMPS
DECORATED FOR
HOLIDAYS & CIVIC PRIDE



MANAGEMENT DISTRICT PLAN SUMMARY

The Oxnard Downtown Management District is a property-based Business Improvement District (PBID) being renewed for a 5 year period by a consortium of business and property owners within Downtown Oxnard. The District was originally formed in 2001 for a 5 year period. It was renewed and expanded in 2006 for another 5 year term, renewed for a 3 year term in 2011 and renewed for 5 year terms in 2014 and 2019. The purpose of this District is to continue to provide and manage supplemental services and improvements for this important business center, including a civil sidewalks (clean and safe) program, district identity and a program of installing and upgrading placemaking and physical amenities throughout the greater Downtown area. The PBID is a unique benefit assessment district that will enable the District property/business owners and residents, working as a unit, to continue to fund needed property and business related services, programs and improvement projects above what can and is provided by the City of Oxnard.

Name: The name of the PBID is the Oxnard Downtown Management District.

Location: The PBID is located in the center of Oxnard and is bounded roughly by First Street on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. It is noted that ODMD is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. There is one benefit zone (See map).

Zones: There is one benefit zone within the renewed PBID.

Services: Civil Sidewalks, District Identity/Placemaking and Organization.

Finance: Benefit assessment of real property (432 parcels). No bonds shall be issued to fund ODMD programs.

Budget: PBID assessment revenue for Year 1 (2024-25) is projected to be \$571,274. It is noted that the Assessment Engineer has determined that general benefits equate to 2.0% of the total adjusted PBID program costs of \$582,933 or \$11,659. (See attached Engineer's Report for more details on benefit costs). General benefit costs shall be derived from non-assessment revenue sources such as grants, program income, credits, interest, memberships and other sources.

ODMD PBID 2025 PROPOSED BUDGET		
Civil Sidewalks	\$335,000	59%
District Identity	\$83,250	14%
Organization	\$154,000	27%
TOTAL	\$572,250	100%

Benefits: General Benefit is defined as: A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied. Special Benefit as defined by the California State Constitution means a distinct benefit over and above general benefits conferred on real property located in the ODMD or to the public at large.

Assessment Formula: There is one benefit zone in the PBID. Year 1 property assessment rates per parcel are as follows:

Assessment Formula Special Circumstances: Lower Tier Residential Uses (1-6 residential units including residential condominiums): Assess only building area and at 50% of commercial building area rate with no assessment for land area or street frontage.

Upper Tier Residential Uses (7+ residential units): Assess building area, land area and street frontage, all at 50% of commercial rates.

Mixed-Use Parcels: Assess commercial portions of parcel at building area, land area and street frontage at commercial rates for parcel area covered by commercial uses. Assess residential portions based on the criteria above based on the tier (i.e. number of residential units).

Government/Non-Profit Owned and Occupied: Assess only for land area and street frontage at commercial rates with no assessment for building area.

Cap: Assessment increases are capped at a maximum of 5% per year, subject to approval by the PBID Property Owner Association Board of Directors.

Renewal: PBID renewal is a two-step process. First, petitions signed by PBID property owners representing at least 50% of the total assessment to be levied must be secured. Second, property owners will be sent a ballot to vote on the PBID renewal. Returned ballots in support of the PBID renewal must outweigh those in opposition based on the amount of assessment to be levied.

Duration: The renewed PBID will have a term of five (5) years. After five years, the petition and balloting process must be repeated in order to renew the PBID and levy assessments again at that time.

DO THE MATH

Sample assessment for a 2,000 sf commercial building on a 3,500 sf lot:

Land Parcel Fee:	1 x \$397.80 =	\$397.80
Land Area Fee:	3,500 sq ft x \$0.0306/sf =	\$105.00
Building Area Fee:	2,000 sq ft x \$0.1377/sf =	\$276.00
Street Frontage Fee:	25 LF x \$4.59/LF =	\$114.75
Total Annual Assessment:		\$893.55

This example breaks down to \$74.50/month or just \$2.49/day.



*Full plan at DowntownOxnard.org/Renew

CITY OF OXNARD

NOTICE OF PUBLIC HEARING REGARDING PROPOSED RENEWAL AND EXPANSION OF THE OXNARD DOWNTOWN MANAGEMENT DISTRICT AND PROPOSED LEVY OF ASSESSMENT

The City Council of the City of Oxnard by adoption of Resolution No. _____ declared its intention to renew and expand the boundaries of the Oxnard Downtown Management District - a property and business improvement district (PBID) and to levy and collect an assessment within the PBID commencing with fiscal year 2024-25. The purpose of the assessment is to continue to provide funding for various improvements and activities, including security, street and sidewalk cleaning, marketing and business development, beautification, management and other improvements and activities which benefit businesses and real property in the PBID.

NOTICE IS HEREBY GIVEN that the Oxnard City Council will conduct a public hearing on the renewal and expansion of the PBID and the levy and collection of assessments commencing with fiscal year 2024-25 on July 2, 2024 at 6:00 p.m. or as soon thereafter as the matter may be heard, in the Council Chambers, at City Hall, 305 W. Third Street, Oxnard, CA 93030.

Renewal and expansion of the PBID was requested by a written petition of property owners within the proposed renewed and expanded PBID, and the PBID may only be renewed if approved by property owners through the ballot process described below. Any funds collected by the City may only be used for the proposed improvements and activities within the PBID.

The proposed renewed and expanded PBID has a duration of five (5) years. The total amount of the proposed assessment for the PBID for property tax year 2024-2025 is approximately \$572,250.00. In future years, the amount of the assessment may increase up to five percent each year upon approval of the Property Owner's Association Board.

The assessment for property tax year 2024-2025 for each parcel is generally calculated on the basis of the parcel's land area, the gross building area and the total street frontage. The PBID has one benefit zone. Property tax year 2024-2025 property assessment rates per parcel are \$397.80 plus 3.06 cents per square foot of land, plus 13.77 cents per square foot of building, plus \$4.59 per linear foot of street frontage. Institutional/Non-Profit/Government owned and occupied parcels shall be exempt from the building area portion of the assessment. Lower Tier Residential Uses (1-6 residential units including residential condominiums) will be assessed only for building area and at 50% of the commercial building area rate with no assessment for land area or street frontage. Upper Tier Residential Uses (7+ residential units) will be assessed for building area, land area and street frontage, all at 50% of the commercial rates. Mixed-Use Parcels will be assessed for commercial portions of parcel at commercial building area, land area and street frontage rates for parcel area covered by commercial uses while assessments for residential portions will be based on the residential tier criteria described above.

Additional information on the proposed PBID, including the proposed boundaries, is included in the Management District Plan which is on file in the office of the City Clerk and available to the public for review during normal business hours and which can be obtained by contacting Emilio

Ramirez at the Housing & Economic Development Department at 805-385-7407.

To complete the attached assessment ballot, mark the box indicating whether you are in favor of or oppose the proposed assessment, and sign the statement certifying you are authorized to submit an assessment ballot on behalf of the parcel(s) identified on the assessment ballot. If your ballot is lost or damaged, or if you never received a ballot, duplicate ballots will be available at the Community Development Department at 305 W. Third Street, Oxnard, CA, 93030, and at the public hearing. (See the enclosed Procedures for the process to obtain a duplicate ballot.)

Assessment ballots may be mailed to the Oxnard City Clerk at 300 W. Third Street, Fourth Floor, Oxnard, CA, 93030. Assessment ballots may also be delivered in person to the City Clerk's Office or at the public hearing on the PBID. To ensure that your ballot is counted, it must be received prior to the close of the public input portion of the public hearing on the PBID, which is scheduled to begin on July 2, 2024, at 6:00 p.m.

An impartial person designated by the City will tabulate the returned assessment ballots at the close of the public hearing on the PBID. Proceedings to renew the PBID will be abandoned if a majority protest exists at the conclusion of the public hearing. A majority protest exists if ballots submitted in opposition to the assessment outweigh the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proposed assessment against the property, or, in some cases, by the share of the proposed assessment proportional to the protesting owner's interest in the property.

Enclosed are the City's Procedures Applicable to the Completion, Return and Tabulation of Ballots. Please consult these Procedures for details regarding the ballot process. Should you have any questions regarding the balloting process or regarding the specifics of the proposed renewed and expanded PBID, please contact Emilio Ramirez at the Housing & Economic Development Department at 805-385-7407 for more information.

CITY OF OXNARD - OFFICIAL ASSESSMENT BALLOT

Oxnard Downtown Management District – A Property & Business Improvement District

Being renewed and expanded for five (5) years pursuant to Section 36600 of the California Streets & Highways Code

1. PLEASE MARK EITHER “YES” OR “NO” BELOW
2. PRINT YOUR NAME AND SIGN AND DATE THE BALLOT
3. PUT THE COMPLETED BALLOT IN THE “BALLOT SECRECY ENVELOPE”
4. PUT THE SECRECY ENVELOPE IN THE ENCLOSED STAMPED PRE-ADDRESSED RETURN ENVELOPE AND PLACE IN MAIL

(PLEASE REFER TO THE PROPOSED 2024-25 ASSESSMENT ON THE BACKSIDE OF THIS BALLOT) 

☐

YES, I APPROVE of the proposed assessment on the parcel(s) identified on this ballot.

☐

NO, I DO NOT APPROVE of the proposed assessment on the parcel(s) identified on this ballot

Printed Name

Date



Signature of Record Owner or Authorized Representative

I hereby declare, under penalty of perjury under the laws of the State of California, that I am authorized to submit an assessment ballot on behalf of the parcel(s) identified on this assessment ballot.

Please return ballot either by mail or in person by **4 PM, July 2, 2024** to:

CITY OF OXNARD
CITY CLERK'S OFFICE
300 W. THIRD ST, 4TH FL
OXNARD CA 93030

NOTE: IN ORDER TO BE COUNTED, IF THE DEADLINE SHOWN ABOVE IS NOT MET, THIS ASSESSMENT BALLOT MUST BE RECEIVED BY THE CITY CLERK IN THE COUNCIL CHAMBERS PRIOR TO THE CLOSE OF THE PUBLIC INPUT PORTION OF THE PUBLIC HEARING TO RENEW THIS DISTRICT, WHICH IS SCHEDULED TO BEGIN AT 6:00 PM ON TUESDAY JULY 2, 2024. IF A MAJORITY OF ASSESSMENT BALLOTS RECEIVED (AS WEIGHTED BY ASSESSMENTS) OPPOSE THE DISTRICT ASSESSMENT, THE DISTRICT WILL NOT BE RENEWED, AND THE ASSESSMENTS WILL NOT BE LEVIED.

CITY OF OXNARD

OXNARD DOWNTOWN MANAGEMENT DISTRICT PROCEDURES APPLICABLE TO THE COMPLETION, RETURN, AND TABULATION OF BALLOTS

I. Completion of Assessment Ballots

- **Who may complete a ballot**

An assessment ballot (“ballot”) may be completed by the owner of the parcel to be assessed. As used in these Procedures, the term “owner” includes the owner’s authorized representative. If the owner of the parcel is a partnership, joint tenancy, or tenancy in common, a ballot may be completed by any of the general partners, joint tenants or tenants in common. Except as set forth below, only one ballot may be completed for each parcel.

- **Proportional assessment ballots**

If a parcel has multiple owners, any owner may request a proportional ballot. If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, such request must include evidence, satisfactory to the City, of the owner’s proportional rights in the parcel. The City will provide the proportional ballot to the owner at the address shown on the assessment roll. Any request for a ballot to be mailed to another location must be made in writing and must include evidence, satisfactory to the City, of the identity of the person requesting the ballot. Each proportional ballot will be marked to show the date on which the ballot was provided, to identify it as a proportional ballot and to indicate the owner’s proportional rights in the parcel. The City will keep a record of each proportional ballot provided to an owner.

- **Duplicate ballots**

If the ballot is wrongly marked, torn or defaced, the City Clerk will provide a duplicate ballot to the owner upon surrender of such ballot. In addition, if a ballot is lost, destroyed or never received, the City Clerk will provide a duplicate ballot to the owner upon receipt of a statement, signed under penalty of perjury, that the owner has either failed to receive, lost, or destroyed his or her original ballot. The written request for a duplicate ballot shall be delivered to the City Clerk’s Office at 305 W. Third Street Oxnard, California, 93030, or at the public hearing on the proposed assessment. The duplicate ballot will be marked to show the date on which the ballot was provided and to identify it as a duplicate ballot.

To complete a ballot, the owner of the parcel must (1) stamp or mark the appropriate box supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is authorized to submit a ballot on behalf of the parcel(s) identified on the ballot. Only one box may be stamped or marked on each ballot. Ballots must be completed in ink.

- Only assessment ballots provided by the City will be accepted

The City Clerk will only accept ballots mailed or otherwise provided to owners by the City. Photocopies, faxes, and other forms of the ballots will not be accepted.

II Return of Assessment Ballots

- **Who may return ballots**

A ballot may be returned by the owner of the parcel or by anyone authorized by the owner to return the ballot.

- **Where to return ballots**

Ballots may be mailed to the address indicated on the ballot. Ballots may also be delivered in person to the City Clerk's Office at 305 W. Third Street Oxnard, California, 93030, or at the public hearing on the proposed assessment.

- **When to return ballots**

All returned ballots must be received by the City Clerk prior to the time the City Council closes the public input portion of the public hearing on the proposed assessment. The public input portion of the public hearing may be continued from time to time. The City Clerk will stamp on each ballot the date of its receipt.

To ensure that mailed ballots are received by the City Clerk prior to the conclusion of the public input portion of the public hearing, mailed ballots must be received by the City Clerk prior to that time. Ballots received on the date scheduled for the public hearing will only be counted if the ballots are received by the City Clerk prior to the conclusion of the public input portion of the public hearing. The City makes no representation as to whether the public input portion of the public hearing will be concluded on the date scheduled for commencement of the public hearing or continued to a later date.

- **Withdrawal of assessment ballots**

After returning a ballot to the City, the person who signed the ballot may withdraw the ballot by submitting a written request to the City Clerk directing the City Clerk to withdraw the ballot. Such request must be received by the City Clerk prior to the close of the public input portion of the public hearing on the proposed assessment. If any ballot has been withdrawn, the person withdrawing the ballot may request a duplicate ballot. The City Clerk will retain all withdrawn ballots and will indicate on the face of such ballots that they have been withdrawn.

III. Tabulation of Assessment Ballots

- **Which assessment ballots will be counted**

Only ballots which are completed and returned in compliance with these procedures will be counted. Ballots received by the City Clerk after the close of the public input portion of the public hearing on the proposed assessment will not be counted. Ballots which are not signed by the owner will not be counted. Ballots with no boxes marked, or with more than one box marked, will not be counted. Ballots marked in pencil will not be counted. Ballots withdrawn in accordance with these procedures will not be counted.

The City Clerk will keep a record of each proportional or duplicate ballot provided to an owner and will verify, prior to counting any duplicate ballot, that only one ballot has been returned for the parcel (or for the owner in the case of proportional ballots). If a non-duplicate ballot has been returned, the City will count the non-duplicate ballot and void all duplicate ballots. If only duplicate ballots have been returned, the City will count the earliest provided duplicate ballot and void the later provided duplicate ballots. If an owner returns both a non-proportional ballot and a proportional ballot, the City will count the proportional ballot and void the non-proportional ballot.

- **When and where assessment ballots will be tabulated**

The final tabulation of ballots will be performed at the public hearing following the close of the public input portion of the public hearing. The public hearing may be continued from time to time for the purpose of tabulating ballots.

- **How assessment ballots will be tabulated**

The City may presort and determine the proportionate weight of the returned ballots prior to tabulating the ballots. Ballots may be counted by hand, by computer or by any other tabulating device.

Ballots will be weighted according to the proportional financial obligation of the affected property; provided, however, that proportional ballots shall be weighted in accordance with the respective ownership interests of each proportional ballot submitted. If one or more proportional ballots are returned for a parcel and a non-proportional ballot is returned for the parcel, the non-proportional ballot will either be disregarded (if the same owner has returned a proportional ballot) or treated as a proportional ballot (if the same owner has not returned a proportional ballot).

- **Who will tabulate assessment ballots**

Ballots will be tabulated by the City Clerk and other non-biased designees.

- **Results of tabulation**

The results of the tabulation will be announced following the completion of the tabulation and entered in the minutes of the City Council's meeting. If ballots submitted in opposition to the proposed assessment exceed the ballots submitted in favor of the proposed assessment (as tabulated above), the assessment will not be

imposed.

IV. Resolution of Disputes

In the event of a dispute regarding whether the signer of a ballot is the owner of the parcel to which the ballot applies, the City will make such determination from the last equalized assessment roll and any evidence of ownership submitted to the City Clerk prior to the conclusion of the public hearing. The City will be under no duty to obtain or consider any other evidence as to ownership of property and the City's determination of ownership will be final and conclusive. In the event of a dispute regarding whether the signer of a ballot is authorized to submit a ballot on behalf of the parcel, the City may rely on the statement on the ballot, signed under penalty of perjury, that the person completing the ballot is authorized to submit a ballot and any evidence submitted to the City Clerk prior to the conclusion of the public hearing. The City will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is authorized to submit a ballot and the City's determination will be final and conclusive.

V. General Information

The ballots will be opened at the conclusion of the public input portion of the public hearing by the City Clerk. Following the public hearing, all returned ballots are public records. For further information regarding the ballot process or the proposed District, contact Emilio Ramirez at the City of Oxnard Housing Department at City Hall at 805-385-8094.

OXNARD DOWNTOWN

Management District



Oxnard Downtown Management District Renewal and Expansion

Emilio Ramirez, Director
Housing Department

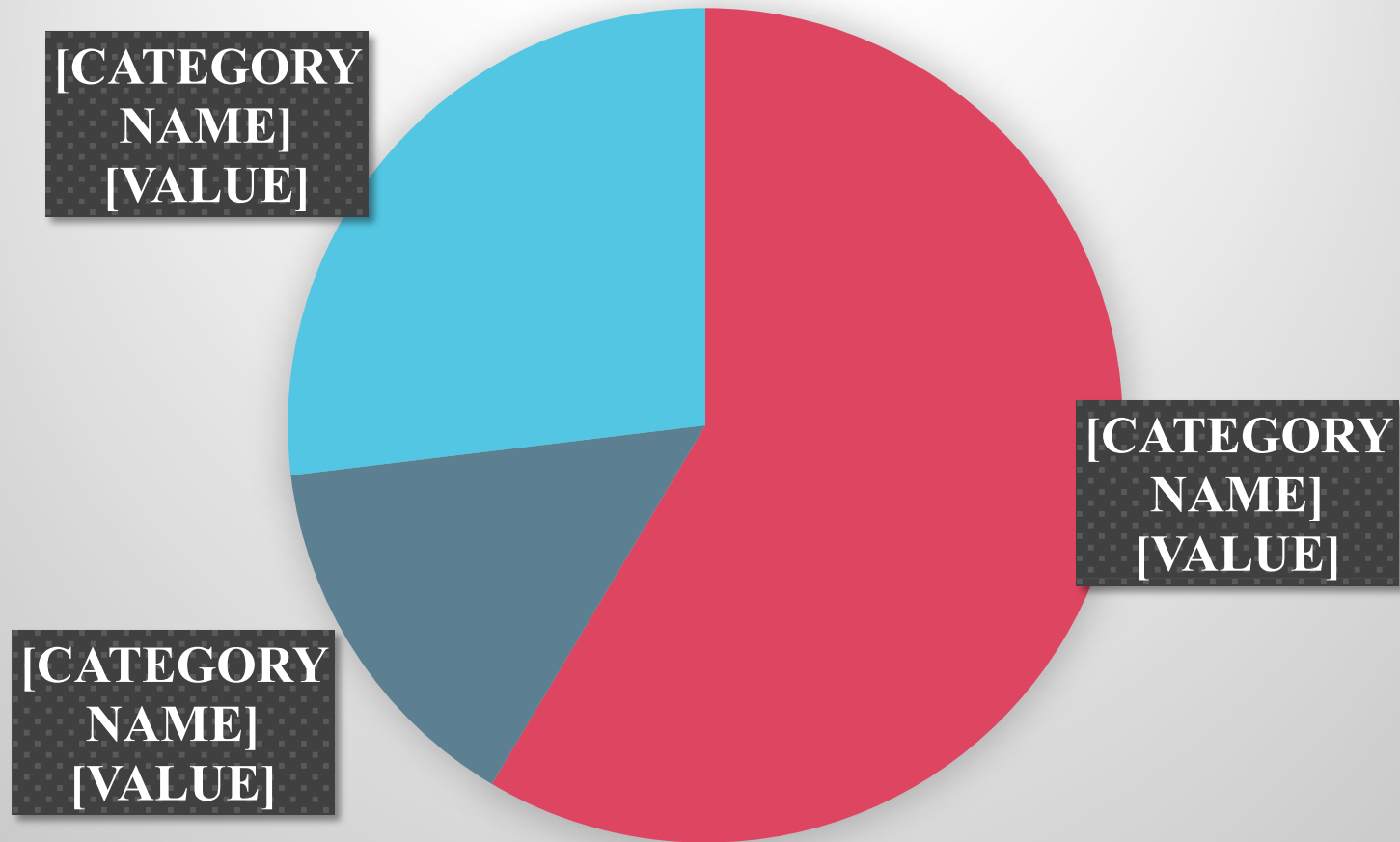
City Council
April 30, 2024

- 1) Oxnard Downtown Management District is a Property Based Business Improvement District, which is allowed under state law under the Streets and Highways Code (Section 36600 et seq)
- 2) Provides benefit services supplemental to City Baseline
 - a) Similar to Mall Management or a Home Owners Association
 - b) Property owners within ODMD boundaries assessed
- 3) ODMD established in 2001 and has renewed 4 times
- 4) Current term expires December 31, 2024

- 1) ODMD is being expanded to the North to 1st Street from the centerline of B Street to Oxnard Boulevard
- 2) Approximate 35-block area bounded by
 - a) 1st Street on the North
 - b) 8th Street on the South
 - c) The railroad tracks and Oxnard Boulevard on the East
 - d) C Street on the West



Proposed Work Plan Budget



Total Budget - \$572,250

1. Property owners petitions representing more than 50% of the total assessments to be collected (Complete)
2. City Council adopts a Resolution of Intention to renew the ODMD (Current Step)
3. City Council conducts a Public Hearing no less than 45 days from the date of the Ballot mailing to consider the proposed assessment – July 2, 2024
4. Providing there is not a majority opposition to the ODMD renewal, the City Council may adopt a Resolution renewing the ODMD

That the City Council

1. Adopt a Resolution of Intention to Renew and Expand the Oxnard Downtown Management District, located in Downtown Oxnard, the boundaries of which are approximately First Street on the north, the railroad tracks and Oxnard Boulevard on the east, 8th Street on the south, and C Street on the west
2. Levy and collect assessments therein in the amount of \$572,250 in fiscal year 2024-25 and to hold a public hearing on July 2, 2024
3. Hold a public hearing on July 2, 2024 on said renewal and levy of assessments





CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. K.4

DATE: April 30, 2024

TO: City Council

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

SUBJECT: Downtown Oxnard Improvement Association Annual Update. (10 Minutes)

RECOMMENDATION

That the City Council receive and file the Fiscal Year 2023-24 Annual Update and presentation on the Oxnard Downtown Management District.

(This item did not originate in Committee.)

(Presentation will be live upon Downtown Oxnard Improvement Association member request).

BACKGROUND

In May 2001, the City Council of the City of Oxnard established the downtown property-based business improvement district named the Oxnard Downtown Management District. Owners of real property within the district boundaries are assessed based on the size of their parcel, building square footage, and sidewalk frontage. The district encompasses forty city blocks in size and has been renewed four times. It is currently authorized until December 2024.

In 2019, the organization that administers the funds collected from these assessments began the transition to become a 501(c)(3) public benefit nonprofit corporation, governed by elected volunteer officers and board of directors incorporated as the Downtown Oxnard Improvement Association (DOIA).

A five-year Management District Plan was adopted concurrently with the renewal of the business improvement district and allocated the budget among four program areas. While day-to-day operations are completed by the DOIA staff, the volunteer board of directors provide guidance and oversight.

On June 1, 2021, the City of Oxnard entered into a Management and Disbursement Agreement ("Agreement") with the Downtown Oxnard Improvement Association. The City of Oxnard serves as the pass-through agency to collect the assessments, holds a seat on the Board of Directors, and works closely with DOIA to enhance and revitalize the Oxnard downtown.

Fiscal year 2023-24 operated under the direction of a board of directors comprised of a variety of stakeholders including property owners, developers, non-profits, and interested community members. This larger board facilitated a four-committee structure to achieve tangible objectives.

The current board of directors include:

1. Angela Whitecomb, Chairwoman, John Pence Building
2. Ozzie Lopez, Vice Chairman, Casa Lopez
3. Mark Spellman, Treasurer, Lazer Media
4. Lorenzo Castillo, Secretary, Exit Castillo Realty

5. Emilio Ramirez, City of Oxnard
6. Doug Spondello, Centennial Plaza
7. Rex Levy, Rex Levy Realtor
8. Matt Mansi, Aldersgate Investments
9. Gary Blum, Heritage Square Owners Association
10. Michael Darden, Ventura County Rescue Mission
11. Tiffany Lopez, Dr. Manuel Lopez Family Trust
12. Walter Beaumont, Cabrillo Economic Development Corporation
13. Priti Patel, City Center Motel
14. Kimberly Vasquez, COVA Realty

In fiscal year 2023-24, \$512,000 was collected through property-based assessments. An additional \$28,886 of non-assessment revenue was also generated by DOIA, bringing the total fiscal year revenue to \$540,886. The revenue was used to fund “special benefits”, defined in the California State Constitution as “benefits over and above the general benefits conferred on real property located in the district boundaries or to the public at large.”

In accordance with the approved Management District Plan, DOIA delivered services across four major program areas. Below is a summary of the budget that was allocated to each program area and a brief description. For more information regarding each area’s 2023-24 accomplishments, please refer to Attachment 1.

Administration (Board Chair: Angela Whitecomb) Budget: \$156,407

Oversees staff and administration, corporate finances, contracts, insurance, budget preparation, fund development, board agendas, advocacy, outreach, bylaws and policies, government and community relations, and Board elections.

Civil Sidewalks (Committee Chair: Ozzie Lopez) Budget: \$311,004

The purpose of the Civil Sidewalks Committee is to assure that the property within the district boundaries is “Clean and Safe”. The budget allocation of fifty-eight percent reflects that maintaining an environment that fosters business and community activation in the downtown is a priority. The Civil Sidewalks Committee oversees the contract with District Maintenance Services to provide daily cleaning of public spaces. Their services include sidewalk sweeping, steam cleaning, maintaining sidewalk planters, graffiti abatement and visitor assistance.

In collaboration with the Oxnard Police Department, the committee also oversees the contract with Professional Security Consultants, the security guard service that patrols the area within the district boundaries daily. Their services include truck and bike patrols, reporting suspicious activity, assisting with traffic control, visitor assistance, managing vagrancy issues, and reporting street light outages.

District Identity and Placemaking (Committee Chair: Gary Blum) Budget: \$73,475

The purpose of this committee is to enhance downtown Oxnard’s brand, improve public perception, and to position the downtown area within the district boundaries as a regional business and cultural attraction. The committee accomplishes this by marketing and promoting positive activities and events in downtown.

Land Use (Committee Chair: Matt Mansi) No Budget Allocation

The purpose of the Land Use Committee is to research and advocate on issues including parking, transportation, mobility, planning, zoning, regional public transportation, review of new developments, outdoor dining, merchant mix, and business recruitment.

Although the Land Use Committee has no budget allocation, it plays an integral part in DOIA’s mission given the need to increase housing density within the boundaries of the district and its immediate trade area, thereby providing a customer base for downtown businesses. Every economic study emphasizes the need for more housing in order to drive demand for retail and facilitate business attraction.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

FINANCIAL IMPACT

There is no financial impact with this report.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. DOIA PowerPoint Presentation

YEAR

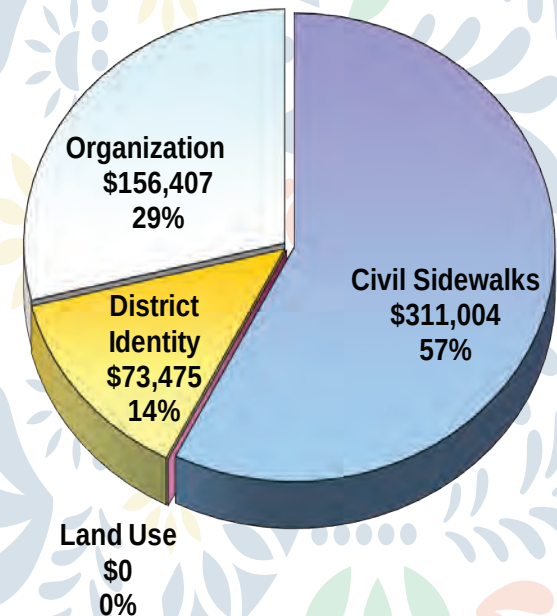
IN

REVIEW



ABOUT THE PBID

- **PROPERTY & BUSINESS IMPROVEMENT DISTRICT**
- **PROVIDES ENHANCED CLEANING, SECURITY, STREETSCAPE BEAUTIFICATION, MARKETING & BUSINESS ADVOCACY**
- **LIKE A MALL MANAGEMENT / HOA**
- **REAL PROPERTY ASSESSED**
- **TOTAL ASSESSED \$512,000**



Total budget illustrated in pie chart above includes \$512,000 assessement and \$28,886 from non-assessment sources including events income, fundraising, and fee-for-services.

PBID SPECIAL BENEFIT ZONE

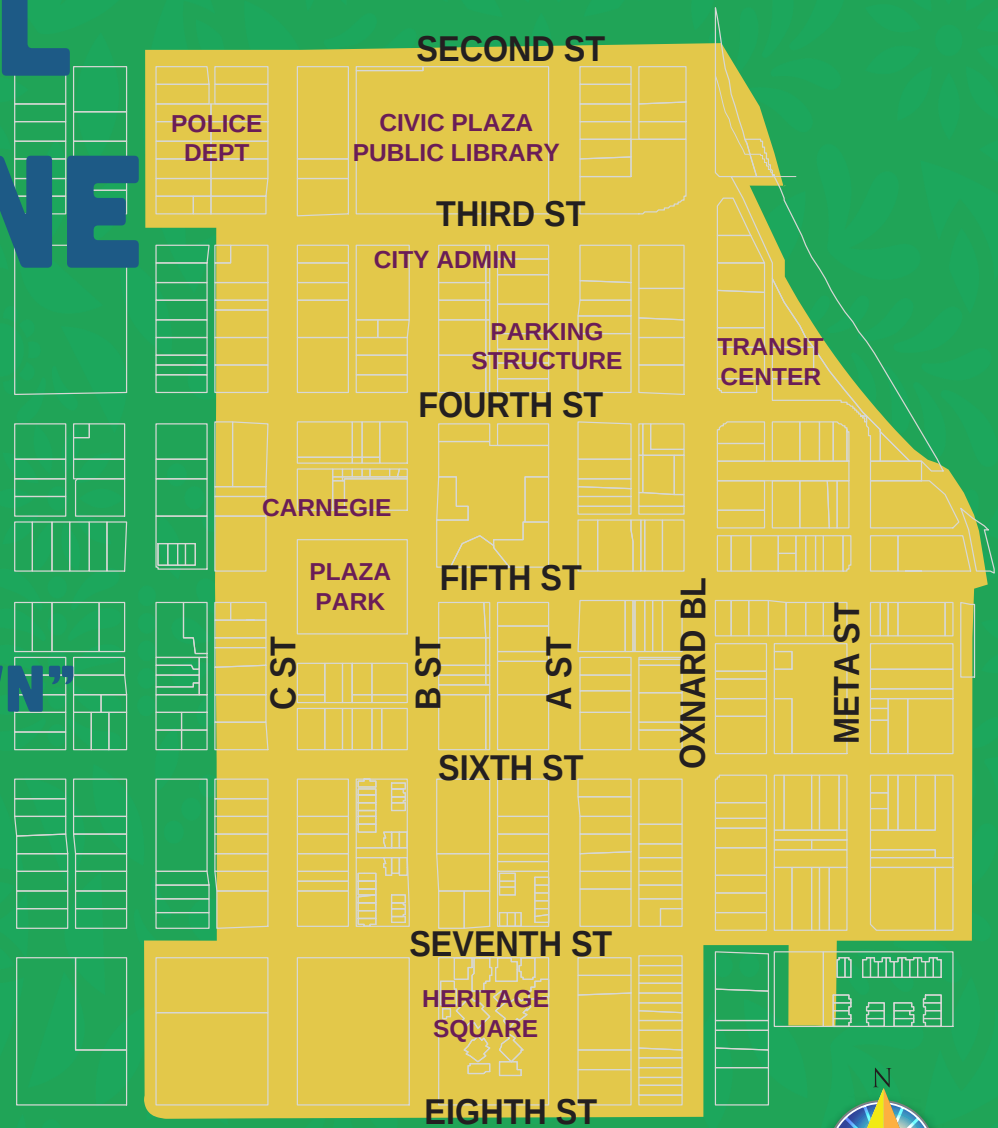
40 CITY BLOCKS

400 PARCELS

200 PROPERTY OWNERS

325+ MERCHANTS

THE “WALKABLE DOWNTOWN”



PBID DISTRICT BOUNDARY



MAP NOT TO SCALE

ORGANIZATION

- **MANAGED BY DOWNTOWN OXNARD IMPROVEMENT ASSN.**
- **PUBLIC BENEFIT NON-PROFIT**
- **BOARD OF INVESTED OWNERS & COMMUNITY MEMBERS**
- **2 PERSON HIRED STAFF**



50+
BOARD & COMMITTEE
MEETINGS HELD

KEY ALLIANCES



DISTRICT MAINTENANCE



53,854 LBS
LITTER PICKED UP



3,394
TAGS GRAFFITI &
STICKERS REMOVED



121
BLOCKS
PRESSURE WASHED



229
HOMELESS OUTREACH



879
VISITOR DIRECTIONS
PROVIDED

7-DAYS / WEEK, 7AM-3:30PM



DISTRICT SAFETY



2,759
TRESPASSING,
ANTI-SOCIAL
INCIDENTS DISPATCHED



1,956 HOURS
SECURITY PATROLS



1,192 CALLS FOR
SERVICE RESPONDED TO



404
STREETLIGHT OUTAGE
& REPAIR REPORTS

7-DAYS/WEEK, 7AM-11PM



DISTRICT IDENTITY



312K
REACHED ACROSS
SOCIAL MEDIA



10,300
INSTAGRAM FOLLOWERS



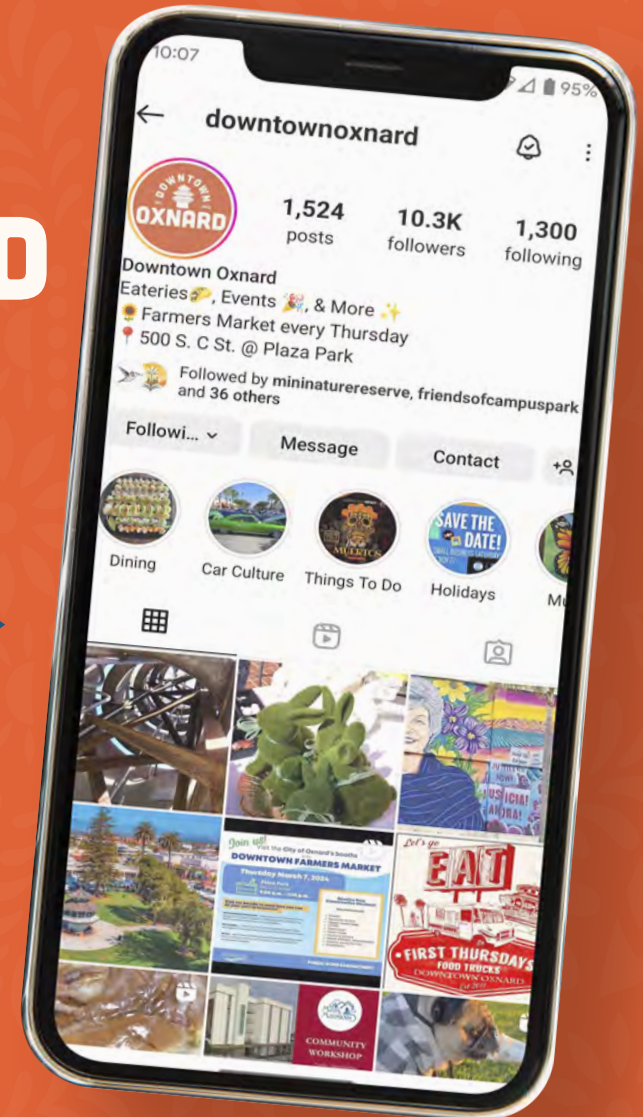
8,800
FACEBOOK FANS



20K
WEBSITE UNIQUE VISITORS



34K
EMAILS DELIVERED



PLACEMAKING



10,000+
SPECIAL EVENTS
ATTENDEES



162
SIDEWALK PLANTERS
MAINTAINED



12 UTILITY BOX
MURALS INSTALLED



100+
STREET LAMPS
DECORATED FOR
HOLIDAYS & CIVIC PRIDE



BUSINESS SUPPORT

300+

**MERCHANT OUTREACH
SERVICES CONTACTS**



- **MERCHANT CAFE HOUR**
- **PERMIT ASSISTANCE**
- **ISSUE RESOLUTION**
- **BUSINESS REFERRALS**
- **SITE SELECTION ASSISTANCE**



LAND USE & DEVELOPMENT

\$88MM

IN NEW CONSTRUCTION

700+

HOUSING UNITS PROPOSED

14,374 SF

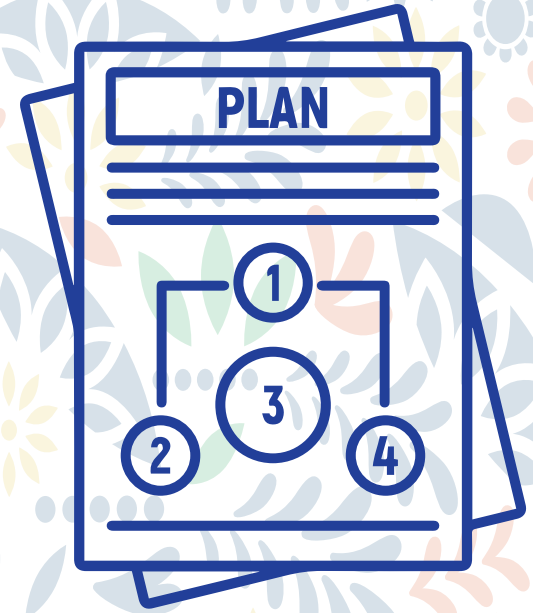
COMMERCIAL SPACE PLANNED

3 RETAIL CANNABIS TO OPEN



TO DO LIST

- RENEW & EXPAND THE PBID
- COMPLETE ARPA PROJECTS
- MORE ARTS PROGRAMMING
- IMPROVE & ACTIVATE PUBLIC SPACES
- GROW FUNDRAISING & GRANTS
- INCREASE COMMUNICATIONS
- ENGAGE MORE VOLUNTEERS



ANOTHER LOOK BACK



MEDIA CONTENT TO BE PLAYED AT MEETING
[HTTPS:// /DOWNTOWNOXNARD.ORG/YEAR-IN-REVIEW](https://downtownoxnard.org/year-in-review)

THANK YOU!



STEVE HUBER
USN CMDR. RET



ANGELA WHITECOMB
JOHN PENCE BLDG



OZZIE LOPEZ
CASA LOPEZ



LORENZO CASTILLO
EXIT CASTILLO REALTY



MARK SPELLMAN
LAZER MEDIA



GARY BLUM
HERITAGE SQUARE



WALTER BEAUMONT
CABRILLO ECONOMIC



MICHAEL DARDEN
VC RESCUE MISSION



LUIS HERNANDEZ
MANY MANSIONS



REX LEVI
REX LEVI BROKER



TIFFANY LOPEZ
LOPEZ FAMILY TRUST



MATT MANSI
ALDRSGATE INVESTMENT



EMILIO RAMIREZ
CITY OF OXNARD



DOUG SPONDELLO
CENTENNIAL PLAZA



KIMBERLY VAZQUEZ
COVA REALTY



PRITI PATEL
CITY CENTER





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

DATE: July 2, 2024

TO: City Council

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

SUBJECT: Amendment to Agreement (8503-18-LI) with Baker & Taylor, LLC. for the Purpose of Purchasing Library Materials.

RECOMMENDATION

That the City Council approve and authorize the Mayor to:

- 1) Approve a Second Amendment to Agreement 8503-18-LI with Baker & Taylor, LLC in the amount of \$190,000 for a total agreement value of \$1,140,000; and
- 2) Extend the term of the Agreement to June 30, 2025, for the purpose of purchasing library materials, cataloging and processing.

BACKGROUND

The Baker and Taylor agreement covers the purchase of library materials, cataloging, and processing for the Oxnard Public Library system, which includes the Main Library and two additional branches. Each year the Oxnard Public Library adds approximately 10,000 items to its collection. The types of materials purchased include the following materials in 9 different languages:

- Children's Collection: early reader books, easy books, fiction books, nonfiction books, reference books, board books, children's DVD, books on CD;
- Young Adult Collection: fiction books and nonfiction books; and
- Adult Collection: fiction books, nonfiction books, reference books, mystery books, science fiction books, literacy books, early reader books, large print books, professional books, books on CD, DVDs, magazines, newspapers, and music.

The materials are available to Oxnard residents via the Library catalog and Worldcat.org, a worldwide network of library content. Currently, there are 97,837 registered users.

This Agreement was first entered into in 2019 in the amount of \$570,000 for a three-year term (2019-2022). The First Amendment was entered into on April 12, 2022, and ratified by the Council on April 19, 2022 to increase the total agreement amount to \$950,000 through June 2024. The proposed Second Amendment will extend the agreement through June 30, 2025, increasing the agreement amount by \$190,000 for a total agreement value of \$1,140,000.

The amendment is needed in order to allow for a full audit of the library collection, vendors, and needs. This amendment is in alignment with the September 19, 2023, City Council "Reinventing the Library System" discussion.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The current Agreement with Baker & Taylor, LLC for FY23-24 (8503-18-LI) is for an amount not to exceed \$950,000. The amendment will increase the value of the agreement by \$190,000 in FY2024-2025 (Year 6). There is sufficient FY2024-2025 General Fund operating budget for this agreement. The new not to exceed value of the agreement will be \$1,140,000.

Account		FY2024-2025 (Year 6)
1015403-52620	\$	143,792.00
1015404-52620	\$	5,578.00
1015405-52620	\$	40,630.00
	\$	<u>190,000.00</u>

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Julie Estrada, Management Analyst

ATTACHMENTS

1. Baker & Taylor Original Agreement
2. Baker and Taylor First Amendment
3. Baker & Taylor Second Amendment

**AGREEMENT FOR PROFESSIONAL SERVICES
COVER PAGE**

- (1) Agreement Start Date: July 1, 2019
- (2) Vendor: Baker & Taylor, LLC
- (3) Services: Library Materials, Cataloging, Processing for Books and Audio Visual Services to the Oxnard Public Library
- (4) Schedule of Services: This is a Three (3) Year Agreement
- (5) Agreement Ending Date: 06/30/2022
- (6) Total Agreement Amount: \$190,000 per Fiscal Year and Not to Exceed \$570,000 in Aggregate
- (7) City's Project Manager: Sofia Kimsey, City Librarian
- (8) Vendor's Project Manager: Jane Herb, Business Development Manager, Public Libraries
- (9) Insurance Coverage: INS-B
- (10) Addresses for Notice:

FOR VENDOR:

2550 West Tyvola Road, Suite 300
Charlotte, NC 28217

Attn: Jane Herb, Business Development Manager
Jane.Herb@baker-taylor.com

FOR CITY:

251 South A Street
Oxnard, CA 93030

Attn: Sofia Kimsey, City Librarian

Lee Ann Queen, Director-Pricing Services
bids@baker-taylor.com

- (11) Contact Emails:

VENDOR'S PROJECT MANAGER:

jane.herb@baker-taylor.com

Jane Herb, Business Development Manager

CITY'S PROJECT MANAGER:

Sofia.kimsey@oxnard.org

Sofia Kimsey, City Librarian

The Agreement for Trade Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

- ☒ Scope of Services Exhibit
- ☒ Rates and Costs Exhibit
- ☒ Insurance Exhibit (INS-B)
- ☒ Third Party Cataloging and Record Processing Agreement Exhibit

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Consultant" on the Cover Page, for good and valuable consideration, subject to the following terms and conditions:

1. **Scope of Services.** Consultant shall provide to City the services listed as "(3) Services" on the Cover Page (the "Services"). Consultant shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.
2. **Standard of Performance.** Consultant shall undertake and complete the Services to conclusion using the standard of care, skill and diligence normally provided by a professional person in the performance of similar consulting services.
3. **Correction of Errors.** Consultant shall correct, at its expense, all errors which may be disclosed during review of the Services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.
4. **Term.** This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.
5. **Compensation.** For the Services performed during the term of this Agreement, City shall pay Consultant an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in Rates and Costs Exhibit shall be in effect through the end of this Agreement. Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing the Services.
6. **Invoices.** Invoices will be generated with each prepared shipment, detailing the contents of the shipment. Payment terms are net 30 days from the date of invoice. Monthly statements provide account balance information, in total.
7. **Acceptance of Payment.** Consultant's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Consultant for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant and its employees, agents and subcontractors. Consultant shall provide City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. Any taxes applicable to purchases made by and invoiced to City or City Library will be the responsibility of the City. Taxes will appear on each invoice; Consultant will collect and remit taxes as appropriate. Alternatively, City may provide direct pay permit information to Consultant prior to purchase.
8. **Non-binding Terms.** Any terms and conditions that are typed, printed, or otherwise included in any Consultant invoice rendered pursuant to this Agreement shall be deemed to be solely for the convenience of the parties. No such term or condition shall be binding upon City, and no action by City (including, without limitation, the payment of any such invoice in whole or in part) shall be construed as binding City with respect to any such term or condition, unless the specific term or condition has been previously agreed to by Consultant and City in this Agreement or in a binding amendment thereto.

9. Non-Appropriation of Funds. Payments to be made to Consultant by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

10. Coordination of Services. The Services shall be coordinated with the person in the position listed in "(7) City's Project Manager" on the Cover Page, subject to the direction of the City Manager and Department Director. Consultant hereby designates the person in the position listed in "(8) Consultant's Project Manager" on the Cover Page as the person responsible for the Services who shall coordinate with City's Project Manager in making binding decisions in line with this Agreement on behalf of Consultant.

11. Personnel. Consultant represents that it has, or shall secure at its own expense, all personnel required to perform the Services. Any person who performs engineering services pursuant to this Agreement shall be licensed as a Civil Engineer by the State of California and in good standing. Consultant shall make reasonable efforts to maintain the continuity of Consultant's staff who are assigned to perform the Services. Consultant may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Consultant be responsible for its associates and subcontractors' labor, advice or materials provided in furtherance of providing the Services. Should any of Consultant's employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City's Project Manager, in the process of providing the Services or any portion thereof, the City's Project Manager may notify the Consultant's Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

12. Additional Work. City may request additional specified work under this Agreement. The City's Project Manager must authorize all such work in writing before commencement. Consultant shall perform such work, and City shall pay for such additional work, in accordance with Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Consultant shall submit a quote for all additional work, which the City's Project Manager must approve in writing by before any such work may commence. The City shall compensate Consultant for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Consultant did not obtain the City's Project Manager's written approval before work commenced, as determined by the City's Project Manager in his or her sole discretion.

13. Advertising and Publicity. Consultant shall not use the name of or refer to City directly or indirectly in any advertisement, news release, or professional or trade publication without prior written approval from the City Manager. This Section shall survive the termination of this Agreement for five years from such date.

14. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials: used by Consultant in preparing its billings to City as a condition precedent to any payment to Consultant; or for other purposes relating to the Agreement. Consultant will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of \$10,000, the State Auditor may examine and audit Consultant for a period of three years after final payment under the Agreement. Regardless of whether a State audit is permitted, Consultant shall maintain and preserve all such records for a period of at least three years after final payment under the Agreement or until an audit, initiated in the three-year period has been completed and accepted by City, whichever occurs later. Consultant shall maintain all such records in City or to promptly reimburse City for all reasonable costs incurred in conducting the audit at a location other than in City, including but not limited to expenses for personnel, salaries, private auditor, travel, lodging, meals and overhead; total costs reimbursed not to exceed \$1,500.00. Consultant shall include a copy of this Section in all contracts with its subcontractors, and Consultant shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

15. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice. Consultant may terminate this Agreement at any time, with or without cause and without penalty, upon 30 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar

days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Consultant, City shall pay Consultant compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Consultant receive an amount exceeding that which would have been paid to Consultant for the full performance of the Services.

16. Hold Harmless, Defense and Indemnity.

- a. If Consultant provides any architectural, landscape architectural, engineering or land surveying ("design professional") services, to the maximum extent permitted by law, Consultant shall hold harmless, defend, and indemnify City, its legislative and advisory bodies, and the City's officials, directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all claims, demands, causes of action, damages, injuries, liabilities, losses, penalties, fines, judgments, costs or expenses, including reimbursement of attorneys' fees, court costs and costs of alternative dispute resolution, including but not limited to those relating to death or injury to any person and injury to any property (collectively, "Claims"), to the extent that the Claims arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or of any of its officers, employees, subcontractors or agents in the performance of the Agreement or in the failure to comply with any of the obligations contained in this Agreement. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, to the extent required herein immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.
- b. If Consultant provides no design professional services, to the maximum extent permitted by law, Consultant shall hold harmless, defend and indemnify the Indemnitees from and against any and all third party claims, which arise out of, pertain to, or relate to the performance of this Agreement, or the failure to comply with any of the obligations contained in this Agreement, by Consultant or of any of its officials, directors, officers, employees, subcontractors, or agents. City will make best efforts to provide notification to Consultant of any third party claims within five days of City's receipt thereof. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, immediately upon tender to Consultant of the third party claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.
- c. The review, acceptance or approval of Consultant's work or work product by any of the Indemnitees shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This Section 16 shall survive for the period of the applicable statute of limitations for a claim of this nature.

17. Insurance. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the City's Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages. Consultant shall, before performance of any Services, file with the City's Risk Manager evidence of insurance coverage as specified in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to

maintain or renew insurance coverages or to provide renewal evidence, and any lapse in insurance coverage, may be considered a material breach of this Agreement.

18. Documents and Materials.

- a. All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Consultant pursuant to this Agreement (“Documents and Materials”) shall be the City’s property without restriction or limitation upon its use, duplication or dissemination. All Documents and Materials shall be considered “works made for hire,” and all Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Consultant shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Consultant hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 18.
- b. Consultant shall deliver all Documents and Materials to City’s Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally, anytime at City’s request, City shall be entitled to possession of, and Consultant shall furnish to City’s Project Manager within 10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Consultant prepares Documents and Materials on a computer, Consultant shall provide City with said Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Consultant may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination of these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement.
- c. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of incomplete Documents and Materials, without the written consent of Consultant, shall be at City’s sole risk and without liability or legal exposure to Consultant.
- d. Consultant warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Consultant shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City’s use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Consultant shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Consultant, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.
- e. This Section 18 shall survive the termination of this Agreement for the term of the retention period detailed in the CPRA effective this date (April 15, 2019).

19. Confidentiality of Information.

- a. For the purposes of this Agreement, “confidential information” means all data or information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas;

- or (ii) non-technical information, including without limitation finances, financial and accounting data and information, suppliers, customers, customer lists, purchasing data and any other information belonging to the City, or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Consultant or is developed by Consultant in whole or in part at the City's expense.
- b. Said data or information constitutes confidential information pursuant to California Government Code Sections 6254(e), 6254(k), 6254(aa), 6254.9, 6254.16, 6254.18 and 6255, which exempts the City's internal programs and network structure and information regarding infrastructure and customer information from disclosure under the California Public Records Act (California Government Code Sections 6250 through 6276.48) ("CPRA"). Without in any way affecting the confidential nature of the information, the City will provide the requested information to the Consultant pursuant to the terms of this Agreement, and the City's disclosure shall not constitute a public disclosure pursuant to Government Code Section 6254.5.
 - c. All confidential information shall not be reproduced, transmitted, disclosed or used by the Consultant without the written consent of the City, except as may be necessary for Consultant to fulfill its obligations to the City.
 - d. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Consultant at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Consultant, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Consultant and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed; provided, however, that before making such disclosure, Consultant shall immediately provide City with written notice and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.
 - e. Consultant shall use reasonable care to protect the confidential information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Consultant. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages.
 - f. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any confidential information disclosed under this Agreement or for any business decisions made by Consultant in reliance on any confidential information disclosed under this Agreement.
 - g. Consultant will use the confidential information solely for the limited purposes of the Services.
 - h. Except as otherwise agreed upon by the Parties, Consultant shall maintain physical custody or control over all confidential information obtained by it and shall be responsible for ensuring that such confidential information is not disclosed.
 - i. Without prejudice to the rights and remedies otherwise available to City, Consultant acknowledges and agrees that: the confidential information is valuable to City, unique, and contains sensitive information; a breach of this Agreement could cause irreparable harm to City; and that City could be entitled to seek injunctive relief, specific performance or both if Consultant breaches or threatens to breach any of the provisions of this Agreement.
 - j. All confidential information shall remain the property of City. Following Consultant's completion of the Services, Consultant shall promptly destroy all such confidential information in its possession or control and certify such destruction to City in a writing signed by an authorized representative.
 - k. This Section 19 shall survive the termination of this Agreement for the term of the retention period detailed in the CPRA effective this date (April 15, 2019).

20. Independent Contractor. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Consultant or any of its employees, except as stated in this Agreement. Consultant has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Consultant, and it is free to dispose of all portions of its time which it is not obligated to

devote to City in such a manner and to such persons, firms, or corporations as Consultant wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Consultant shall perform for the City. Except as City's Project Manager specifies in writing, Consultant and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Consultant and its employees are not employees of City. Consultant and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Consultant shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Any taxes applicable to purchases made by and invoiced to the City or City Library will be the responsibility of the City. Taxes will appear on each invoice; Consultant will collect and remit taxes as appropriate. Alternatively, City may provide direct pay permit information to Consultant prior to purchase. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable.

21. Nondiscriminatory Employment. Consultant shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Consultant understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Consultant shall be responsible for such subcontractor's compliance with this Section.

22. Consultant's Representations. Consultant represents, covenants and guarantees that: a) Consultant is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or impediments of any kind that will limit or prevent Consultant's full performance under this Agreement; c) to the extent required by the standard of practice, Consultant has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

23. Compliance with Laws. In performing the Services under this Agreement, Consultant shall comply with all applicable laws, ordinances and regulations. Before providing any Services under this Agreement, Consultant shall, at its own expense, obtain and maintain all required certificates, licenses and permits, including a City business tax certificate.

24. Conflict of Interest. If, in performing the Services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, Section 18701(a)(2) of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the Services set forth in this Agreement. Furthermore, Consultant shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Consultant "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Consultant has been retained pursuant to this Agreement.

25. Fictitious Name. If Consultant has a fictitious name, Consultant shall submit to City a new Fictitious Business Name Statement approved by any California county before Consultant's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.

26. Non-Assignability. This Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience, and specialized personal knowledge. Consultant shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Consultant shall hold harmless, defend and indemnify Indemnitees from and against all Claims arising from or relating to any unauthorized assignment.

27. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant.

28. Applicable Law; Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.

29. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.

30. Force Majeure. Neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.

31. Authority. Any person executing this Agreement on behalf of Consultant warrants and represents that s/he has the authority to execute this Agreement on behalf of Consultant and to bind it to the performance of these obligations.

32. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.

33. Cumulative Remedies. All rights and remedies of City herein shall be in addition to all other rights and remedies available at law or in equity, including, without limitation, specific performance for the enforcement of this Agreement, and temporary and permanent injunctive relief.

34. Integration; Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Consultant regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

35. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.

36. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.

37. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relieve to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.

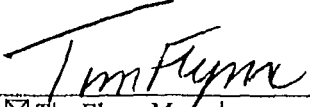
38. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City’s regular business hours or (b) the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as “(10) Addresses for Notice” on the Cover Page or at such other address as one party may notify the other in writing.

39. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to Project Managers’ emails listed in “(11) Contact Emails” on the Cover Page and to the email addresses listed in “(10) Addresses for Notice” or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

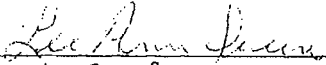
40. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

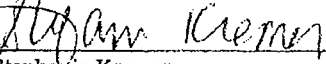
IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date that is written as "(1) Agreement Start Date" on the Cover Page.

CITY OF OXNARD

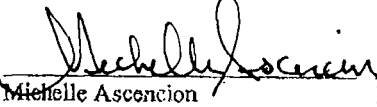

☒ Tim Flynn, Mayor¹ Date 10/1/19

BAKER & TAYLOR, LLC


Lee Ann Queen² Date 9-16-2019
Director of Pricing Services


Stephanie Kremer Date 9/16/2019
Director, Pricing Services

ATTEST:


Michelle Ascencion Date 10/2/19
City Clerk (only if Mayor signs)

APPROVED AS TO FORM:


Stephen M. Fischer Date 9/11/19
City Attorney (always required)

¹ The City Council must authorize and the Mayor must sign any agreement over \$200,000 annually. The City Manager may authorize and sign any agreement over \$100,000 but up to \$200,000 annually. The Purchasing Manager may authorize and sign any agreement up to \$100,000 annually. A Buyer may authorize and sign any agreement up to \$25,000 annually.

² The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

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CITY OF OXNARD

BAKER & TAYLOR, LLC

☒ Tim Flynn, Mayor¹ _____ Date _____

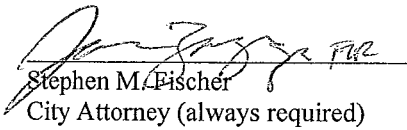
Lee Ann Queen² _____ Date _____
Director of Pricing Services

Stephanie Kremer _____ Date _____
Director, Pricing Services

ATTEST:

Michelle Ascencion _____ Date _____
City Clerk (only if Mayor signs)

APPROVED AS TO FORM:

 _____ Date 9/11/19
Stephen M. Fischer
City Attorney (always required)

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- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

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CITY OF OXNARD

BAKER & TAYLOR, LLC

☒ Tim Flynn, Mayor¹ _____ Date _____

Lee Ann Queen 9-16-2019
Lee Ann Queen² _____ Date _____
Director of Pricing Services

Stephanie Kremer 9/16/2019
Stephanie Kremer _____ Date _____
Director, Pricing Services

ATTEST:

Michelle Ascencion _____ Date _____
City Clerk (only if Mayor signs)

APPROVED AS TO FORM:

Stephen M. Fischer 9/11/19
Stephen M. Fischer _____ Date _____
City Attorney (always required)

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- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF SERVICES EXHIBIT

1.0 Vendor shall provide books, CDs and music titles from small and hard to find publishers. The City shall be utilizing Vendor's vast publisher and title database, including but not limited to, a wide variety of low demand and small print run titles from associations and limited edition, prepayment, and non-returnable publishers.

1.1 Vendor shall provide to the City its Enhanced Services Program ("ESP") with access to millions of active book titles representing over 66,000 imprints.

1.2 The Vendor's "ESP" program shall include:

- a. Follow-up of all publisher orders, improving the speed of delivery of all titles to the library
- b. Provide hundreds of small non-commercial publishers formerly considered apply direct by the book industry
- c. Provide reporting capabilities by providing order status reports for 100% of all titles not yet published and by supplying anticipated publication release dates for all out of stock items

1.3 The ESP category includes material where Vendor receives no discount from the publisher or prepayment is required by the publisher or books of small, limited in demand and/or non-commercial publishers. Any publisher which is not in compliance with Vendor's purchasing requirements would be in this category. Materials in this category may be of any binding. These titles will be invoiced at list price.

1.4 If the City is concerned about purchasing these types of titles, Vendor's Title Source 360™ for Windows can assist the librarian in researching a particular item's category and format. Surcharge titles will appear with a Y or Q in the discount code field. Additionally, you may contact your Customer Service representative or Information Services via phone, fax, or email (btinfo@baker-taylor.com) to determine surcharge titles before placing an order.

2.0 Category Definitions

Vendor shall provide products to the City at a discounted rate which is located in the Rates and Costs Exhibit 3.0 Discount Terms and Conditions of Sale.

2.1 Adult Trade Hardcover Editions (0, C) (may include some spoken word audio materials)

High demand materials from widely distributed publishers designed for the general consumer, usually dealing with a subject matter having broad mass appeal. These titles are typically released in hardback and can be either fiction or current non-fiction. Publisher promotional/media expenditures and print runs are customarily higher for these titles than for most others. Inventory is maintained with preferred stock status (regularly stocked in three to four major warehouses).

2.2 Juvenile Trade Hardcover Editions (J)

High demand, juvenile materials from widely distributed publishers designed for the general consumer, usually dealing with a subject matter having broad mass appeal. These titles are typically released in hardback and can be either fiction or current non-fiction. Publisher promotional/media expenditures and print runs are customarily higher for these titles than for most others. Inventory is maintained with preferred stock status (regularly stocked in three to four major warehouses).

2.3 Adult Quality Paperback Editions (B, C)

High demand paperback materials from widely distributed publishers, other than the standard rack size paperback, typically found in bookstores and other retail outlets. Inventory is maintained with preferred stock status (regularly stocked in three to four major warehouses).

2.4 Juvenile Quality Paperback Editions (G)

High demand, juvenile paperback materials from widely distributed publishers, other than the standard rack size paperback, typically found in bookstores and other retail outlets. Inventory is maintained with preferred stock status (regularly stocked in three to four major warehouses).

2.5 Mass Market Paperback Editions (P)

A standard rack size paperback typically found in bookstores or other retail outlets

2.6 Single Edition Reinforced (R)

A high quality binding designed to provide a long shelf life in a heavy use environment. Although the binding is fanned and glued it may not be sewn, which is typically found in the publisher library edition. Subject content can include both fictional and non-fiction works appealing to juveniles as well as adults. These bindings are identified by the publisher to Vendor.

2.7 Publisher Library Editions (Z)

Fiction as well as non-fiction materials appealing to both juveniles and adults, designed with the rugged durability required of the environment typically found in a library setting. Publisher Library Editions are traditionally of the highest quality, usually fanned, sewn and glued to provide the greatest possible shelf life of any binding. These bindings are identified by the publisher to Vendor.

2.8 University Press Trade Editions (A) (may include some spoken word audio materials)

This category would include any University Press Trade Editions, both adult and juvenile, and are subject to publisher reclassification.

2.9 Text, Technical, Reference, Small Press, and/or Titles of Limited Demand (S, X, N, L, M, V, T, U, W, Letter O, 1, 4, 5, 6, 7, 8)

Category of materials includes, but is not limited to, text, technical, reference, professional medical, small press, and some university press titles (excluding University Press Trade Editions). It includes titles purchased from publishers on a non-returnable basis, those publishers that extend little discount to Vendor, and publishers whose titles have limited sales volume based upon a semi-annual review. It includes individual titles which do not qualify for preferred stock status (based upon a quarterly review) and individual titles which qualify for preferred stock status, but have limited demand (calculated over a rolling 12 month period). Additionally, any publisher which is not in compliance with some of Vendor's purchasing requirements could be in this category. Materials in this category are both adult and juvenile, may be of any binding and may include some spoken word audio materials.

2.10 Imported English and Non-English Language Editions (F,K,3)

Titles produced and distributed outside of the domestic US. These titles may be of any binding type and represent various publishers.

2.11 Enhanced Service Program Titles (Y/Q)

This category includes materials where Vendor receives no discount from the publisher, or prepayment is required by the publisher, or publishers which have restrictions on returns, or books of small or non-commercial publishers with limited sales volume based upon a semi-annual review. Any publisher which is not in compliance with Vendor's purchasing requirements would be in this category. Materials in this category may be of any binding. These titles will receive no discount and are subject to a service charge.

2.12 Spoken Word Audio (H)

Materials designed for the general consumer, usually dealing with a subject matter having broad mass appeal. These titles can be either fiction or current non-fiction.

2.13 Board Books (I)

Durable materials from widely distributed domestic publishers designed for young children; pages are manufactured of heavy gauge cardboard to prevent tearing. These editions typically feature few pages, simple themes and colorful illustrations or photographs.

2.14 Novelty Items/Activity Books (I)

Specially packaged gift set or novelty item related to a book product or attached as an accessory to a book product. These items would include a book with toy, rag books, washable cloth books, books with accessories or kits, electronic sound books, sticker books, tracing books or coloring books. This category also includes any non-book merchandise such as model kits, hobby kits, flash cards or jigsaw puzzles.

2.15 Special Programs (D and E as indicated in the Discount Terms and Conditions of Sale)

Programs, formats, or editions offered only by Vendor or not included in any other category. These programs include but may not be limited to PawPrints and Turtleback editions.

3.0 Ordering System

The Vendor shall waive all costs associated with the ordering system. All logins will be provided to staff for ordering purposes at no additional cost.

4.0 Freight

The Vendor shall waive all costs for freight/shipping.

5.0 Definitions

- a. Publisher's list price is subject to change without notice.
- b. Except where otherwise noted, book discounts are applied to current publisher's list price at the time of shipment.
- c. Vendor reserves the sole right to be the final determinant of product categories, category definitions and price indicators. The discounts vary based on this determination.
- d. Titles are categorized by Vendor for pricing purposes by considering the binding, general marketing categories, demand for certain titles, preferred stock status, cost of acquisition, cost of distribution, and the size or type of publisher, as well as factors related to relationships with publishers such as shipping terms, payment terms, publisher's discount, return-ability to publishers and other factors.

- e. Product categories, category definitions and price indicators are subject to change at Vendor's sole discretion, without notice, based upon the above-described factors for categorizing titles.
- f. For domestic titles where no publisher list price is assigned by the publisher, Vendor will assign such titles a price in its electronic catalog which is based upon Vendor's estimate of market conditions.
- g. For imported titles where no publisher list price is assigned by the publisher for the U.S. market, Vendor will assign such titles a U.S. dollar price in its electronic catalog which is based upon Vendor's estimate of market conditions.
- h. For PawPrints editions, Vendor will assign such titles a price in its electronic catalog which is based upon Vendor's estimate of market conditions.
- i. Titles of limited demand or from small or specialty publishers generally are included in Product Category IX or Product Category XI (from Rates and Costs Exhibit 3.0, Discount Terms and Conditions of Sale). The discount terms and conditions listed do not apply to Vendor's Continuation Services or Approval Programs. Vendor provides an invoice that identifies the publisher's current list price, the discount offered, and the exact price charged for each title ordered.
- j. Shelf ready material: Materials received from Vendor that come with catalog records and accurate specification driven physical processing already in place.
- k. Unit: In the case of CDs and DVDs a unit is a single or double music CD or DVD.

RATES AND COSTS EXHIBIT

1.0 Print Material

The following pricing for print and spoken word material. Should the library require additional services in collection development, cataloging, processing, reporting, storage, or shipment, Vendor may adjust pricing accordingly. If the library system cannot be accessed via the Vendor's Z39.50 methodology, then the City and Vendor shall discuss alternative methodologies for system and shelf ready material.

1.1 Print Ongoing Collection Services	\$3.85/unit
--	--------------------

Includes:

- a. Adaptive and copy cataloging with CIP upgrades where needed, utilizing Z39.50 protocol
- b. Item Linking
- c. Project Management Support
- d. Barcode

- e. Property Stamp
- f. Spine Label
- g. Reference Labels: New, Large Print, Language, Genre
- h. Link and Affix Vendor Supplied RFID
- i. Affix Library Supplied Theft Strip

1.2 Spoken Word Audio Ongoing Collection Services	\$4.85/unit
--	--------------------

Includes:

- a. Adaptive and copy cataloging with CIP upgrades where needed, utilizing Z39.50 protocol
- b. Item Linking
- c. Project Management Support
- d. Repackage Spoken Word Item When Applicable into Standard Case
- e. Barcode
- f. Property Label
- g. Number of Discs Label
- h. Hub Label (with Hand Written Barcode)
- i. Spine Label
- j. Link and Affix Vendor Supplied RFID
- k. Affix Library Supplied Theft Strip

Labels e/f/g/i will be embedded in scanned artwork via Digital Media Processing (DMP). Due to supplier restriction, DMP is not available for Blackstone Audio editions.

1.3 Additional Services at the library's request:

- a. Juvenile kits cataloging and processing (additional) \$2.25/unit
- b. Laminate Paperback Covers (Additional) \$1.99/unit
- c. Original Cataloging \$10.00/title

1.4 Vendor currently works with most RFID systems.

Vendor's tags operate at 13.56MHz, and are re-writeable, and fully compliant with ISO15693. If after compatibility testing, Vendor does not have the current software/hardware in place for the system chosen by the library, Vendor reserves the option to revise this pricing. In these instances customers should supply Vendor un-programmed RFID tags.

1.5 For those records where cataloging is not available in the library's database or vendor's cataloging utility, vendor will provide an original cataloging record for \$10.00/title. Titles requiring original cataloging will be priced separately at \$10.00/title for the first copy of every title ordered. If multiple copies of a title are ordered, the \$10.00 charge will only apply once, however, the comprehensive cataloging and processing charge will apply to each unit including the initial unit that receives the \$10.00 charge.

2.0 A/V MATERIAL

Pricing is subject to change based on specifications or case changes. If the library requires alternate processing or cataloging requirements, it is at the discretion of the Vendor to adjust pricing accordingly.

A/V CATALOGING AND PROCESSING

2.1 MUSIC CD \$5.85/unit*

Includes:

- a. Adaptive and copy cataloging utilizing z39.50 protocol
- b. Item linking
- c. Project management support
- d. Repackage cd from cardboard container into standard case
- e. Barcode
- f. Property label
- g. Number of discs label
- h. Hub label (with hand written barcode)
- i. Spine label
- j. Link and affix vendor supplied RFID
- k. Affix Library Supplied theft strip

Labels e/f/g/i will be embedded in scanned artwork via Digital Media Processing

2.2 DVD/BLU-RAY \$5.85/UNIT*

Includes:

- a. Adaptive and copy cataloging utilizing z39.50 protocol
- b. Item linking
- c. Project management support
- d. Repackage DVD/Blu-Ray from cardboard container into standard case
- e. Barcode
- f. Property label
- g. Number of discs label
- h. Hub label (with hand written barcode)
- i. Spine label
- j. Link and affix vendor supplied RFID
- k. Affix Library Supplied theft strip

Labels e/f/g/i will be embedded in scanned artwork via Digital Media Processing

Regarding 2.1 and 2.2

Titles requiring original cataloging will be priced separately at \$10.00/title. The comprehensive cataloging and processing charge will apply to each unit, including the initial unit that receives the \$10.00 charge.

AV cataloging and processing prices for CDs and DVDs are for both single and multiple disc releases.

Media Type	Price Range	Discount off Current Producer's List Price
DVD/Blu-Ray	Any Price	29.0%*
Music CD	Any Price	27.0%*

List prices used for calculating discounts are manufacturers' current, suggested list prices, where available. Where no list price is supplied by the manufacturer, a list price will be assigned by Vendor.

*AV titles with minimal discount or supplier restrictions or titles from small, specialty vendors will be invoiced at Manufacturer's Suggested Retail Price.

RATES AND COSTS EXHIBIT

3.0 DISCOUNT TERMS AND CONDITIONS OF SALE

The pricing grid below provides discounts for each product category offered by Vendor.

Product Category	Category Definition (a)	Price Indicator	Discount
I.	Adult Trade Hardcover Editions (Popular Fiction & Non-Fiction, and may include some spoken word audio)	0 - (zero) (Hardcover Trade Editions) C - (Hardcover Computer Books)	46.5 %
II.	Juvenile Trade Hardcover Editions • (Popular Fiction & Non-Fiction)	J	46.5 %
III.	Adult Quality Paperback Editions (Popular Fiction & Non-Fiction)	B - (Paperback Trade Editions) C - (Paperback Computer Books)	40.0 %
IV.	Juvenile Quality Paperback Editions (Popular Fiction & Non-Fiction)	G	40.0 %
V.	Mass Market Paperback Editions	P	40.0 %
VI.	Single Edition Reinforced (Juvenile)	R	21.0 %
VII.	Publisher's Library Edition (Juvenile)	Z	21.0 %
VIII.	University Press Trade Editions (may be of any binding and include some spoken word audio)	A	10.0 %
IX.	Text, Technical, Reference, Professional Medical, Small Press, some University Press titles (excluding University Press Trade Editions) and/or Titles of Limited Demand (may be of any binding and include some spoken word audio)	S/X/N - (Text, Technical, or Reference Editions) L - (Hardcover Editions from Small Press and Hardcover Titles of Limited Demand—primarily Adult) 7 - (Hardcover Titles of Limited Demand—primarily Juvenile) M - (Paperback Editions from Small Press and Paperback Titles of Limited Demand—primarily Adult) 1 - (Paperback Titles of Limited Demand—primarily Juvenile) T/U/V/W/4/Letter O - (Specialty Textbooks) 5/6/8 - (Professional Medical Titles)	S = 5.0 % X = 5.0 % N = 0.0 % (b) L = 5.0 % (c)(d) 7 = 21.0 % (d) M = 5.0 % (c)(d) 1 = 21.0 % (d) T = 0.0 % U = 10.0 % V = 5.0 % W = 0.0 % 4 = 5.0 % Letter O = 5.0 % 5 = 0.0 % 6 = 5.0 % 8 = 5.0 %
X.	Imported English and Non-English Language Editions	F/K/3	F = 0.0 % K = 0.0 % 3 = 0.0 %
XI.	Enhanced Service Program	Y / Q	0.0 % (e)
XII.	Spoken Word Audio	H	45.0%
XIII.	Board Books	I	21.0 %
XIV.	Novelty Items/Activity Books	I	21.0 %
XV.	Special Programs, such as: - PawPrints Editions - Turtleback Editions - Playaway Audio Editions	D E All Playaway Audio editions	D = 0.0 % E = 21.0 % 0.0 %

- a. For full category definitions, which are attached hereto and incorporated herein by reference. Materials produced for Text Stream print-on-demand services may fall into any category.
- b. Titles which receive minimal publisher discount will be invoiced at publisher's list price.
- c. Represents publishers with limited sales volume, based upon a semi-annual review. These titles may be of any binding type or publisher of origin.

- d. Represents individual titles which do not qualify for preferred stock status (based upon a quarterly review) and individual titles which qualify for preferred stock status, but have limited demand (calculated over a rolling 12 month period). These titles may be of any binding type or publisher of origin.
- e. Titles where Vendor receives no discount from the publisher or prepayment is required by the publisher or publishers whose titles have limited demand and/or non-commercial publishers will be invoiced at list price.

**INSURANCE EXHIBIT
INSURANCE REQUIREMENTS FOR CONSULTANTS
(WITHOUT ERRORS AND OMISSIONS REQUIREMENT)**

1. Consultant shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Consultant, its agents, representatives, employees or subconsultants.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$1,000,000 each occurrence/\$2,000,000 aggregate limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form HG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business automobile liability insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto";

c. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than \$1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Consultant shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements affecting coverage required by this Exhibit INS-B. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No. _____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3. Consultant agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds by blanket endorsement as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-B or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available. CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance coverages. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. All insurance standards applicable to Consultant shall also be applicable to Consultant's subconsultants. Consultant agrees to maintain appropriate agreements with subconsultants and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notes of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

INS-B.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE

SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY
LETTER A

SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY
LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY [x] COMMERCIAL GENERAL LIABILITY [x] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$1,000,000 PRODUCTS COMP/OP AGG. \$1,000,000 PERSONAL & ADV. INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD

Attn: Insurance Compliance

Reference No. _____

P.O. Box 100085 – OX

Duluth, GA 30096

Via Email: cityofoxnard@ebix.com

Via Fax: 678-259-1007

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

**AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")****SUBMIT IN DUPLICATE**

ENDORSEMENT NO. _____

ISSUE DATE (MM/DD/YY) _____

PRODUCER _____

POLICY INFORMATION:

Insurance Company: _____

Policy No.: _____

Policy Period: (from) _____ (to) _____

LOSS ADJUSTMENT EXPENSE _____

☐ Included in Limits☐ In Addition to Limits

Telephone: _____

NAMED INSURED _____

☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____
with an Aggregate of \$ _____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim _____ (which)**APPLICABILITY.** This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here
☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS _____

TYPE OF INSURANCE☐ COMMERCIAL AUTO POLICY☐ BUSINESS AUTO POLICY☐ OTHER _____**OTHER PROVISIONS****LIMIT OF LIABILITY**

\$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter's representative for claims pursuant to this insurance.

Name: _____

Address: _____

Telephone: () _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.

2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.

3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.

5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.

6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:

Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or

If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD

Attn: Insurance Compliance

Reference No. _____

P.O. Box 100085 – OX

Duluth, GA 30096

Via Email: cityofoxnard@ebix.com

Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE☐ Broker/Agent☐ Underwriter☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: () _____

Date Signed _____

THIRD PARTY CATALOGING AND RECORD PROCESSING AGREEMENT EXHIBIT

This agreement ("Agreement"), effective as of the last date signed below, by and between Oxnard Public Library, a non-profit institution organized and existing under the laws of the State of CA, hereinafter referred to as "Library", and Baker & Taylor, LLC, a corporation organized and existing under the laws of the State of DE, hereinafter referred to as "Vendor."

WHEREAS, Library and Vendor have contracted with each other, prior to or at the same time as this Agreement, for cataloging and other record processing services by Vendor to Library. Library has made, or will make, available to Vendor copies of bibliographic data, library holdings and other information derived from the online database of such information maintained by OCLC Online Computer Library Center, Inc. (such database hereinafter referred to as "WorldCat®") and such bibliographic data, library holdings and other information hereinafter referred to as "OCLC-Derived Records"; and

WHEREAS, In order for Library to continue making OCLC-Derived Records available to Vendor, it is necessary that Vendor provide assurances concerning its use of such OCLC-Derived Records; and

WHEREAS, in order for Vendor to perform online cataloging services for the Library, it is necessary that Vendor provides assurances concerning its use of WorldCat.

NOW, THEREFORE, in consideration of the premises and other valuable consideration, Library and Vendor agree as follows:

1. All present, executory contracts between Library and Vendor will be deemed amended to include the terms of this Agreement, and all future contracts between them, which are executed while this Agreement remains in effect, will be deemed to include such terms (referred to herein as "Contracts").
2. Vendor will make no copies and no use of the OCLC-Derived Records except as necessary to carry out the Contracts, and acknowledges that delivery of the OCLC-Derived Records to Vendor does not represent a transfer of ownership of the records or any copies thereof.
3. Vendor agrees that it will not transfer or otherwise make available OCLC-Derived Records or copies thereof or derivative works made therefrom to any other party, and will promptly return to Library, at its request, all OCLC-Derived Records received in connection with each Contract, upon completion thereof, and all copies of such Records.
4. Vendor's use of WorldCat will be for the exclusive purpose of providing cataloging services to the Library as agreed to herein. Vendor agrees that it will not download or export any records from WorldCat except as to fulfill its duties to the Library. Any other use is strictly prohibited. In the event that OCLC Online Computer Library Center, Inc. ("OCLC") is made aware that Vendor is using WorldCat for any purpose other than as authorized by this Agreement, OCLC shall have the right to immediately suspend Vendor's access to WorldCat. At OCLC's request, Library will terminate this Agreement immediately upon knowledge that Vendor has used WorldCat for any purpose other than as authorized by this Agreement.
5. Library hereby grants to OCLC, other OCLC Governing Members, Members, Participant, users and OCLC designees an irrevocable, nonexclusive, royalty-free, sublicenseable, world-wide right to copy, display, publish, prepare derivative works from, distribute and use all bibliographic records, holdings and other information supplied to OCLC during the term of this Agreement by Library or any Governing Member, Member or other entity acting on its behalf, under any copyright, patent, secrecy or other proprietary right therein owned or controlled by Library.
6. This Agreement is terminable by either party at any time, with or without cause, by thirty (30) days prior written notices sent by prepaid certified first-class mail, with return receipt requested, to:

Oxnard Public Library (Library)
251 South A Street
Oxnard, CA 93030
 Attention: Sofia Kimsey, City Librarian

OCLC Online Computer Library Center, Inc.
 6565 Kilgour Place
 Dublin, Ohio 43017
 Attention: WorldCat Quality Management Division
 With copy to General Counsel

Baker & Taylor, LLC (Vendor)
2550 West Tyvola Road, Suite 300
Charlotte, NC 28217
 Attention: Pricing Services

Such addresses may be changed by any party by written notice to the other party sent by prepaid certified first-class mail, with return receipt requested, to the addresses above. All notices given in accordance with this Section 6 shall be deemed given on the date of proper deposit in the U.S. mail.

7. It is agreed that OCLC is intended to be a third party beneficiary of this Agreement.
8. Vendor's obligations under this Agreement, as they affect any Contract, which has become effective prior to the termination hereof, shall survive any such termination.
9. This Agreement is the final, complete and exclusive statement of the agreement between Library and Vendor with respect to the subject matter hereof, and may not be terminated (other than as provided in Section 6 above), amended or canceled except by a writing signed by both parties hereto and, as a condition precedent to the effectiveness thereof, with a copy thereof furnished by Library to OCLC by the same means and at the same address as provided in Section 6 above. No waiver of any provision of this Agreement or of any right hereunder shall be deemed a further waiver of such provision or right, or a waiver of any other provision or right hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates indicated below.

Vendor: Baker & Taylor, LLC

Library: Oxnard Public Library

By: Lee Ann Queen

By: Lisa Boerner

Title: Director - Pricing Services

Title: Purchasing Manager

Date: 9-16-2019

Date: 9-24-19

Library OCLC Holding Symbol: JRN

FIRST AMENDMENT TO PROFESSIONAL SERVICES

This First Amendment ("First Amendment") to the Agreement for Professional Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 1st day of July, 2021, by and between the City of Oxnard, a municipal corporation ("City"), and Baker & Taylor, LLC ("Vendor"). This First Amendment amends the Agreement entered into on July 1, 2019, by City and Vendor.

City and Vendor agree as follows:

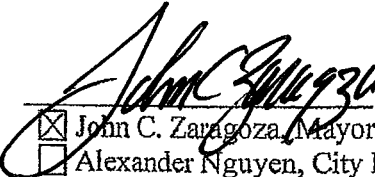
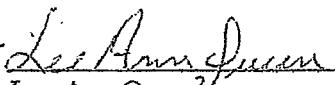
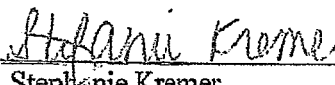
1. The date in Section 5 of the Cover Page of the Agreement is hereby amended to "June 30, 2024."
2. The total agreement amount in Section 6 of the Cover Page "not to exceed \$570,000.00" is deleted and replaced with "not to exceed \$950,000.00."
3. Section 4 of the Cover Page is deleted in its entirety and replaced with "Schedule of Services: This is a Five (5) Year Agreement"
4. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

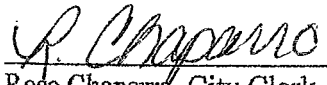
IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

BAKER & TAYLOR, LLC

<u></u> <u>4-19-22</u>	<u></u> <u>4/12/2022</u>
☒ John C. Zaragoza, Mayor ¹ Date	Lee Ann Queen ² Date
☐ Alexander Nguyen, City Manager	Director of Pricing Services
☐ Daniel Willhite, Purchasing Manager	
☐ _____, Buyer	<u></u> <u>4-12-2022</u>
	Stephanie Kremer Date
	Director, Pricing Services

ATTEST:

 4/19/22
Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

 4/12/22
Stephen M. Fischer Date
City Attorney (always required)

1

2

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

BAKER & TAYLOR, LLC

☒ John C. Zaragoza, Mayor¹ _____ Date
☐ Alexander Nguyen, City Manager
☐ Daniel Willhite, Purchasing Manager
☐ _____, Buyer

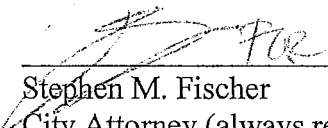
Lee Ann Queen² _____ Date
Director of Pricing Services

Stephanie Kremer _____ Date
Director, Pricing Services

ATTEST:

Rose Chaparro, City Clerk _____ Date
(only if Mayor signs)

APPROVED AS TO FORM:

 _____ 9/12/22
Stephen M. Fischer _____ Date
City Attorney (always required)

1

2

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

This Second Amendment (“Second Amendment”) to the Agreement for Professional Services (“Agreement”) is made and entered into in the County of Ventura, State of California, this _____th day of July, 2024 by and between the City of Oxnard, a municipal corporation (“City”), and Baker & Taylor, LLC (“Vendor”). This Second Amendment amends the Agreement entered into on July 1, 2019, by City and Vendor, and the First Amendment ratified by the Oxnard City Council on April 19, 2022.

City and Vendor agree as follows:

1. The date in Section 5 of the Cover Page of the Agreement is hereby amended to “June 30, 2025.”
2. In the “**Rates and Costs Exhibit**”, the pricing for the following items is hereby deleted and replaced with the pricing identified in the “**Rates and Costs Exhibit 1**”, attached hereto and incorporated herein by this reference: “For Print Material: Ongoing and Continuation of Collection Services, Additional Services at the Library’s Request, Spoken Word Audio Ongoing Services” and “A/V Material: DVD, and Music CD.”
3. The total agreement in Section 6 of the Cover Page “not to exceed \$950,000.00” is deleted and replaced with “\$1,140,000.00.”
4. This Second Amendment shall become effective on July 2, 2024.
5. As so amended, the Agreement remains in full force and effect.

[SIGNATURES ON THE NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

BAKER & TAYLOR, LLC.

John C. Zaragoza
Mayor

ATTEST

Rose Chaparro
City Clerk

APPROVED AS TO FORM

Stephen M. Fischer
City Attorney



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.6

DATE: July 2, 2024

TO: City Council, acting as the legislative body of Community Facilities District No. 5 (RiverPark)

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org
Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org

SUBJECT: Readoption of Resolutions Calling the Election for Four Measures for Community Facilities District No. 5 (RiverPark).

RECOMMENDATION

That the City Council, acting as the legislative body of Community Facilities District No. 5 (RiverPark) of the City of Oxnard:

1. Call the election for a ballot measure titled "City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure" by readopting a resolution, which would order consolidation with the November 5, 2024 statewide election, request the County Clerk to conduct the election, and authorize the Board of Supervisors to canvass the returns; and
2. Call the election for certified initiative measures titled:
 - a. "Repeal of Community Facilities No. 5 (RiverPark) Special Taxes;"
 - b. "Reduction of the Maximum Special Taxes That Can Be Imposed Within Community Facilities District No. 5 (RiverPark);" and
 - c. "Limitations on Uses of Special Taxes for Community Facilities District No. 5 (RiverPark)"

by readopting three resolutions which would order consolidation with the November 5, 2024 statewide election, request the County Clerk to conduct the election, and authorize the Board of Supervisors to canvass the returns.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/zN80-molHQg>

BACKGROUND

On June 18, 2024, the Oxnard City Council, acting as the legislative body for Community Facilities District No. 5 (RiverPark), adopted four resolutions:

1. A resolution calling the election for a ballot measure titled "City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure"; and
2. Resolutions calling the election for certified initiative measures titled:
 - a. "Repeal of Community Facilities No. 5 (RiverPark) Special Taxes;"
 - b. "Reduction of the Maximum Special Taxes That Can Be Imposed Within Community Facilities District No. 5 (RiverPark);" and
 - c. "Limitations on Uses of Special Taxes for Community Facilities District No. 5 (RiverPark)"

At the June 18, 2024 meeting, Aaron Starr, a proponent of the latter three measures, alleged that the City Council would be violating the Oxnard City Code (the Sunshine Ordinance and Measure M) if the City Council adopted the resolution

placing the City-sponsored measure on the November 5, 2024 ballot at its June 18, 2024 meeting.

Mr. Starr's claims lack merit. However, in order to ensure that residents of RiverPark retain all the full range of options regarding services to be provided by CFD No. 5 going forward (i.e., the ability to vote whether to keep, reduce or eliminate the services provided by CFD No. 5), staff recommends that the City Council readopt all four of the resolutions at the July 2, 2024 City Council meeting.

Placing all four resolutions on the agenda would allow for a robust discussion of all four of the measures without a claim by Mr. Starr or any third party that the City Council had not complied with the Brown Act, the Sunshine Ordinance or Measure M. In addition, the readoption of all four resolutions would remove the possibility that -- in the unlikely event that Mr. Starr or another third party successfully challenged placing the City-sponsored measure or the Starr measures on the ballot -- the RiverPark residents would still have the ability to:

- (1) affirmatively vote to keep the existing services provided by CFD No. 5 and ensure that (going forward) CFD No. 5 only pays for the specific services that the residents within CFD No. 5 receive right now; or
- (2) reduce the services provided by CFD No. 5; or
- (3) eliminate the services provided by CFD No. 5.

Finally, the recommended readoption of the approving resolutions would also remove the possibility of protracted litigation with Mr. Starr or any other third party regarding the manner in which the City Council (acting as the legislative body of CFD No. 5) adopted the resolution placing the measures on November 5, 2024 ballot.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

According to the County Elections Office, the estimated cost of the election for these measures is \$22,000 plus legal publication costs.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Kenneth Rozell, Chief Assistant City Attorney, Jason Zaragoza, Deputy City Attorney

ATTACHMENTS

1. City-Sponsored CFD 5 Measure Resolution
2. Exhibit A -- City Sponsored CFD 5 Measure Ordinance
3. Exhibit B -- Request for Specified Election Services Ballot Measure
4. Resolution Calling Election (CFD5) _ Repeal measure _
5. Exhibit A_ Ordinance Repeal of CFD 5 Special Taxes
6. Exhibit B_ Request for Specified Election Services Ballot Measures
7. Resolution Calling Election (CFD5) _ Reduction of max tax measure _
8. Exhibit A_ Ordinance Reduction of Maximum Special Taxes for CFD 5
9. Exhibit B_ Request for Specified Election Services Ballot Measures
10. Resolution Calling Election (CFD5) _ Limitations on Uses measure _
11. Exhibit A_ Ordinance Limitations on Uses of Special Taxes for CFD 5
12. Exhibit B_ Request for Specified Election Services Ballot Measures

13. PowerPoint

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK), ORDERING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “CITY-SPONSORED COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK) NO TAX INCREASE, PUBLIC SAFETY, NEIGHBORHOOD SERVICES MEASURE”, REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, when the RiverPark community was developed, Community Facilities No. 5 (RiverPark) (“CFD No. 5”) was created to fund services for the new community, including the maintenance of RiverPark’s expansive parks, parkways and open space, the flood and storm protection services, and additional police protection services; and

WHEREAS, CFD No. 5 special taxes currently pay for a range of services and amenities within the RiverPark community including: maintaining all of the parks and open space areas within the RiverPark community; maintaining sports fields used for youth baseball and soccer; helping to maintain a gymnasium for youth sports activities; funding flood and storm protections services; and funding additional police protections services; and

WHEREAS, the CFD No. 5 special taxes allow RiverPark services and amenities to be maintained and continued in the manner that currently exists today; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, received and filed certificates of sufficiency for three initiatives that would, if adopted, repeal CFD No. 5’s special taxes, limit the uses of the special taxes for CFD No. 5 and/or reduce the maximum special taxes that can be imposed by CFD No. 5; and

WHEREAS, the adoption of one or more of such initiatives would cause significant cuts to the maintenance and continuance of services and amenities within the RiverPark community – if alternative funding sources are not available to pay for some or all of the services and amenities that were previously paid for by CFD No. 5; and

WHEREAS, if adopted by the voters, the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” would ensure that CFD No. 5 continues to collect the special taxes necessary to provide the range of services and amenities within the RiverPark community that currently exist; and

WHEREAS, the City Council, acting as the legislative body of CFD No. 5, desires to submit the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” to the voters at the General Municipal Election

to be held on Tuesday, November 5, 2024, and to be consolidated with any other election to be held on that date; and

WHEREAS, the proposed “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” is more completely described in the ordinance attached hereto as Exhibit A and incorporated herein by reference.

NOW, THEREFORE, the City Council of the City of Oxnard (acting as the legislative body of Community Facilities District No. 5 (RiverPark)) hereby resolves as follows:

SECTION 1. The City Council, acting as the legislative body of CFD No. 5, hereby finds and determines that the foregoing recitals are true and correct. The recitals are hereby incorporated into the operative provisions of this Resolution by this reference.

SECTION 2. The City Council, acting as the legislative body of CFD No. 5, hereby proposes the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure”.

SECTION 3. The City Council, acting as the legislative body of CFD No. 5, hereby calls a General Municipal Election for Tuesday November 5, 2024 (the “Election”) and orders, pursuant to Elections Code Section 9222, that the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” be submitted to the voters at that election.

SECTION 4. The ballot question shall be substantially as follows:

CITY-SPONSORED COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK) NO TAX INCREASE, PUBLIC SAFETY, NEIGHBORHOOD SERVICES MEASURE.	YES	
<i>Shall the City of Oxnard-sponsored measure to continue current funding for Community Facilities District No. 5 (RiverPark) and maintain community safety, enhanced police protection, neighborhood/park patrols, keeping public areas clean, safe, well-maintained, including parks, open space; maintain flood protection, without any increase to the existing maximum tax rate, continuing ongoing public disclosure of spending and annual reports -- be adopted?</i>	NO	

SECTION 5. The text of the proposed “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk’s office located at 300 West Third Street, 4th Floor in the City of Oxnard. If not

provided in the voter guide, upon request, copies will be sent at the expense of the City. A majority of votes cast is required for the measure to pass.

SECTION 6. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election be consolidated with the statewide general election to be held on November 5, 2024, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 7. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of CFD No. 5 on November 5, 2024.

SECTION 8. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on Exhibit B, which is attached hereto and made a part hereof, and any and all other services and supplies necessary to complete the election on November 5, 2024. The City shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 9. The City Manager is authorized to execute all documents and to perform all necessary acts to enter into one or more agreements for the provisions of election services consistent with this Resolution.

SECTION 10. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 11. The City Council, acting as the legislative body of CFD No. 5, directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

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

SECTION 13. The City Council, acting as the legislative body of CFD No. 5, shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

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

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

SECTION 16. This Resolution shall be effective immediately upon adoption.

APPROVED and ADOPTED this 2nd day of July, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBIT A

AN ORDINANCE THAT CONTINUES AND MAINTAINS SERVICES AND AMENITIES WITHIN THE RIVERPARK COMMUNITY BY THE READOPTION OF RESOLUTION NO. 12,936'S EXHIBIT A AND TABLE 1 IN EXHIBIT B TO PREVENT THE ELIMINATION OR SUBSTANTIAL REDUCTION ON THE COLLECTION OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)'S SPECIAL TAXES, AND REAFFIRMS THAT CFD NO. 5'S SPECIAL TAXES SHALL NOT BE ELIMINATED, REDUCED AND/OR RESTRICTED BY ONE OR MORE OF THE THREE INITIATIVES PROPOSED BY AARON STARR, ALICIA PERCELL AND DANIEL WOLKENFELD

The People of Community Facilities District No. 5 (RiverPark) do ordain as follows:

Section 1. Title

This initiative shall be known and may be cited as the "City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure" (the "Act").

Section 2. Findings and Declarations

The People of Community Facilities District No. 5 (RiverPark) find and declare all of the following:

A. When the RiverPark community was developed, Community Facilities No. 5 (RiverPark) ("CFD No. 5") was created to fund services for the new community, including maintenance of RiverPark's expansive parks, parkways and open space, flood and storm protection services, and additional police protection services. Currently, CFD No. 5 special taxes pay for a range of services and amenities within the RiverPark community including:

- i. Protecting the public safety;
- ii. Maintaining all of the parks and open space areas within the RiverPark community;
- ii. Maintaining sports fields used for youth baseball and soccer;
- iii. Helping to maintain a gymnasium for youth sports activities;
- iv. Funding flood and storm protections services; and
- v. Funding additional police protection services.

B. The CFD No. 5 special taxes allow RiverPark services and amenities to be maintained and continued in the manner that currently exists today.

C. At the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, received and filed certificates of sufficiency for three initiatives that would -- if adopted -- repeal CFD No. 5's special taxes, limit the uses of the special taxes for CFD No. 5 and/or reduce the maximum special taxes that can be imposed by CFD No. 5. The

proponents of these three ballot measures are Aaron Starr, Alicia Percell and Daniel Wolkenfeld (the “Proponents”).

D. The People of CFD No. 5 do not wish for any of these three initiatives to go into effect because the adoption of one or more of such initiatives would cause significant cuts to the maintenance and continuance of services and amenities within the RiverPark community – if alternative funding sources are not available to pay for some or all of the services and amenities that were previously paid for by CFD 5.

Section 3. Purpose and Intent

The purpose and intent of this Act is to:

A. Ensure that CFD No. 5 continues to collect the special taxes necessary to provide the range of services and amenities within the RiverPark community that currently exists, including:

- i. Protecting the public safety;
- ii. Maintaining all of the parks and open space areas within the RiverPark community;
- ii. Maintaining sports fields used for youth baseball and soccer;
- iii. Helping to maintain a gymnasium for youth sports activities;
- iv. Funding flood and storm protections services; and
- v. Funding additional police protection services.

B. Ensure that the collection and use of CFD No. 5 special taxes are not eliminated, reduced and/or restricted by one or more of the three initiatives filed by the Proponents.

Section 4. City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure

A. Exhibit A to Resolution No. 12,936 is hereby readopted with the removal of the following allowed uses of CFD No. 5 funding that are not currently being funded by CFD No. 5: ambulance and paramedic services, recreation program services, library services, the operation and maintenance of museums and cultural facilities, and fire protection and suppression services.

B. Table 1 to Exhibit B of Resolution No. 12,936 is hereby readopted in its entirety with no changes.

C. The revised Exhibit A to Resolution No. 12,936 and Table 1 to Exhibit B to Resolution No. 12,936 are attached hereto and incorporated herein by this reference.

Section 5. Broad Construction, Implementation and Severability

A. The Act shall be liberally constructed and broadly applied to effectuate its underlying purposes of:

i. Ensuring that CFD No. 5 continues to collect the special taxes necessary to provide the range of services and amenities within the RiverPark community that currently exists today; and

ii. Ensuring that the collection and use of CFD No. 5 special taxes are not eliminated, reduced and/or restricted by one or more of the three initiatives filed by the Proponents.

B. If any provision of this Act or its application to any person or circumstance is declared invalid, such invalidity shall not affect the validity of the remainder of the Act. In such circumstances, the other parts of this Act shall remain in effect as if this Act had been drafted without the invalid part. The People intend and desire that the remaining parts of this Act continue to be effective without any part or parts that have been declared invalid, including – but not limited to – the provisions of the Act which have the impact of invalidating one or more of the three ballot measures filed by the Proponents.

Section 6. Conflicting Ballot Measures

A. Because of the internal conflicts between key provisions of the three ballot measures filed by the Proponents, the three ballot measures shall be deemed to be in conflict with each other for purposes of Elections Code Section 9221 and shall be subject to the provisions of Elections Code Section 9221.

B. This Act shall be deemed to be in conflict with the three ballot measures filed by Proponents because those ballot measures seek to eliminate, reduce and/or restrict the collection or use of the CFD No. 5 special taxes, while the purpose and intent of this Act is to ensure that the CFD No. 5 special taxes can, are and will continue to be used for the existing range of services and amenities within the RiverPark community.

C. In the event that this measure receives a greater number of affirmative votes than one or more of the measures filed by the Proponents, then – as to those other measure(s) -- the provisions of this measure shall prevail in their entirety and the provisions of the other measure(s) that received fewer votes shall be null and void in their entirety.

D. If this measure is approved by voters but superseded in any way by one or more other conflicting ballot measure(s) (i.e., those ballot measures(s) filed by the Proponents) on the November 5, 2024 ballot are approved by voters at the same election, and the conflicting ballot measure(s) are later held invalid, this measure shall be self-executing and given full force of law.

EXHIBIT A
CITY OF OXNARD
COMMUNITY FACILITIES DISTRICT NO. 5
(RIVERPARK)
DESCRIPTION OF SERVICES AND IMPROVEMENTS
TO BE FUNDED BY THE DISTRICT
SERVICES AND IMPROVEMENTS

The following services are authorized expenditures under this resolution. The District will use the funds for the following purposes:

- Maintenance of parks, parkways, and open space.
- Maintenance services for elementary and secondary school sites and structures.
- Flood and storm protection services.
- Costs incurred in establishing the District and creating the levy of the special tax, financial advisor fees and expenses, appraisal and price point study costs, maintenance reserves, and District counsel fees and expenses.
- Ongoing administrative fees of the District, the City of Oxnard and any trustee, fiscal agent or financial administrator related to the District.
- Reimbursement of costs related to the formation of the District advanced by the City of Oxnard, any landowner in the District, or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the City of Oxnard, any landowner in the District or any party related to any of the foregoing, for services, fees or other purposes or costs of the District.
- Police protection services.
- Local park, recreation, parkway, and open-space facilities.

EXHIBIT 1 TO EXHIBIT B

Maximum Special Tax for Developed Property

For Fiscal Year 2005-2009

Community Facilities District No. 5 (RiverPark)

Land Use Class	Description	Residential Floor Area	Maximum Special Tax
1	Single Family Attached Property	<1,400 SF	\$1,266.86 per unit
2	Single Family Attached Property	1,400-1,699 SF	\$1,557.21 per unit
3	Single Family Attached Property	1,700-1,999 SF	\$1,704.10 per unit
4	Single Family Attached Property	2,000-2,199 SF	\$2,000.17 per unit
5	Single Family Attached Property	≥2,200 SF	\$2,147.06 per unit
6	Single Family Attached Property	<1,750 SF	\$1,857.01 per unit
7	Single Family Attached Property	1,750-2,099 SF	\$2,104.41 per unit
8	Single Family Attached Property	2,100-2,299 SF	\$2,289.27 per unit
9	Single Family Attached Property	2,300-2,799 SF	\$2,641.11 per unit
10	Single Family Attached Property	≥2,800 SF	\$3,014.65 per unit
11	Affordable Units	NA	\$461.23 per unit
12	High Density Property	NA	\$459.06 per unit
13	Non-Residential Property	NA	\$0.1347 per square foot of Non-Residential Floor Area

EXHIBIT B



MICHELLE ASCENCION
Clerk-Recorder & Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
BALLOT MEASURES

TO: **MICHELLE ASCENCION**, Clerk-Recorder & Registrar of Voters

FROM: City of Oxnard Rose Chaparro
City Name City Clerk

ELECTION: Presidential General Election Nov 2024 DATE: November 5, 2024

NOTE: A MAP MUST BE PROVIDED OF THE AREA/DISTRICT THAT WILL VOTE ON THE MEASURE.

SERVICE OPTIONS Place a check mark next to the desired service (one selection per item):

ITEM #1 PUBLICATIONS

- XX A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Vote Centers.
- B. City will publish and send proof of publication to Elections

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

- XX A. Print Full Text of Ballot Measure.
- B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS (IF APPLICABLE)

- XX A. Random sample of 500 signatures.
- B. Full check of all signatures submitted, up to the required number.

PERCENTAGE OF VOTES REQUIRED FOR MEASURE TO PASS: 50% +1
City-Sponsored Community Facilities District No. 5 (Riverpark) No Tax Increase,
Public Safety, Neighborhood Services Measure.

ELECTIONS DIVISION SERVICES PROVIDED:

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL: Elections Division provides electronic copies.

TRANSLATIONS: Elections Division provides all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES: Elections Division prints arguments/analyses for each measure, Sample Ballots, and Vote Center/Ballot Drop Box lists in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS: Elections Division processes all Vote By Mail ballots.

ELECTION RESULTS: Elections Division posts results and regular updates on its website: VenturaVote.org.

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

Name of City: City of Oxnard

Print Name & Title: Rose Chaparro, City Clerk

Signature: 

Date: June 14, 2024

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK), ORDERING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “REPEAL OF COMMUNITY FACILITIES NO. 5 (RIVERPARK) SPECIAL TAXES”, REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, the proponents of an initiative measure, Aaron Starr, Alicia Percell and Daniel Wolkenfeld (the “Proponents”), submitted to the City Clerk a Notice of Intention to Circulate Initiative Petition that proposed to adopt an ordinance that eliminate funding generated by Community Facilities District No. 5 (RiverPark); and

WHEREAS, on May 9, 2024, the Ventura County Registrar of Voters verified that the Proponents submitted the required number of valid signatures sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of Community Facilities District No. 5 (Riverpark) of the City of Oxnard (hereafter, “CFD No. 5”), received and filed certificates of sufficiency for the initiative measure; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council, acting as the legislative body of CFD No. 5, must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 (“9212 Report”) at the regular meeting at which the certification of the petition is presented; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, ordered a 9212 Report to consider the impacts or effects of the initiative on the City; and

WHEREAS, the City Council, acting as the legislative body of CFD No. 5, received the 9212 Report on June 18, 2024; and

WHEREAS, California Elections Code Section 1405 provides that the election for a municipal or district initiative that qualifies for the ballot shall be held at the jurisdiction’s next regular election occurring not less than 88 days after the date of the order of election, unless the governing body calls a special election.

NOW, THEREFORE, the City Council of the City of Oxnard, acting as the legislative body of Community Facilities District No. 5 (RiverPark), hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard, acting as the legislative body of CFD No. 5, as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of CFD No. 5 at the regular election to be held on November 5, 2024.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of CFD No. 5 be consolidated with the statewide general election to be held on November 5, 2024, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of CFD No. 5, on November 5, 2024.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on Exhibit B, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 5, 2024.

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

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

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

REPEAL OF COMMUNITY FACILITIES NO. 5 (RIVERPARK) SPECIAL TAXES Shall an ordinance to repeal all special taxes specific to RiverPark (Community Facilities District No. 5), eliminating funding for extra police protection services, neighborhood/park patrols within RiverPark, eliminating funding for maintenance of RiverPark parks and open space, sports fields used for youth baseball and soccer, trails, dog parks at enhanced service levels, eliminating funding for landscaping maintenance, flood and storm protection services -- be adopted?	YES	
	NO	

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

SECTION 10. The City Council, acting as the legislative body of CFD No. 5, directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

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

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

SECTION 13. The City Council, acting as the legislative body of CFD No. 5, shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

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

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

PASSED AND ADOPTED THIS 2nd Day of July, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Exhibit A

Exhibit A

CITY CLERK OXNARD
MAR 18 '24 PM 1:47

ORDINANCE REPEALING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)

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

SECTION 1. Title.

This initiative shall be known and may be cited as the "Repeal Riverpark Mello-Roos Taxes Act."

SECTION 2. Findings and Declarations.

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

- a) The City of Oxnard imposes a Mello-Roos tax on Community Facilities District No. 5 (Riverpark) ("the District"), charging property owners a special tax

to fund general services currently provided to other Oxnard residents through their normal property and sales taxes.
b) As a result, many Riverpark residents believe they are being unfairly double-charged for the same services, and that such unreasonable and excessive Mello-Roos taxes depress the property values of homeowners.
c) Most Oxnard homeowners do not pay extra on their property tax bills to maintain City-owned property and receive standard municipal services generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.
d) The City of Oxnard needs to take responsibility for maintaining City-owned property and providing standard municipal services to the residents of Riverpark.
e) If the City chooses to shirk its responsibility to fund maintenance of its landscaping improvements from its general fund, it should deed over that property, such as in a manner provided in Part 3 of Division 9 of the Streets and Highways code, to either the owners of adjacent parcels or an association formed under the Davis-Stirling Common Interest Development Act (Part 5 of Division 4 of the Civil code) created for the purpose of maintaining such property.

SECTION 3. Purposes and Intent.

a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the "Repeal Riverpark Mello-Roos Taxes Act" is to repeal the Mello-Roos tax imposed on properties within the District, effective June 30 following the adoption of the Act, and receive no less than the standard municipal services generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.
b) The people intend this Act to be an exercise of their rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

SECTION 4. Repeal Riverpark Mello-Roos Taxes Act

Part C of Exhibit B of Resolution No. 12936, adopted as Ordinance No. 2701 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 5 (Riverpark) is hereby amended to read as follows:

(Text to be inserted is indicated in *bold italics* type. Text to be deleted is indicated in ~~strike through~~ type. Text in bold or underlined type, is existing and not amended by this Initiative.)

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Fiscal Year 2005-2006 Maximum Special Tax for each Land Use Class is shown below in Table 1.

TABLE 1

Maximum Special Taxes for Developed Property

For Fiscal Year 2005-2006
Community Facilities District No. 5 (RiverPark)

Land Use Class	Description	Residential Floor Area	Maximum Special Tax
1	Single Family Attached Property	< 1,400 SF	\$1,266.86 per unit
2	Single Family Attached Property	1,400 - 1,699 SF	\$1,557.21 per unit
3	Single Family Attached Property	1,700 - 1,999 SF	\$1,704.10 per unit
4	Single Family Attached Property	2,000 - 2,199 SF	\$2,000.17 per unit
5	Single Family Attached Property	≥ 2,200 SF	\$2,147.06 per unit
6	Single Family Detached Property	< 1,750 SF	\$1,857.01 per unit
7	Single Family Detached Property	1,750 - 2,099 SF	\$2,104.41 per unit
8	Single Family Detached Property	2,100 - 2,299 SF	\$2,289.27 per unit
9	Single Family Detached Property	2,300 - 2,799 SF	\$2,641.11 per unit
10	Single Family Detached Property	≥ 2,800 SF	\$3,014.65 per unit

11	Affordable Units	NA	\$461.23 per unit
12	High Density Property	NA	\$459.06 per unit
13	Non-Residential Property	NA	\$0.1347 per square foot of Non-Residential floor area

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax each Land Use Class shall be increased by based on the percentage change in the Consumer Price Index with a maximum annual increase of five percent (5%) and a minimum annual increase of two percent (2%) per Fiscal Year.
Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Repeal Riverpark Mello-Roos Taxes Act, the Maximum Special Tax for each Land Use Class shall be \$0.00 per unit and per square foot.

d. Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax for all Land Use Classes located on that Assessor's Parcel.

2. Undeveloped Property

a. Maximum Special Tax

The Fiscal Year 2005-2006 Maximum Special Tax for Undeveloped Property shall be \$19,793.43 per Acre. *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Repeal Riverpark Mello-Roos Taxes Act, the Maximum Special Tax shall be \$0.00 per Acre.*

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax for Undeveloped Property shall be based on the percentage change in the Consumer Price Index with a maximum annual increase of five percent (5%) and a minimum annual increase of two percent (2%) per Fiscal Year. *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Repeal Riverpark Mello-Roos Taxes Act, the Maximum Special Tax for Undeveloped Property shall be \$0.00 per Acre.*

SECTION 5. Broad Construction.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of repealing the City's special taxes imposed on properties within the District, thereby obligating the City to provide standard municipal services, generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.
b) If any provision of this Act conflicts directly or indirectly with any other provision of law, those other provisions shall be null and void to the extent that they are inconsistent with this act, and are hereby repealed.

SECTION 6. Conflicting Ballot Measures.

a) Notwithstanding Section 9221 of the Elections Code, this measure is not intended to conflict with any other measure sponsored by the proponents and adopted at the same election, and to the extent possible the nonconflicting provisions of two or more such measures adopted at the same election shall be given effect to achieve the greatest reduction in tax.
b) If this measure is approved by voters but superseded by any other conflicting ballot measure sponsored by the City Council and approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.
c) In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the City Council sponsored measure or measures shall be null and void in their entirety. In the event that the City Council sponsored measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

SECTION 7. Proponent Standing.

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

Exhibit B



MICHELLE ASCENCION
Clerk-Recorder & Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
BALLOT MEASURES

TO: **MICHELLE ASCENCION**, Clerk-Recorder & Registrar of Voters

FROM: City of Oxnard Rose Chaparro
City Name City Clerk

ELECTION: Presidential General Election DATE: November 5, 2024

NOTE: A MAP MUST BE PROVIDED OF THE AREA/DISTRICT THAT WILL VOTE ON THE MEASURE.

SERVICE OPTIONS Place a check mark next to the desired service (one selection per item):

ITEM #1 PUBLICATIONS

☒

A. County elections official is requested to publish: Notice of Election of Measure and Vote Centers.

☐

B. City will publish and send proof of publication to Elections

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

☒

A. Print Full Text of Ballot Measure.

☐

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

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS (IF APPLICABLE)

☒

A. Random sample of 500 signatures.

B. Full check of all signatures submitted, up to the required number.

PERCENTAGE OF VOTES REQUIRED FOR MEASURE TO PASS: 50% + 1

ELECTIONS DIVISION SERVICES PROVIDED:

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL: Elections Division provides electronic copies.

TRANSLATIONS: Elections Division provides all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES: Elections Division prints arguments/analyses for each measure, Sample Ballots, and Vote Center/Ballot Drop Box lists in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS: Elections Division processes all Vote By Mail ballots.

ELECTION RESULTS: Elections Division posts results and regular updates on its website: VenturaVote.org.

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

Name of City: City of Oxnard

Print Name & Title: Rose Chaparro, City Clerk

Signature: *R. Chaparro*

Date: May 9, 2024

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK), ORDERING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “REDUCTION OF THE MAXIMUM SPECIAL TAXES THAT CAN BE IMPOSED WITHIN COMMUNITIES FACILITIES DISTRICT NO. 5 (RIVERPARK)”, REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, the proponents of an initiative measure, Aaron Starr, Alicia Percell and Daniel Wolkenfeld (the “Proponents”), submitted to the City Clerk a Notice of Intention to Circulate Initiative Petition that proposed to adopt an ordinance that would result in a 50 percent reduction in the potential amount of CFD funding available to provide services within the RiverPark community; and

WHEREAS, on May 9, 2024, the Ventura County Registrar of Voters verified that the Proponents submitted the required number of valid signatures sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of Community Facilities District No. 5 (Riverpark) of the City of Oxnard (hereafter, “CFD No. 5”), received and filed certificates of sufficiency for the initiative measure; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council, acting as the legislative body of CFD No. 5, must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 (“9212 Report”) at the regular meeting at which the certification of the petition is presented; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, ordered a 9212 Report to consider the impacts or effects of the initiative on the City; and

WHEREAS, the City Council, acting as the legislative body of CFD No. 5, received the 9212 Report on June 18, 2024; and

WHEREAS, California Elections Code Section 1405 provides that the election for a municipal or district initiative that qualifies for the ballot shall be held at the jurisdiction’s next regular election occurring not less than 88 days after the date of the order of election, unless the governing body calls a special election.

NOW, THEREFORE, the City Council of the City of Oxnard, acting as the legislative body of Community Facilities District No. 5 (RiverPark), hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard, acting as the legislative body of CFD No. 5, as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of CFD No. 5 at the regular election to be held on November 5, 2024.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of CFD No. 5 be consolidated with the statewide general election to be held on November 5, 2024, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of CFD No. 5, on November 5, 2024.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on Exhibit B, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 5, 2024.

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

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

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

REDUCTION OF THE MAXIMUM SPECIAL TAXES THAT CAN BE IMPOSED WITHIN COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)	YES	
Shall an ordinance reducing potential funding by half for RiverPark's enhanced police protection, patrols within RiverPark, reducing potential funding by half for maintaining RiverPark parks, open space, sports fields for youth baseball/soccer, reducing potential funding by half for landscaping, reducing potential funding by half for flood/storm protection services, by reducing by half the maximum special taxes for Community Facilities District No. 5 (RiverPark) -- be adopted?	NO	

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

SECTION 10. The City Council, acting as the legislative body of CFD No. 5, directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

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

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

SECTION 13. The City Council, acting as the legislative body of CFD No. 5, shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

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

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

PASSED AND ADOPTED THIS 2nd Day of July, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Exhibit A

Exhibit A

CITY CLERK OXNARD
MAR 18 '24 PM 1:46

ORDINANCE REDUCING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)

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

SECTION 1. Title.

This initiative shall be known and may be cited as the "People's Right to Vote on Riverpark Taxes Act."

SECTION 2. Findings and Declarations.

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

a) The City of Oxnard imposes a Mello-Roos tax on Community Facilities District No. 5 (Riverpark) ("the District"), charging property owners a special tax

to fund general services currently provided to other Oxnard residents through their normal property and sales taxes.
b) As a result, many Riverpark residents believe they are being unfairly double-charged for the same services, and that such unreasonable and excessive Mello-Roos taxes depress the property values of homeowners.
c) For the fiscal year ending June 30, 2024, the City of Oxnard is taxing Riverpark approximately half the maximum allowed by the District's formation documents. That means the City could in future years decide to tax property owners double that already-high amount.
d) The maximum allowed tax should be reduced by half. By doing so, City Hall would be required to make a convincing case to voters that more money is needed before it increases taxes again.

SECTION 3. Purposes and Intent.

a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the "People's Right to Vote on Riverpark Taxes Act" is to reduce the Maximum Special Tax rates imposed on the District by half, taking into effect an escalation each July 1, commencing on July 1, 2006, for changes in the Consumer Price Index.
b) The people intend this Act to be an exercise of their rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

SECTION 4. People's Right to Vote on Riverpark Taxes Act.
Part C of Exhibit B of Resolution No. 12936, adopted as Ordinance No. 2701 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 5 (Riverpark) is hereby amended to read as follows:

(Text to be inserted is indicated in *bold italics* type. Text to be deleted is indicated in ~~strikethrough~~ type. Text in standard, bold or underlined type, is existing and not amended by this initiative.)

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Fiscal Year 2005-2006 Maximum Special Tax for each Land Use Class is shown below in Table 1.

TABLE 1

Maximum Special Taxes for Developed Property

For Fiscal Year 2005-2006
Community Facilities District No. 5 (RiverPark)

Land Use Class	Description	Residential Floor Area	Maximum Special Tax
1	Single Family Attached Property	< 1,400 SF	\$1,266.86 <i>633.43</i> per unit
2	Single Family Attached Property	1,400 - 1,699 SF	\$1,557.21 <i>778.61</i> per unit
3	Single Family Attached Property	1,700 - 1,999 SF	\$1,704.10 <i>852.05</i> per unit
4	Single Family Attached Property	2,000 - 2,199 SF	\$2,000.17 <i>1,000.09</i> per unit
5	Single Family Attached Property	≥ 2,200 SF	\$2,147.06 <i>1,073.53</i> per unit
6	Single Family Detached Property	< 1,750 SF	\$1,857.01 <i>928.51</i> per unit
7	Single Family Detached Property	1,750 - 2,099 SF	\$2,104.41 <i>1,052.21</i> per unit
8	Single Family Detached Property	2,100 - 2,299 SF	\$2,289.27 <i>1,144.64</i> per unit
9	Single Family Detached Property	2,300 - 2,799 SF	\$2,644.11 <i>1,320.56</i> per unit

10	Single Family Detached Property	≥ 2,800 SF	\$3,014.65 <i>1,507.83</i> per unit
11	Affordable Units	NA	\$461.23 <i>230.62</i> per unit
12	High Density Property	NA	\$459.06 <i>229.53</i> per unit
13	Non-Residential Property	NA	\$0.1347 <i>0.0674</i> per square foot of Non-Residential floor area

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax each Land Use Class shall be increased by based on the percentage change in the Consumer Price Index with a maximum annual increase of five percent (5%) and a minimum annual increase of two percent (2%) per Fiscal Year.

d. Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax for all Land Use Classes located on that Assessor's Parcel.

2. Undeveloped Property

a. Maximum Special Tax

The Fiscal Year 2005-2006 Maximum Special Tax for Undeveloped Property shall be ~~\$19,793.43~~ *9,896.72* per Acre.

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax for Undeveloped Property shall be based on the percentage change in the Consumer Price Index with a maximum annual increase of five percent (5%) and a minimum annual increase of two percent (2%) per Fiscal Year.

SECTION 5. Broad Construction and Implementation.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of reducing by half the Maximum Special Tax rates imposed in the District, taking into effect an escalation each July 1, commencing on July 1, 2006, for changes in the Consumer Price Index. For example, had this Act been in effect for the Fiscal Year ending June 30, 2023, the Maximum Special Tax for Land Use Class 1 would have been \$1,000.29 rather than \$2,000.58.
b) If any provision of this Act or the application thereof to any person or circumstance is held invalid, then the people intend that the entire special tax be repealed.

SECTION 6. Conflicting Ballot Measures.

a) Notwithstanding Section 9221 of the Elections Code, this measure is not intended to conflict with any other measure sponsored by the proponents and adopted at the same election, and to the extent possible the nonconflicting provisions of two or more such measures adopted at the same election shall be given effect to achieve the greatest reduction in tax.
b) If this measure is approved by voters but superseded by any other conflicting ballot measure sponsored by the City Council and approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.
c) In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the City Council sponsored measure or measures shall be null and void in their entirety. In the event that the City Council sponsored measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

SECTION 7. Proponent Standing.

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

Exhibit B



MICHELLE ASCENCION
Clerk-Recorder & Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
BALLOT MEASURES

TO: **MICHELLE ASCENCION**, Clerk-Recorder & Registrar of Voters

FROM: City of Oxnard Rose Chaparro
City Name City Clerk

ELECTION: Presidential General Election DATE: November 5, 2024

NOTE: A MAP MUST BE PROVIDED OF THE AREA/DISTRICT THAT WILL VOTE ON THE MEASURE.

SERVICE OPTIONS Place a check mark next to the desired service (one selection per item):

ITEM #1 PUBLICATIONS



A. County elections official is requested to publish: Notice of Election of Measure and Vote Centers.



B. City will publish and send proof of publication to Elections

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION



A. Print Full Text of Ballot Measure.



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

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS (IF APPLICABLE)



A. Random sample of 500 signatures.

B. Full check of all signatures submitted, up to the required number.

PERCENTAGE OF VOTES REQUIRED FOR MEASURE TO PASS: 50% + 1

ELECTIONS DIVISION SERVICES PROVIDED:

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL: Elections Division provides electronic copies.

TRANSLATIONS: Elections Division provides all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES: Elections Division prints arguments/analyses for each measure, Sample Ballots, and Vote Center/Ballot Drop Box lists in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS: Elections Division processes all Vote By Mail ballots.

ELECTION RESULTS: Elections Division posts results and regular updates on its website: VenturaVote.org.

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

Name of City: City of Oxnard

Print Name & Title: Rose Chaparro, City Clerk

Signature: *R. Chaparro*

Date: May 9, 2024

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK), ORDERING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “LIMITATIONS ON USES OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)”, REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, the proponents of an initiative measure, Aaron Starr, Alicia Percell and Daniel Wolkenfeld (the “Proponents”), submitted to the City Clerk a Notice of Intention to Circulate Initiative Petition that proposed to adopt an ordinance that would impose limits on the way in which CFD No. 5 funding is used; and

WHEREAS, on May 9, 2024, the Ventura County Registrar of Voters verified that the Proponents submitted the required number of valid signatures sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of Community Facilities District No. 5 (Riverpark) of the City of Oxnard (hereafter, “CFD No. 5”), received and filed certificates of sufficiency for the initiative measure; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council, acting as the legislative body of CFD No. 5, must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 (“9212 Report”) at the regular meeting at which the certification of the petition is presented; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, ordered a 9212 Report to consider the impacts or effects of the initiative on the City; and

WHEREAS, the City Council, acting as the legislative body of CFD No. 5, received the 9212 Report on June 18, 2024; and

WHEREAS, California Elections Code Section 1405 provides that the election for a municipal or district initiative that qualifies for the ballot shall be held at the jurisdiction’s next regular election occurring not less than 88 days after the date of the order of election, unless the governing body calls a special election.

NOW, THEREFORE, the City Council of the City of Oxnard, acting as the legislative body of Community Facilities District No. 5 (RiverPark), hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard, acting as the legislative body of CFD No. 5, as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of CFD No. 5 at the regular election to be held on November 5, 2024.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of CFD No. 5 be consolidated with the statewide general election to be held on November 5, 2024, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of CFD No. 5, on November 5, 2024.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on Exhibit B, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 5, 2024.

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

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

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

LIMITATIONS ON USES OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)	YES	
Shall an ordinance imposing limits on how Community Facilities District No. 5 (RiverPark) (CFD) funding is used – including limiting police protection services, reducing CFD funding available for flood and storm protection services, prohibiting using CFD funding to maintain sports fields for youth baseball and soccer, and limiting CFD funding for maintenance of parks, parkways and open space to beyond that of “standard municipal services” – be adopted?	NO	

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

SECTION 10. The City Council, acting as the legislative body of CFD No. 5, directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

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

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

SECTION 13. The City Council, acting as the legislative body of CFD No. 5, shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

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

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

PASSED AND ADOPTED THIS 2nd Day of July, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Exhibit A

Exhibit A

CITY CLERK OXNARD
MAR 18 '24 PM 1:45

ORDINANCE CURBING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)

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

SECTION 1. Title.

This initiative shall be known and may be cited as the "Curbing Riverpark's Unfair Mello-Roos Taxes Act."

SECTION 2. Findings and Declarations.

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

- a) The City of Oxnard imposes a Mello-Roos tax on Community Facilities District No. 5 (Riverpark) ("the District"), charging property owners a special tax

to fund general services currently provided to other Oxnard residents through their normal property and sales taxes.

b) As a result, many Riverpark residents believe they are being unfairly double-charged for the same services, and that such unreasonable and excessive Mello-Roos taxes depress the property values of homeowners.

c) The City of Oxnard charges Riverpark excessive administrative costs, which leaves less money available for direct services to Riverpark.

d) The City of Oxnard often deploys police at The Collection, charging Riverpark extra for Police Services at overtime rates.

e) City Hall removed a \$1.6 million charge for fire protection starting fiscal year ending June 30, 2022, but only after receiving pushback from homeowners. Unfortunately, nothing legally prohibits the City from charging that again.

f) While Riverpark pays extra for its local parks, the City allows any Oxnard resident to use them and even keeps park rental fees for its own use rather than using such funds to reduce taxes.

g) Pursuant to an existing joint use agreement with the Rio School District, the City is obligated to fund maintenance services for elementary and secondary school sites and structures, including sports fields and a gymnasium, whether or not the City imposes a special tax in Riverpark.

SECTION 3. Purposes and Intent.

a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the "Curbing Riverpark's Unfair Mello-Roos Taxes Act" is to reduce the amount of special tax that can be imposed on the District to only funding the marginal cost of enhanced services and not supplanting other funding of standard municipal services generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.

b) The people intend this Act to be an exercise of their rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

SECTION 4. Curbing Riverpark's Unfair Mello-Roos Taxes Act
Exhibit A of Resolution No. 12936, adopted as Ordinance No. 2701 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 5 (Riverpark) is hereby amended to read as follows:

(Text to be inserted is indicated in *bold italics* type. Text to be deleted is indicated in ~~struck through~~ type. Text in standard, bold or underlined type, is existing and not amended by this Initiative.)

EXHIBIT A

CITY OF OXNARD COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)

DESCRIPTION OF SERVICES AND IMPROVEMENTS TO BE FUNDED BY THE DISTRICT

SERVICES AND IMPROVEMENTS

All services that are authorized pursuant to Government Code Section 53313 are authorized expenditures under this resolution. The District expects to use such funds, but is not limited to use such funds, for the following purposes:

- * Maintenance of parks, parkways, and open space. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to City-provided utilities and invoices from third parties for the direct provision of such enhanced services, reduced by revenues derived from the rental or use of such spaces.*
- * Recreation program services, library services, maintenance services for elementary and secondary school sites and structures, and the operation and maintenance of museums and cultural facilities. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such services.*
- * Flood and storm protection services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to invoices from third parties for the direct provision of such services.*
- * Costs incurred in establishing the District and creating the levy of the special tax, financial advisor fees and expenses, appraisal and price

point study costs, maintenance reserves, and District counsel fees and expenses.

- * Ongoing administrative fees of the District, the City of Oxnard and any trustee, fiscal agent or financial administrator related to the District. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such expenditures beyond \$100,000 annually adjusted by the Consumer Price Index on each July 1 with a maximum annual increase of five percent (5%) per Fiscal Year.*
- * Reimbursement of costs related to the formation of the District advanced by the City of Oxnard, any landowner in the District, or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the City of Oxnard, any landowner in the District or any party related to any of the foregoing, for services, fees or other purposes or costs of the District.
- * Police protection services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to the payroll and ancillary current operating cost of one supplemental officer (or full-time equivalent), excluding the cost of overtime, and only while deployed within the District.*
- * Fire protection and suppression services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such services.*
- * Ambulance and paramedic services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such services.*
- * Local Park, recreation, parkway, and open-space facilities. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to City-provided utilities and invoices from third parties for the direct provision of such enhanced services, reduced by revenues derived from the rental or use of such spaces.*
- * *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for any other authorized purpose beyond those itemized herein.*

SECTION 5. Broad Construction and Implementation.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of reducing the City's special taxes imposed on properties within the District.

b) If any provision of this Act or the application thereof to any person or circumstance is held invalid, or if a court determines that this special tax has been used to supplant other funding of standard municipal services, then the people intend that the entire special tax be repealed.

SECTION 6. Conflicting Ballot Measures.

a) Notwithstanding Section 9221 of the Elections Code, this measure is not intended to conflict with any other measure sponsored by the proponents and adopted at the same election, and to the extent possible the nonconflicting provisions of two or more such measures adopted at the same election shall be given effect to achieve the greatest reduction in tax.

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

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

SECTION 7. Proponent Standing.

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

Exhibit B



MICHELLE ASCENCION
Clerk-Recorder & Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
BALLOT MEASURES

TO: **MICHELLE ASCENCION**, Clerk-Recorder & Registrar of Voters

FROM: City of Oxnard Rose Chaparro
City Name City Clerk

ELECTION: Presidential General Election DATE: November 5, 2024

NOTE: A MAP MUST BE PROVIDED OF THE AREA/DISTRICT THAT WILL VOTE ON THE MEASURE.

SERVICE OPTIONS Place a check mark next to the desired service (one selection per item):

ITEM #1 PUBLICATIONS

☒

A. County elections official is requested to publish: Notice of Election of Measure and Vote Centers.

☐

B. City will publish and send proof of publication to Elections

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

☒

A. Print Full Text of Ballot Measure.

☐

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

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS (IF APPLICABLE)

☒

A. Random sample of 500 signatures.

B. Full check of all signatures submitted, up to the required number.

PERCENTAGE OF VOTES REQUIRED FOR MEASURE TO PASS: 50% + 1

ELECTIONS DIVISION SERVICES PROVIDED:

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL: Elections Division provides electronic copies.

TRANSLATIONS: Elections Division provides all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES: Elections Division prints arguments/analyses for each measure, Sample Ballots, and Vote Center/Ballot Drop Box lists in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS: Elections Division processes all Vote By Mail ballots.

ELECTION RESULTS: Elections Division posts results and regular updates on its website: VenturaVote.org.

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

Name of City: City of Oxnard

Print Name & Title: Rose Chaparro, City Clerk

Signature: *R. Chaparro*

Date: May 9, 2024

Readoption of Resolutions Calling for for the Election for CFD No. 5 (RiverPark) on November 5, 2024

City Council
July 2, 2024

Kenneth Rozell
Chief Assistant City Attorney

That the City Council, acting as the legislative body of Community Facilities District No. 5 (RiverPark):

1. Call the election for a ballot measure titled "City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure" by readopting a resolution, which would order consolidation with the November 5, 2024 statewide election, request the County Clerk to conduct the election, and authorize the Board of Supervisors to canvass the returns; and

[cont.]

2. Call the election for certified initiative measures titled:

- a. "Repeal of Community Facilities No. 5 (RiverPark) Special Taxes;"
- b. "Reduction of the Maximum Special Taxes That Can Be Imposed Within Community Facilities District No. 5 (RiverPark);" and
- c. "Limitations on Uses of Special Taxes for Community Facilities District No. 5 (RiverPark)"

[*cont.*]

[*cont.*]

by readopting three resolutions which would order consolidation with the November 5, 2024 statewide election, request the County Clerk to conduct the election, and authorize the Board of Supervisors to canvass the returns.

On June 18, 2024, Oxnard City Council, acting as the legislative body for CFD No. 5 (RiverPark), adopted four resolutions:

1. A resolution calling the election for ballot measure titled “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure”; and
2. Resolutions calling the election for initiative measures titled:
 - a. "Repeal of Community Facilities No. 5 (RiverPark) Special Taxes;"
 - b. "Reduction of the Maximum Special Taxes That Can Be Imposed Within Community Facilities District No. 5 (RiverPark);"
 - and
 - c. "Limitations on Uses of Special Taxes for Community Facilities District No. 5 (RiverPark)".

At the June 18 City Council meeting, initiative proponent Aaron Starr alleged that the City Council would be violating the City's Sunshine Ordinance and Measure M if the Council adopted the resolution placing the City-sponsored measure on the November 5, 2024 ballot.

Mr. Starr's claims lack merit. However, to ensure that RiverPark residents retain the ability to vote whether to keep, reduce or eliminate the services provided by CFD No. 5, staff recommends that the City Council readopt all four of the resolutions at the July 2, 2024 City Council meeting.

Placing all four resolutions on the agenda would also allow for a robust discussion of all four measures without a claim by Mr. Starr or any third party that the City Council had not complied with the Brown Act, the Sunshine Ordinance or Measure M.

In addition, the readoption of all four resolutions would ensure that (in the unlikely event that Mr. Starr or another third party successfully challenged placing the City-sponsored measure or the Starr measures on the ballot) RiverPark residents would still have the ability to affirmatively vote to:

[*cont.*]

1. Keep the existing services provided by CFD No. 5 and ensure that (going forward) CFD No. 5 only pays for the specific services that the residents within CFD No. 5 receive right now; or
2. Reduce the services provided by CFD No. 5; or
3. Eliminate the services provided by CFD No. 5.

Finally, the recommended readoption of the approving resolutions would also remove the possibility of protracted litigation with Mr. Starr or any other third party regarding the manner in which the City Council (acting as the legislative body of CFD No. 5) adopted the resolutions on June 18, 2024 that placed the measures on November 5, 2024 ballot.



QUESTIONS?



CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.7

DATE: July 2, 2024
TO: City Council
FROM: Jason Benites, Police Chief, (805) 385-7624, jason.benites@oxnardpd.org
SUBJECT: Ventura County Animal Services Agreement FY 2024-25.

RECOMMENDATION

That the City Council approve and authorize the Mayor to sign a Service Level Request in the amount of \$2,647,277 for FY 24-25 for the fifth year of a five-year agreement (A-8151) with the County of Ventura to provide animal safety services.

BACKGROUND

Note: The City Council approved this item on June 18, 2024. Since Council member Teran, in his personal capacity, provides consulting services for the County of Ventura, he has a non-disqualifying financial interest in this contract. Government Code section 1091.5(a)(9) requires Council member Teran to disclose the financial interest to the City Council when the contract is being considered; the interest must be noted in the official record. Since that did not occur on June 18, the City Council must reconsider this item on July 2.

The City entered into a five-year agreement with Ventura County Animal Services (VCAS) in FY 20-21. Under the terms of agreement, A-8151 (the "Agreement"), VCAS shall provide the following shelter services: impoundment, boarding, quarantine, veterinary services, euthanasia services, over-the-counter animal license sales, animal adoptions, and disposal of dead animals. Impounded animals will be vaccinated and provided necessary care, food, and shelter in accordance with the provisions of state law. The animal's picture will be posted on the VCAS website as soon as practicable to assist the City's residents in reclaiming a missing pet.

As part of the agreement, the costs are distributed amongst eight (8) Ventura County cities, including Oxnard and unincorporated areas of Ventura County. The costs are based on VCAS operating and administrative costs, licensing costs, and field staff services.

The base costs for VCAS have risen each year due to increases in personnel-related costs, medical supplies, and veterinary care. The FY 18-19 agreement of \$1,948,039 was a 5% increase from FY 17-18. The FY 19-20 agreement of \$2,113,884 is an 8.5% increase from FY 18-19. The FY 20-21 agreement of \$2,324,778 was a 9.9% increase from FY 19-20. The FY 21-22 agreement of \$2,479,135 is a 6.6% increase from FY 20-21. The FY 22-23 agreement of \$2,669,598.97 was a 7.7% increase from FY 21-22. The FY 23-24 agreement of \$2,488,481 was an 8.7% increase from FY 22-23. Finally, the proposed FY 24-25 agreement of \$3,097,685 is an increase of 5.5% from FY 23-24.

	VCAS COST	% Difference
--	-----------	--------------

FY 17-18	\$1,854,979	+9.8%
FY 18-19	\$1,948,039	+5%
FY 19-20	\$2,113,884	+8.5%
FY 20-21	\$2,324,778	+9.9%
FY 21-22	\$2,479,135	+6.6%
FY 22-23	\$2,669,598	+7.7%
FY 23-24	\$2,925,981	+8.7%

Per the five-year agreement, the animal intake costs are divided using a billing methodology that calculates the pro-rata costs to cities looking at historical calendar year animal intake figures using a 3-year weighted average. There is a built-in 5% annual budget increase to the Animal Care budget each year of the agreement. Each year of the agreement, the Police Department will complete an agreement for the cost of the upcoming fiscal year.

The VCAS budget is a consortium of costs shared by the eight (8) contract cities and the County. Cities and the County pay their pro-rata share based on the weighted average of animal intakes. There are no annual “true-up” costs, which means the City will not be billed more than the proposed Animal Care portion of expenses for FY 24-25.

The table below shows the costs for all cities and the unincorporated areas of the County for FY 24-25. This allocation of costs is based on the overall cost to run the shelter of \$7,431,963.87 (year five of the contract) that is shared by the eight (8) participating cities and the County based on a 3-year weighted average of animal intakes to the shelter. The column on the far right titled “FY 24-25 Animal Care Cost” is the City’s actual animal care cost for the upcoming fiscal year.

	2020 Intake	2021 Intake	2022 Intake	3-Year Weighted Average	FY 23-24 Animal Care Cost
Camarillo	536 - 9.9%	608 – 10.1%	613 – 9.3%	9.62%	\$681,032.48
Fillmore	106 - 2.0%	102 – 1.7%	146 – 2.2%	2.01%	\$142,585.72
Moorpark	139 - 2.6%	119– 2.0%	174 – 2.6%	2.45%	\$173,307.84
Ojai	33 - 0.6%	38 – 0.6%	46 – 0.7%	0.66%	\$46,515.06
Oxnard	2055 - 37.8%	2377 – 39.4%	2799 – 42.3%	40.48%	\$2,864,668.33
Port Hueneme	224 – 4.1%	267 – 4.4%	221 – 3.3%	3.81%	\$269,574.86
Simi Valley	522 - 9.6%	570 – 9.5%	648 – 9.8%	9.66%	\$684,049.57
Ventura	696 - 12.8%	716 – 11.9%	773 – 11.7%	12.06%	\$850,463.91
County	1,120 - 20.6%	1234 – 20.5%	1194 – 18.1%	19.30%	\$1,365,862.85
Total Intake	5,431	6,031	6,614	-	\$7,078,060.63

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Additional Costs

Additional costs are associated with on-call field services, emergency field services, and license processing and on-call field services, which varies depending on staffing within the Oxnard Animal Safety Unit. The City uses VCAS to provide on-call and emergency field services during periods when we do not have any Oxnard Animal Safety Officers available for 24-hour coverage seven days a week. The field service rate was \$115 per hour (the

VCAS hourly rate is the same for on-call standby and emergency response field services) in FY 23-24, and will increase to \$130 per hour in FY 24-25.

Licensing fees are \$6 per license processed, which will remain the same in FY 24-25. The table below shows an estimated cost of field services for FY 24-25.

FY 24-25 Agreement Estimates	
3-YR Weighted Average of Animal Intakes	40.86%
Shelter Costs	\$3,036,515.35
On-Call and Emergency Field Services	\$10,000.00
License Processing \$6/License	\$61,170.00
License/ Redemption Revenue	\$450,408.00
Total Net Cost Projection	\$2,647,277.35

The revenue from animal licensing is used to offset the amount paid to VCAS for services and is seen as a credit on quarterly invoices. The City also receives revenue credit from animals that are claimed by their owners and fees are recovered by VCAS. The revenue generated from animal redemption also offsets the amount paid to VCAS for services and is seen as a credit on quarterly statements.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

The total amount of this agreement is \$3,097,685.35. The projected revenue from animal licensing and animal redemption for FY 24-25 is \$450,408.00. The net FY 24-25 General Fund Police Animal Safety Contracts & Services - Animal Shelter (Account No. 101-2113-53230) projected budgeted amount is \$2,647,277.35.

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing & Development Committee approved 3-0 on May 28, 2024, to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Edgar Fernandez, Police Commander

ATTACHMENTS

1. FY 24-25 - NEW SERVICE LEVEL REQUEST Oxnard_2.8.2024
2. FY 24-25 VCAS Agreement PP
3. FY 20-25 Animal Services Agreement_Oxnard

ATTACHMENT A TO COUNTY-CITY ANIMAL SERVICES AGREEMENT

COUNTY OF VENTURA

AND

CITY OF OXNARD

FY 2024/25 SERVICE LEVEL REQUEST

**PART ONE: AVAILABLE SERVICES AND APPLICABLE BILLING
RATES AND CREDITS**

A. Animal Care Services

At the election of the City, the County shall provide the following services:

1. **Shelter Services**

As may be required, the County shall provide animal care services to the City for all animals originating within the boundaries of the City (whether picked up in the City or dropped off at the County's animal shelter) when there is a stray/abandoned animal, adoption return, confiscation, cruelty abuse or neglect investigation, or injured wildlife. The County will accept animals surrendered by their owners dependent upon shelter capacity. For animals originating in the City and impounded, the County shall provide the following animal care services: sheltering, boarding, animal adoptions, foster care coordination, veterinary care and treatment, bite quarantine, euthanasia services, and disposal of deceased animals. Impounded animals will be vaccinated and provided necessary care, food and shelter in accordance with the provisions of state law. The animal's picture will be posted on the Ventura County Animal Services Division's ("Animal Services") website as soon as practicable to assist the City's residents in reclaiming a missing pet. The County will also provide, based upon availability of funding and resources, owner requested euthanasia, TNR (Trap, Neuter, Return) surgeries for community cats, and Pet Retention programming. These services will not result in the animal being impounded to the shelter. The County, in its sole and exclusive discretion, shall determine the public and non-public hours of operation and the staffing of the County animal shelters.

The owner or person entitled to the custody of any animal originating within the boundaries of the City and impounded at a County animal shelter can redeem such

animal by paying applicable fees according to the rates and fees approved by the County Board of Supervisors accruing up to the time of such redemption.

The City shall be charged for its proportion of the total County animal care service costs incurred during the fiscal year identified above as set forth below. The County shall bill the City on a quarterly basis for animal care services based on a weighted three (3) calendar year average of the City's pro rata animal intake percentage, as follows:

The three (3) year weighted average will be calculated so that fifty percent (50%) of the rate is based on the City's previous calendar year pro rata animal intake percentage relative to the usage by other cities and unincorporated areas of Ventura County, twenty-five percent (25%) of the rate is based on the City's pro rata animal intake percentage from two (2) years prior and twenty-five percent (25%) of the rate is based on the City's pro rata animal intake percentage from three (3) years prior, illustrated as follows:

Example:

Hypothetical animal care budget: **\$6,027,354**

Camarillo: $(10.4\% * .50) + (9.9\% * .25) + (10.4\% * .25) = 10.3\%$

Future year cost = 10.3% of \$6,027,354 = **\$620,817**

Payments of **\$155,204** made quarterly which will be reduced by any licensing revenue

	2018 INTAKE		2017 INTAKE		2016 INTAKE		FUTURE YEAR WEIGHTED AVG
Camarillo	1174	10.4%	1223	9.9%	1109	10.4%	10.3%
Fillmore	198	1.7%	320	2.6%	192	1.8%	2.0%
Moorpark	283	2.5%	245	2.0%	321	3.0%	2.5%
Ojai	44	0.4%	109	0.9%	50	0.5%	0.5%
Oxnard	4112	36.3%	4196	34.1%	3947	37.2%	36.0%
Port Hueneme	409	3.6%	432	3.5%	470	4.4%	3.8%
Simi Valley	1360	12.0%	1363	11.1%	1306	12.3%	11.8%
Ventura	1249	11.0%	1555	12.6%	1253	11.8%	11.6%
County	2494	22.0%	2864	23.3%	1971	18.5%	21.5%
Total Intake	11323	100.0%	12307	100.0%	10619	100.0%	100.0%

The animal care budget will be allocated among the participating cities and the County based on the weighted three (3) calendar year animal intake percentage formula described above. The County's animal care budget shall follow the following three (3) year fixed-rate schedule:

\$6,741,010.13 for fiscal year 2022-2023 (contract year 1)

\$7,078,060.63 for fiscal year 2023-2024 (contract year 2)

\$7,431,963.67 for fiscal year 2024-2025 (contract year 3)

In addition to the animal care formula charged to the participating cities, in the event of any animal intake at a County animal shelter originating from the City due to any law enforcement request, pending court case (including, but not limited to, a criminal case, a petition for writ of mandate under Code of Civil Procedure section 1085 or 1094.5, and a petition for hearing regarding whether a dog is potentially dangerous or vicious under Food and Agriculture Code section 31621, or related provisions of City Ordinance), or a court stay, which results in a County shelter stay of more than fifteen (15) days, the County shall also charge the City for animal care services according to the rates and fees approved by the County Board of Supervisors for each day that each such animal receives animal care services, and any fees have not been paid by the dog owner within 30 days of the County's invoice for services being mailed to the dog owner.

2. Petitions for Hearing to Determine Dogs to be Potentially Dangerous or Vicious

For any dog impounded to the shelter, the Animal Services Director may bring petitions for hearing to determine dogs residing within the jurisdictional limits of the City to be potentially dangerous or vicious under state law and/or City Ordinance Code. In connection with such petitions, the City shall pay the County according to the rates and fees approved by the County Board of Supervisors for County employee time expended (and including but not limited to, the attendance at hearing of County employees; legal services performed by the Office of County Counsel; and any services provided by an administrative hearing officer). If the County retains the services of an administrative hearing officer who is not a County employee, the City agrees to reimburse the County at the administrative hearing officer's customary hourly rate. If the dog owner appeals any determination that a dog is potentially dangerous or vicious, the City shall pay the County according to the rates and fees approved by the County Board of Supervisors for the attendance at the appeal hearing of County employees and the legal services performed by the Office of County Counsel in connection with such an appeal.

3. Rabies Suppression Record Management

The County shall provide the City with rabies control activity reporting as required by State Law.

B. Field Services

At the election of the City, the County shall provide the City with the following field services consistent with County Ordinance and State Law.

For City Ordinance Code provisions that are consistent with County Ordinance Code and State law, animal control officers may issue citations (administrative or notice to appear) for violations observed by animal control officers while in the field (and including, but not limited to, citations issued for: failure to license, barking dog nuisance, failure to vaccinate, violation of leash laws, violation of mandatory spay/neuter, violation of animal nuisance orders, and breeding of animals without required permits). The City will be solely responsible for collection of the citation amounts and processing of any administrative appeals from these citations issued by animal control officers in the field except for barking dog nuisance citations which may be handled by the County. The County will not be responsible for collections or processing administrative appeals from citations issued in the field and/or citations in which the animal owner is provided notice to appear in court except for barking dog nuisance citations which may be handled by the County.

The County will provide, consistent with County Ordinance and State Law, response and investigation of reported animal bite and intimate contact cases to establish that there is compliance with state-mandated quarantine procedures. This includes a follow-up to verify the health of the animal after quarantine. Shelter quarantine will be at the discretion of the County.

The County shall charge the City according to the rates and fees approved by the County Board of Supervisors for County employee time expended in providing field services. The City shall identify a budgeted amount for field services per fiscal year, as well as the average budgeted level of hours of service that the City authorizes the County to provide per week. The County shall notify the City in writing on a quarterly basis regarding actual hours expended for field services to the City, to enable the City to make the determination of whether the City wishes to authorize in writing a higher budgeted annual amount for field services that are not state-mandated. The County will provide the City state-mandated field services, and the City agrees to pay the County's costs for all state-mandated field services, whether or not the City's budgeted amount or hours for field services have been exceeded. The County shall be under no obligation to provide the City with any non-state-mandated field services in excess of the City's budgeted cost and hours, in the absence of prior written City authorization to do so.

The County will issue barking dog citations to owners of dogs residing within the jurisdictional limits of the City upon the required showing being made under City ordinance regarding the existence of a barking nuisance. The County shall charge the City according to the rates and fees approved by the County Board of Supervisors for County employee time expended in reviewing and responding to complaints regarding barking dog nuisances in the jurisdictional limits of the City, regardless of whether a barking nuisance citation is ultimately issued. Once a citation is issued, the dog owner will be responsible for paying the County's standard fee for any administrative review of a citation, as well as paying any required hearing deposit to request an administrative hearing to contest the citation, unless the dog owner establishes to the County the dog owner's financial inability to pay, in which case, the City shall reimburse the County according to the rates and fees approved by the County Board of Supervisors for County employees providing services based on the time expended per hearing; and if the County retains the services of an administrative hearing officer who is not a County employee, the City agrees to reimburse the County for hearing officer services rendered at the administrative hearing officer's customary hourly rate.

In the event the City declines to have the County perform field services and transports an animal the shelter for care, the City shall be responsible for:

- (i) Scanning animals for an existing microchip and making all efforts to reunite a lost animal with its owner based on any microchip information prior to transporting that animal to a County shelter;
- (ii) Making all efforts to use information available from any animal's personal ID tag or a pet license to reunite a lost animal with its owner prior to transporting that animal to a County shelter;
- (iii) Vaccinating an animal with current standard vaccinations provided by Animal Services after an animal has been transported to a County shelter; and
- (iv) Taking a digital photograph of an animal and loading the digital photograph and other pertinent animal information onto Animal Services' computer information system for tracking animals subject to impoundment after an animal has been transported to a County shelter.

C. Administrative Services

1. Animal License Processing per License

At the election of the City, the County and/or the County's vendor shall provide the City with animal license processing services at the annual fiscal year cost of six dollars (\$6.00) per applicable cat or dog license for each animal within the boundaries of the City. The County and/or the County's vendor shall mail license renewal notices to the animal owner of record; and when the renewal and payment

are received, the County will process licenses. If the County and/or the County's vendor provides online web-licensing, it shall provide such web-licensing at no additional cost to the City. Licenses will be required before the County will release an animal to a resident of the City. The City animal license fees that the County and/or the County's vendor collects (less the amount of the County's license processing fee of six dollars (\$6.00)) will be credited to the City quarterly in arrears against the amount that the City owes the County under the parties' animal services agreement.

2. Automated Administrative Citation Processing

At the election of the City, and consistent with City Ordinance Code provisions, the County and/or the County's vendor shall provide the City with an automated citation service for citations related to licensing, vaccination, (and, if applicable, mandatory spay/neuter) issued to animal owners within the boundaries of the City. If the County reaches a determination, in its sole and exclusive discretion, that it no longer desires to provide an automated citation service to the City (either directly by the County or through the County's vendor), the County shall provide the City with sixty (60) days' prior written notice before ceasing to provide such services.

The County and/or the County's vendor will provide the following automated citation processing service to the City contingent upon the City's reimbursement of actual County costs incurred, and including, but not limited to:

- a. actual costs charged to the County by the County's General Services Agency for mailing and processing of citations and the cost of one (1) hour per month for the services of a Field Services Manager/Citations Clerk: generate auto citations in Chameleon software; send files to the General Services Agency for processing; receive and review auto citation files from the General Services Agency to ensure accuracy; send reviewed and completed files to the General Services Agency for processing and mailing to animal owners; receive and store finalized PDF file from the General Services Agency; generate email notification to the City's staff with PDF files for further collection and appeals; receive, through a Supervising Animal Control Officer, communication from City staff regarding citizen appeals when necessary; and receive updates from the City regarding customer data to be updated, with the County updating data in Chameleon software; or
- b. actual costs charged to the County by the County's vendor for mailing and processing of citations and issuing any required licenses; generating email notifications to the City's staff with PDF files for further collections and appeals; receiving communication from City staff regarding citizen appeals

when necessary; and receiving updates from the City regarding customer data to be updated.

To the extent that such services are not provided by the County and/or the County's vendor, the County will not be responsible for collections or processing administrative appeals from automated citations. The City will be solely responsible for collections and for processing any administrative appeals once automated citations are issued to animal owners.

PART TWO: SPECIFIC SERVICE REQUESTS AND APPROVALS

The County will provide the City with the services authorized below:

Animal Care Services:

- X The City authorizes the County to provide animal care services for animals originating within the boundaries of the City during fiscal year 2024/25 according to the terms and conditions set forth in Part One of this Agreement. The budgeted cost of animal care services for the City will be **\$3,036,515.35** for fiscal year 2024/25. In addition to the budgeted amount, as more fully set forth in Part One above, the City will also pay the County, according to rates and fees approved by the County Board of Supervisors for: (1) animal care services associated with County shelter stays of more than fifteen (15) days; (2) for County employee time expended in connection with petitions brought by the Director of Animal Services to determine whether dogs residing in the jurisdictional limits of the City are potentially dangerous or vicious, and (3) for County employee time expended in connection with any appeals from such determinations. In addition, if an administrative hearing officer is not a County employee, the City agrees to reimburse the County's costs for administrative hearing officer time at the administrative hearing officer's customary hourly rate. Consistent with Section 8.3 of the parties' Animal Services Agreement, the County shall credit the City with revenues paid by City residents toward amounts owed by the City for services provided.

Field Services:

- The City authorizes the County to provide budgeted field services during fiscal year 2024/25 of _____; with field services budgeted at _____ hours per week, to be provided by the County to the City, according to the terms and conditions set forth in Part One. If it appears that the City may exceed its budgeted cost and hours for field services: (i) the County will continue

to provide additional state-mandated services to the City, and the City agrees to pay for those additional state-mandated services according to the rates and fees approved by the County Board of Supervisors, and (ii) the County will only provide further field services that are not state-mandated to the City upon receipt of City written approval for such services, and the City agrees to pay for all such services authorized in writing by City personnel. The City hereby agrees to the County's enforcement of the City's municipal code provisions in providing field services.

- X** The City authorizes the County to provide field services only for emergency calls (requests for an animal services officer by law enforcement or fire personnel, aggressive animal at large threatening the public, wild animal at large in City area, livestock at large and in sight, stray animal bite with the animal at large or confined by a non-owner) at a not to exceed amount of 1000 hours for the fiscal year. This level of service is intended to provide emergency response on an as-needed basis from the County on behalf of a City that employs its own field services when requested by the City and the County is able to respond. The City hereby agrees to the County's enforcement of the City's municipal code provisions in providing field services.
- ☐ The City declines to have the County provide field services.

Administrative Services:

Animal License Processing:

- X** The City authorizes the County and/or the County's vendor to provide animal license processing services for the City during fiscal year 2024/25 according to the terms and conditions set forth in Part One.
- ☐ The City has adopted the license fees set forth in Animal Services' approved schedule of rates and fees.
- X** The City has adopted the following license fees that differ from the license fees set forth in the Ventura County Animal Services approved schedule of rates and fees:

Specify:

Current City license fees were adopted by the City on June 21, 2022.

- ☐ The City declines to have the County provide animal license processing.

Automated Citation Service:

- X** The City authorizes the County and/or the County's vendor to provide automated citation processing services for the City during fiscal year 2024/25 according to the terms and conditions set forth in Part One.
- ☐ The City declines to have the County and/or the County's vendor provide automated citation processing services.

CITY OF OXNARD

COUNTY OF VENTURA

Signature: _____
[Title of Authorized Representative]

Signature: _____
Director of Animal Services

Date: _____

Date: _____

FY 24-25 Animal Safety Services Agreement

Public Safety Committee
May 28, 2024

Oxnard City Council
June 18, 2024

Edgar Fernandez,
Commander

1. That the Public Safety Committee recommend the City Council approve and authorize the Mayor to approve a budget in the amount of \$2,647,277 for FY 24-25, total cost projection for the fifth year of a five year agreement (A-8151) with the County of Ventura to provide animal safety services.

2. That the City Council approve and authorize the Mayor to approve a budget in the amount of \$2,647,277 for FY 24-25, total cost projection for the fifth year of a five year agreement (A-8151) with the County of Ventura to provide animal safety services.

- Five year services agreement with the County of Ventura was approved by City Council on June 2, 2020.
- Per the agreement, each year the Police Department is required to complete an agreement for the cost of the upcoming fiscal year.

Services provided by VCAS in Service Level Agreement:

- Animal Care Services
- Emergency Field Services
- Animal License Processing

VCAS Shelter Services:

- Confiscation
- Boarding
- Impoundment
- Quarantine
- Veterinary services
- Request for euthanasia
- Animal adoptions
- Disposal of dead animals
- Post missing/found animal on their website
- Owner surrender
 - Assistance of Pet Retention Specialist

Impounded animals will be vaccinated, given necessary care, food, and shelter in accordance with state law.

- Will only respond when a City ASO is not available
- Will be on-call when forecasted
- Will respond in emergency situations or “as-needed” when requested by police or fire personnel
- On-call standby and emergency response rate is \$130/hour
- Emergency response examples:
 - Vicious animal at large threatening the public
 - Stray animal bite with the animal at large or confined by a non-owner
 - Injured animal

Animal License Processing:

- Process animal licenses for the City
- Send renewal notices to animal owners
- Animal owners will have access to renew animal licenses online
- License fees (minus \$6 license processing fee) will be credited to the amount the City owes each quarter

	VCAS COST	% Difference
FY 18-19	\$1,948,039	+5.0%
FY 19-20	\$2,113,884	+8.5%
FY 20-21	\$2,324,778	+9.9%
FY 21-22	\$2,479,135	+6.6%
FY 22-23	\$2,669,598	+7.7%
FY 23-24	\$2,925,981	+8.7%
FY 24-25	\$3,097,685	+5.5%

- Cost of the agreements reflect a percentage of the VCAS FY Budget

- Still a percentage of the VCAS FY Budget
- A consortium of costs shared by the eight (8) contract cities and County
- Percentage is a 3-year weighted average of animal intakes
- No annual “true-ups”
- 5% built-in increase each year of the agreement
- Revenue is still a credit against amount owed on quarterly invoices

	2021 Intake	2022 Intake	2023 Intake	3-Year Weighted Average	FY 24-25 Animal Care Cost
Camarillo	608 – 10.1%	613 – 9.3%	650-9.2%	9.62%	\$681,032.48
Fillmore	102 – 1.7%	146 – 2.2%	165-2.3%	2.01%	\$142,585.72
Moorpark	119– 2.0%	174 – 2.6%	186-2.6%	2.45%	\$173,307.84
Ojai	38 – 0.6%	46 – 0.7%	57-0.8%	0.66%	\$46,515.06
<i>Oxnard</i>	<i>2377 – 39.4%</i>	<i>2799 – 42.3%</i>	<i>2,897-40.8%</i>	<i>40.86%</i>	<i>\$3,097,685.35</i>
Port Hueneme	267 – 4.4%	221 – 3.3%	254-3.6%	3.81%	\$269,574.86
Simi Valley	570 – 9.5%	648 – 9.8%	730-10.3%	9.66%	\$684,049.57
Ventura	716 – 11.9%	773 – 11.7%	819-11.5%	12.06%	\$850,463.91
County	1234 – 20.5%	1194 – 18.1%	1,334-18.8%	19.30%	\$1,365,862.85
Total Intake	6,031	6,614	7,092	-	\$7,431,963.87

Shelter Services: \$3,036,515.35

Additional Projected Costs: \$61,170.00

- Emergency Field Services, Animal License Processing Fees, Citation Program

Projected Cost of Agreement: \$3,097,685.35

Projected License Revenue: \$450,408.00

Total Projected Cost of Agreement: \$2,647,277.35

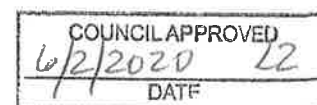


QUESTIONS

ANIMAL SERVICES AGREEMENT

COUNTY OF VENTURA AND CITY OF OXNARD

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ANIMAL SERVICES AGREEMENT
COUNTY OF VENTURA AND CITY OF OXNARD

THIS AGREEMENT is made by and between the COUNTY OF VENTURA, hereinafter referred to as the County, and the CITY OF OXNARD, hereinafter referred to as the City.

RECITALS

- a. The City is desirous of contracting with the County for the performance of animal services described herein by the County.
- b. The County is agreeable to rendering such services on the terms and conditions set forth in this Agreement.

1.0 AGREEMENT TO PROVIDE SERVICES UNDER STATE AND LOCAL STATUTES

- 1.1 The County agrees, through its Animal Services Division ("Animal Services"), to provide animal services to the City as set forth herein and in the attached Service Level Request (Attachment A), as it may be amended by the parties from time to time.
- 1.2 Such services shall comply with applicable County ordinances, the municipal code of the City and the statutes of the State of California. The County will provide only those services set forth in the attached Service Level Request.

2.0 ADMINISTRATION OF PERSONNEL

- 2.1 All City employees who work in conjunction with Animal Services pursuant to this Agreement shall remain employees of the City and shall not have any claim or right to employment, civil service protection, salary, or benefits or claims of any kind from or against the County based on this Agreement. The County shall not be called upon to assume any liability for the direct payment of any salaries, wages, or other compensation to any City personnel performing services hereunder. The County shall not be liable for compensation or indemnity to any City employee or agent of the City for injury or sickness arising out of his or her employment.

- 2.2 All County employees who perform services for the City pursuant to this Agreement shall remain employees of the County and shall not have any claim or right to employment, civil service protection, salary, or benefits or claims of any kind from or against the City based on this Agreement. The City shall not be called upon to assume any liability for the direct payment of any salaries, wages, or other compensation to any County personnel performing services hereunder. The City shall not be liable for compensation or indemnity to any County employee or agent of the County for injury or sickness arising out of his or her employment.

3.0 AMENDMENT OF SERVICE LEVEL REQUEST FORM

- 3.1 The City agrees to provide to the County a proposed Service Level Request form annually, by no later than February 15, for the upcoming contract year commencing July 1. By no later than April 15, the parties shall agree to the terms of the Service Level Request for the upcoming contract year, which shall be signed by both parties and attached to this Agreement as an amendment. If the parties fail to reach agreement on the terms of the Service Level Request by April 15, this Agreement shall expire at the end of the then current contract year.

4.0 PERFORMANCE OF AGREEMENT

- 4.1 The County shall furnish and supply all labor, supervision, equipment, communication facilities, and supplies necessary to maintain the agreed level of service to be rendered hereunder.
- 4.2 Notwithstanding the foregoing, the City may provide additional resources for the County to utilize in performance of the services.
- 4.3 The County, in its sole and exclusive discretion, shall determine the specific days and specific hours that any County animal shelter shall be open to the public and the staffing of the County animal shelters; however, the County will open its animal shelters to the public on at least five calendar days per week. The County will notify the City regarding any changes in hours and days that its animal shelters are open to the public.

///

5.0 INDEMNIFICATION

- 5.1 The County shall defend, indemnify and hold harmless City, its agents, officials, officers, representatives and employees from and against all claims, lawsuits, liabilities or damages arising from the sole and exclusive negligence of the County, its agents, employees, and subcontractors, and employees thereof in the performance or nonperformance of this Agreement.
- 5.2 The City shall defend, indemnify and hold harmless County, its agents, officials, officers, representatives and employees from and against all claims, lawsuits, liabilities or damages arising from the sole and exclusive negligence of the City, its agents, employees, and subcontractors, and employees thereof in the performance or nonperformance of this Agreement.
- 5.3 Each party agrees to provide the indemnifying party with written notification of any claim under paragraph 5 of this Agreement within thirty (30) calendar days of notice thereof and shall cooperate with the indemnifying party in the defense of the claim.
- 5.4 Each party's right to, and responsibility for, indemnification shall survive the termination of this Agreement.

6.0 TERM OF AGREEMENT

- 6.1 Unless sooner terminated as provided for herein, this Agreement shall be effective July 1, 2020, and shall remain in effect until June 30, 2025.
- 6.2 Upon mutual agreement of the parties, this Agreement may be renewed for up to five (5) successive periods of one (1) year each.

7.0 RIGHT OF TERMINATION

- 7.1 This Agreement may be terminated at any time, with or without cause, by either party upon written notice given to the other party at least ninety (90) days before the date specified for such termination.
- 7.2 In the event of a termination, each party shall fully discharge all obligations owed to the other party accruing prior to the date of such termination (including, but not limited to, payment for services already rendered), and

each party shall be released from all obligations which would otherwise accrue subsequent to the date of termination.

8.0 RATES FOR SERVICES AND CREDIT FOR REVENUES

- 8.1 The City shall pay for the services provided under the then current Service Level Request (Attachment A) in accordance with the provisions thereof.
- 8.2 The rates indicated in the Service Level Request shall be readjusted by the County annually effective the first day of July each year to reflect the reasonable average cost of such service in accordance with the policies and procedures for the determination of such rate as adopted by the County Board of Supervisors and in compliance with Government Code section 54985.
- 8.3 The County shall credit the City with the following revenues paid by City residents toward the amounts owed by the City for services provided under the City's Service Level Request in Attachment A: revenues received from City animal licenses (less applicable license processing fees); revenues from redemption fees (consisting of impound fees, board fees, quarantine fees, and microchipping fees) paid by the City's residents if the animal is redeemed within the first three days of an animal stay each time an animal is admitted to a County shelter; and revenues from administrative citations and civil penalties (less administrative processing costs).
- 8.4 The County shall retain any of the following fees paid by City residents without crediting such fees toward the amounts owed by the City for services provided under the City's Service Level Request in Attachment A: revenues from redemption fees (consisting of impound fees, board fees, quarantine fees, and microchipping fees) paid by City residents for any day after the first three days of an animal stay each time an animal is admitted to a County shelter; adoption fees; spay/neuter fees (and other veterinary fees for services); copying fees; return check charges; euthanasia and disposal fees; pickup and disposal of dead animal fees; cremation fees; owner relinquishment of animal fees; capture and transport fees; license fees for other than dog and cat licenses; permit fees; and inspection fees.

9.0 ATTORNEY FEES AND COSTS

- 9.1 In the event of any litigation (including, but not limited to, a petition for writ of mandate under Code of Civil Procedure section 1085 or 1094.5) arising in any way from this Agreement (including, but not limited to, any

Service Level Request) or the services provided under this Agreement (except for any litigation between the County and the City), the City shall pay or reimburse the County for all reasonable attorney fees and costs incurred by the County in connection with the litigation, including, but not limited to, attorney fees and costs incurred by the County on behalf of a hearing officer. In the event of any litigation between the City and the County, each party shall bear its own attorney fees and costs. The City's obligations under this paragraph shall survive the termination of this Agreement.

10.0 PAYMENT PROCEDURES

- 10.1 The County shall invoice the City during October for services performed during the period July 1 through September 30; during January for services performed during the period October 1 through December 31; during April for services performed during the period January 1 through March 31; and during July for services performed during the period April 1 through June 30; and the City shall pay the County all undisputed amounts within thirty (30) days after the date of said invoice.
- 10.2 If such payment is not delivered to the County office which is described on said invoice within sixty (60) days after the date of the invoice, the County is entitled to recover interest thereon. For all disputed amounts, the City shall provide County with written notice of the dispute including the invoice date, amount, and reasons for dispute within thirty (30) days after receipt of the invoice. The parties shall memorialize the resolution of the dispute in writing. For any disputed amounts, interest shall accrue if payment is not received within sixty (60) days after the dispute resolution is memorialized.
- 10.3 Interest shall be calculated at the rate of two percent (2%) annually or any portion thereof, calculated from the last day of the month in which the services were performed, or in the case of disputed amounts, calculated from the date the resolution was memorialized.

11.0 RECORD RETENTION

- 10.1 The County shall maintain adequate financial records during the term of this Agreement to document its cost of providing services under this Agreement. The County shall retain financial records for a period of seven (7) years after payment for services under this Agreement, and shall make such financial records available for inspection to the City, or the City's designee, upon reasonable notice. The City shall ensure such records are handled in a

manner consistent with all applicable privacy laws and all laws related to public records.

12.0 NOTICES

12.1 All notices (excluding invoices) required by, or related to, this Agreement shall be in writing and sent by certified mail, return receipt requested, postage prepaid and addressed as listed below. Neither party to this Agreement shall refuse to accept such mail; the parties to this Agreement shall promptly inform the other party of any change of address. All notices required by this Agreement are effective on the date of receipt, unless otherwise indicated herein. The mailing address of each party to the Agreement is as follows:

CITY:	City Manager (attn: Alexander Nguyen) City of Oxnard 300 West Third Street, 4 th Floor Oxnard, CA 93030
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COUNTY	Director, Animal Services (attn: Jackie Rose) 600 Aviation Drive Camarillo, California 93010
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13.0 SEVERABILITY

13.1 If a court of competent jurisdiction declares any provision of this Agreement, or application thereof to any person or circumstances, to be unenforceable or in violation of law, the remaining provisions of this Agreement shall remain in full force and effect, and to that extent the provisions of this Agreement are severable.

14.0 WAIVER

14.1 Waiver of any default or breach of this Agreement shall not be considered a waiver of any subsequent default or breach, nor shall it be considered a modification of the terms of this Agreement.

15.0 ENTIRE AGREEMENT

15.1 This Agreement, including Attachment A hereto and any amendment thereof, constitutes the complete and exclusive statement of the parties which supersedes all previous agreements, written or oral, and all communications between the parties relating to the subject matter hereof. All changes or amendments to this Agreement must be in writing and mutually executed by authorized personnel on behalf of the City and the County.

IN WITNESS WHEREOF, the County and the City enter into this Agreement as of the last date set forth below.

COUNTY OF VENTURA

Dated: 6/23/20
6/20/20

By [Signature]
JACKIE ROSE
Director, Animal Services

CITY OF OXNARD

Dated: 6/2/20

By [Signature]
Tim Flynn
Mayor, City of Oxnard

ATTEST:

By [Signature] 6/2/20
City Clerk Date

APPROVED AS TO FORM:

By [Signature] 7/28/20
City Attorney Date



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.8

DATE: July 2, 2024

TO: City Council

FROM: Javier Chagoyen-Lazaro, Chief Financial Officer, (805) 200-5400, javier.chagoyenlazaro@oxnard.org

SUBJECT: Resolution Amending the Citywide Classification and Salary Resolution.

RECOMMENDATION

That the City Council approve the resolution amending the Citywide Classification and Salary Resolution.

(This item did not originate in Committee.)

BACKGROUND

The City-Wide Classification and Salary Resolution adopted on June 18, 2024, omitted two existing titles.

DISCUSSION

Resolution No. 15,801, adopted on June 18, 2024 contained an omission of two existing titles: Utilities Technical Services Specialist and Utilities Technical Services Specialist, Senior. The Fiscal Year 2024-25 Adopted Budget included the required funding associated with the positions. This correction will allow the City to be in full compliance with CalPERS requirements.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact. The funding for the positions was included in the Fiscal Year 2024-25 Adopted Budget.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Tanya Williams, Financial Analyst III

ATTACHMENTS

1. Classification and Salary Resolution Amendment

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
RESOLUTION NO. 15,801 AUTHORIZING AND APPROVING CLASSIFICATION AND SALARY
SCHEDULES PURSUANT TO CHAPTER 4 OF THE CITY PERSONNEL RULES AND
REGULATIONS

WHEREAS, on June 18, 2024, the City Council was presented with Resolution No. 15,801 authorizing full-time equivalent positions in the City service effective July 1, 2024.

WHEREAS, Exhibit “A” in Resolution No. 15,801 was presented to Council and was missing a page that included two classifications that are currently occupied by current City employees.

WHEREAS, Chapter 4, Article 4.5 of the City of Oxnard Personnel Rules and Regulations requires that the City of Oxnard classification listing all classes of positions in the general city service be established by resolution of the City Council; and,

NOW, THEREFORE, the City Council of the City of Oxnard resolves to amend Exhibit “A” of Resolution No. 15,801 in accordance with Chapter 4, Articles 4.5 of the City of Oxnard Personnel Rules and Regulations, by adding the following classification and establishing salary ranges for those classifications effective July 1, 2024:

Salary Grade	Classification Title	FLSA Status	Union Code	Compensation Frequency	Hourly (H)/ Salary (S) Range
I15	Utilities Technical Services Specialist	NE	IUOE	Hourly	\$23.2273 - \$35.5335
I20	Utilities Technical Services Specialist, Senior	NE	IUOE	Hourly	\$26.9383 - \$37.7135

PASSED AND ADOPTED this 2nd day of July 2024, by the following vote:

YES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS AGENDA ITEM NO. K.1

DATE: July 2, 2024

TO: City Council

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

SUBJECT: Public Hearing on the Renewal and Expansion of the Oxnard Downtown Management District. (30 minutes)

RECOMMENDATION

That City Council:

1. Conduct a public hearing concerning the renewal and expansion of the Oxnard Downtown Management District ("District") and tabulate the ballots for and against its renewal.
2. If a weighted majority of the ballots are in support of the renewal of the District, adopt a resolution renewing the District and levying assessments in the District for fiscal year 2024-2025 to fiscal year 2028-2029.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/2rIAxH7yW6Y>

BACKGROUND

On July 16, 2019, the City Council adopted Resolution No. 15,251, authorizing the Renewal of the Oxnard Downtown Management District ("District") and levying of assessments for a five (5) year period, beginning January 1, 2020, and expiring on December 31, 2024.

The District wishes to renew and continue levying assessments. If a weighted majority of the ballots are not in support of the renewal, the District will receive one last installment of assessments in the fall of 2024, (authorized in fiscal year 2023-2024) and the District will no longer exist and no further assessments will be levied.

On April 30, 2024, the City Council adopted a Resolution of Intent (Resolution No. 15,773) to renew and expand the District and levy and collect assessments therein, and to hold a public hearing on July 2, 2024. The resolution was adopted pursuant to the requirements of Section 36600 et. seq. of the California Streets and Highways code, also known as the Property and Business Improvement District Law of 1994 (PBID Law).

Also pursuant to PBID law, a ballot and informational packet for the renewal of the District was mailed to the property owners within the proposed District boundaries. At the July 2, 2024, public hearing, the City Council will receive public testimony on the renewal of the District and the proposed assessments. The City Clerk will open and count the ballots received at the conclusion of the Public Hearing. In order for the district to be renewed, a weighted majority of ballots received must be in favor of the District renewal.

Assuming that a weighted majority of the vote supports the renewal, the City Council may renew the District by adopting a resolution. District assessments are collected by the County with the property tax billing. The first assessment

installment of the renewal period will be due to the County by December 10, 2024, and the second by April 10, 2025. The assessments collected by the County will be transferred back to the City in January and May 2025 for remittance to the District, to carry out programs and services for the 2025 operating year. The term of the District is five fiscal and tax years (calendar operating years), after which a new petition and ballot procedure must be carried out to renew the District again.

Since last fall, a District Renewal Committee consisting of Downtown property and business owners has been meeting to formulate the details of the renewal. The Committee determined that the renewal period will be a five-year period (10 years maximum is currently permitted by State Law for renewals) and that a 2025 annual budget of approximately \$572,250 be established to be used to continue to provide enhanced maintenance, enhanced security, business development, beautification and related management services. Assessment for the remaining four years may be increased by an amount not to exceed five percent per year. An annual report is required from the DOIA.

The District boundary includes approximately a 32-block area bounded roughly by First Street on the north, the Railroad tracks and Oxnard Boulevard on the east, Eighth Street on the south and C and D Streets on the west. It is noted that the District is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. This two-block area includes a combination of commercial parcels associated with Downtown Oxnard along with mixed use parcels with residential rental units.

DISTRICT PROPOSAL

Under the proposed District renewal, the City, Housing Authority, and Parking Authority is estimated to be assessed \$156,052, which will be combined with the estimated \$416,198 from the remaining properties within the proposed renewed/expanded district boundary. The total assessment funds of \$572,250 are proposed to be allocated as follows during the first renewal year. Sample programs and services will be:

1. **Civil Sidewalks: \$335,000 (58.5%)** - Civil Sidewalks includes maintenance and safety (“clean and safe”) services in public sidewalk areas adjacent to assessed District parcels. Services include: litter pickup and illegal dumping removal, graffiti abatement, trash enclosures cleaning, sidewalk sweeping and pressure washing, gardening, weed removal, visitor assistance, daily security patrols, loitering & trespassing subject removal, and homeless outreach.
2. **District Identity and Placemaking: \$83,250 (14.5%)** - Activities and programs that market and promote the District or promote positive aspects of Downtown Oxnard. This work plan category also includes placement of, and care for, a variety of physical improvements and amenities within the public areas for the special benefit of each identified and assessed parcel and land use within the District by creating a unique and marketable “sense of place”. The District Identity and Placemaking work plan component includes: website and social media management, newsletters, advertising and media relations, special events production, sidewalk flower planters, public art displays, holiday streetlamp décor, and street banners.
3. **Organization: \$154,000 (27%)** - This work plan category includes professional management and related corporate operation costs of providing services, programs and improvements for the special benefit of each identified and assessed parcel and land use within the District. Organization also includes legal, accounting, insurance, facilitation of Board meetings and development, Brown Act compliance, outreach to District property and business owners. The Organization work plan component exists only for the purposes of the District and directly relates to the implementation of Civil Sidewalks and District Identity/Placemaking services, programs and improvements which specially benefit each identified assessed parcel within the District boundaries.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There will be a financial impact in the form of assessments levied for the renewal period on the City and City related properties if the District is renewed. The estimated amount of assessment for the related City, Housing Authority and Parking Authority properties is \$156,052 for fiscal year 2024-2025. General Funds were approved in the City of Oxnard's 2024-2025 budget to support the first year's assessment.

Ongoing assessment payments will be requested annually as part of the City's budget process.

For Finance Use Only: General Fund (Org. 1014104 Obj. 57410)

COMMITTEE OUTCOME

This item did not originate in Committee. However, the Council previously considered a related item at their April 30, 2024 meeting

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Resolution
2. Engineers Report
3. Management District Plan
4. Presentation ODMD Renewal

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OXNARD TO RENEW AND EXPAND THE OXNARD DOWNTOWN MANAGEMENT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994, PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

WHEREAS, pursuant to the Property and Business Improvement District Law of 1994, California Streets and Highways Code Section 36600 et seq. (the "Law"), the City Council adopted on April 30, 2024, Resolution No. 15,773, "A Resolution of the City of Oxnard Stating its Intention to Renew and Expand the Oxnard Downtown Management District ("District") and to Levy and Collect Assessments Within Such District Pursuant to the Property and Business Improvement District Law of 1994, Part 7 of Division 18 of the California Streets and Highways Code and Appointing a Time and Place for a Public Hearing" ("Resolution of Intention"); and

WHEREAS, the Resolution of Intention, among other things, approved the Management District Plan on file in the office of the City Clerk; and

WHEREAS, the City caused notice of a public hearing concerning the proposed renewal of the District and the proposed levy of assessments within such District to be duly mailed, as required by law, to the record owner of each parcel proposed to be assessed within the District; and

WHEREAS, a public hearing concerning the proposed of the District for a five (5) year period and the proposed levy of assessments within such District was held on July 2, 2024 at or around the hour of 6:00 p.m. at the City Council Chambers located at 305 W. Third St., Oxnard, California 93030; and

WHEREAS, at or before the public hearing, staff submitted to the City Council the Management District Plan which included the Assessment Engineer's Report along with any modifications. Such modifications do not substantially change the proposed assessments, and do not revise, change or modify the boundaries of the proposed District, the type or types of improvements, maintenance or activities to be funded with the revenues from the assessments, or the proposed assessment rates. The City Council hereby orders such modifications, if any, be made to the Management District Plan as presented to the City Council and now on file in the office of the City Clerk; and

WHEREAS, at the public hearing, the City Council heard and considered the testimony of all interested persons for or against the renewal of the District, the levy of assessments within such District, and the type or types of improvements, maintenance and activities to be funded with the revenues from the assessments, and a full, fair and complete hearing was held; and

WHEREAS, the City Council heard and considered all objections or protests to the proposed assessments and tabulated the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessments. The City Council hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIID of the California Constitution and Section 53753 of the California Government Code. All objections or protests, both written and oral, are hereby duly overruled; and

WHEREAS, the public interest, convenience and necessity require the proposed renewal of the District; and

WHEREAS, the opinion of the City Council, the property within the District will be benefited by the improvements and activities to be funded by the assessments, and no assessment has been imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel; and

WHEREAS, the Law and re-establishment of the District authorizes the City of Oxnard to levy and collect assessments on real property within the District; and

WHEREAS, it is necessary for the City Council to adopt a resolution authorizing the levy and collection assessments in the District for each of the five years.

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

Section 1. Renewal of District. Pursuant to the Law, the Oxnard Downtown Management District is hereby renewed for five (5) years, commencing with fiscal year 2024-2025 and ending with fiscal year 2028-2029.

Section 2. Description of District. The boundaries of the proposed renewed District include an approximate 36 block area bounded roughly by First Street on the north, the railroad tracks/Oxnard Boulevard on the east, Eighth Street on the south and C Street/D Street on the west.

Section 3. Amount of Assessment.

(a) Except where funds are otherwise available, an assessment will be levied annually to pay for all the improvements, maintenance and activities to be provided within the District, commencing with fiscal year 2024-2025 and ending with fiscal year 2028-2029. For purposes of levying and collecting assessments within the District, a fiscal year shall commence on each July 1st and end on the following June 30th.

(b) The total amount of the proposed assessment to be levied and collected for fiscal year 2024-2025 is estimated to be \$572,261. A maximum increase of 5% per annum, upon approval of the Property Owner's Association Board may be imposed. Assessments may also be increased based on new building construction on parcels within the District or reconfiguration of land areas and street frontages.

(c) The method and basis of levying the assessment is set forth in the Management District Plan and Assessment Engineers Report on file in the office of the City Clerk.

Section 4. Fund. A special fund shall be created, designated as the "Oxnard Downtown Management District Fund," into which all revenue derived from assessments levied pursuant to this Resolution shall be placed, and such funds shall be used only for the purposes specified in this Resolution. This fund may be subject to an annual independent audit of financial statements.

Section 5. Use of Revenues. The proposed activities for the District include providing street, sidewalk, alley and public parking lot cleaning and other municipal services supplemental to those normally provided by the City of Oxnard, additional security services, business development, promotions and marketing, expansion of physical amenities throughout Downtown, related management and operation services, and other improvements and activities which benefit businesses and real property located in the District.

Section 6. District Administration and Contract Services. The City Manager, acting as agent for the City, will receive the assessment funds in trust on behalf of the Downtown Oxnard Improvement Association, Inc. (DOIA) and will disburse said funds to DOIA in accordance with a Management Agreement between the City and DOIA, to administer the District and fund the activities described in Section 5 above. The City may require any agency that holds funds in trust on behalf of the District for any purposes whatsoever, at no expense to the City, to provide an annual independent report of audited financial statements by a certified public accountant of these funds. The report may be funded from assessment proceeds as part of the general administration of the District. At all times the City shall reserve full rights of accounting of this fund.

Section 7. Amendments. Properties within the District established by this Resolution shall be subject to any amendments to the Law.

Section 8. Bonds. No bonds shall be issued in conjunction with the renewal of the District.

Section 9. Recordation of Notice and Diagram. The City Clerk or a designee is hereby authorized and directed to record a notice and an assessment diagram pursuant to Section 36627 of the California Streets and Highways Code following adoption of this Resolution.

Section 10. Levy of Assessment. The adoption of this Resolution and recordation of the notice and assessment diagram pursuant to Section 36627 of the California Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years referred to in the Management District Plan. Each year, the City Finance Department shall prepare an assessment roll of parcels and assessment amounts and forward such roll to the County of Ventura Auditor-Controller Office and such assessment shall then be collected at the same time and in the same manner as the County property taxes are collected. Assessments for parcels not on the County's property tax rolls shall be collected directly by the City.

PASSED AND ADOPTED THIS 2nd day of July, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John C. Zaragoza, Mayor

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

ATTACHMENT 1



OXNARD DOWNTOWN MANAGEMENT DISTRICT RENEWAL

ASSESSMENT ENGINEER’S REPORT

*Being Renewed for a 5 Year Term Pursuant to
California Streets and Highways Code Section 36600 et seq.
Property & Business Improvement District Act of 1994, as amended*

*Prepared by
Edward V. Henning
California Registered Professional Engineer # 26549
Edward Henning & Associates*

APRIL 10, 2024

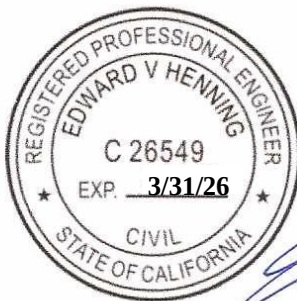
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ASSESSMENT ENGINEER’S REPORT

To Whom It May Concern:

I hereby certify to the best of my professional knowledge and experience that each of the identified benefiting properties located within the proposed Oxnard Downtown Management District ("ODMD") being renewed for a five (5) year term will receive a special benefit over and above the benefits conferred on the public at large and that the amount of the proposed assessment is proportional to, and no greater than the benefits conferred on each respective property.

Prepared by Edward V. Henning, California Registered Professional Engineer # 26549



A handwritten signature in blue ink that reads "Edward V. Henning". The signature is written over a horizontal line and extends slightly below it.

RPE #26549

April 10, 2024

Edward V. Henning

Date

(NOT VALID WITHOUT SIGNATURE AND CERTIFICATION SEAL HERE)

Introduction

This report serves as the “detailed engineer’s report” required by Section 4(b) of Article XIIIID of the California Constitution (Proposition 218) to support the benefit property assessments to be levied within the proposed ODMD in the City of Oxnard, California being renewed for a five (5) year term. The discussion and analysis contained within this Report constitutes the required “nexus” of rationale between assessment amounts levied and special benefits derived by real properties within the proposed renewed ODMD.

Background

The ODMD is a property-based benefit assessment type district being renewed for a five (5) year term pursuant to Section 36600 et seq. of the California Streets and Highways Code (as amended), also known as the Property and Business Improvement District Law of 1994 (the “Act”). Due to the benefit assessment nature of assessments levied within a property and business improvement district (“PBID”), district program costs are to be distributed amongst all identified benefiting properties based on the proportional amount of special program benefit each property is expected to derive from the assessments levied. Within the Act, frequent references are made to the concept of relative “benefit” received from PBID programs and activities versus amount of assessment paid. Only those properties expected to derive special benefits from PBID funded programs and activities may be assessed and only in an amount proportional to the relative special benefits expected to be conferred on each assessed property.

Supplemental Article XIID Section 4(b) California Constitution

Proposition 218 Procedures and Requirements

Proposition 218, approved by the voters of California in November of 1996, adds a supplemental array of procedures and requirements to be carried out prior to levying a property-based assessment like the ODMD. These requirements are in addition to requirements imposed by State and local assessment enabling laws. These requirements were “chaptered” into law as Article XIID Section 4(b) of the California Constitution.

Since Article XIID provisions will affect all subsequent calculations to be made in the final assessment formula for the ODMD, these supplemental requirements will be taken into account. The key provisions of Article XIID along with a description of how the ODMD complies with each of these provisions are delineated herein.

(Note: All section references below pertain to Article XIID of the California Constitution):

Finding 1. From Section 4(a): “Identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed”.

Setting:

The proposed renewed ODMD is centrally located in the center of Oxnard and centered along A Street from First Street to Eighth Street. ODMD is bounded roughly by First and Second Streets on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. There is one benefit zone within ODMD (See attached map in Appendix 2).

General Boundary Description

ODMD includes 433 parcels of which 432 are identified assessed parcels in a 32 block area of Historic Downtown Oxnard. The property uses within the boundaries of the proposed renewed ODMD which will receive special benefits from PBID funded programs and services are currently a unique mix of retail, restaurant, service, office, government, residential and parking. ODMD boundaries were selected to incorporate the core Downtown parcels and businesses. There is one benefit zone within the proposed renewed District. It is noted that ODMD is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. This two block area includes a combination of commercial parcels associated with Downtown Oxnard along with mixed use parcels with residential rental units.

Detailed Boundary Description

More specifically, the ODMD is described as follows:

Beginning at the intersection of the centerlines of Second Street and D Street; thence east along said centerline of Second Street to the centerline of B Street; thence north along said centerline of B Street to the centerline of First Street; thence east along said centerline of First Street to the east property line of Oxnard Boulevard; thence south along said east property line of Oxnard Boulevard to the tangent intersection point with the west property line of the railroad right of way; thence southeast and south along said west property line of the railroad right of way to the centerline of Fifth Street; thence west along said centerline of Fifth Street to the prolongation of the east property line of the public alley lying east of and parallel to Meta Street; thence south along said east property line of said public alley to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the east property line of parcel APN 202-0-360-110; thence south along said east property line of said parcel APN 202-0-360-110 to the south property line of said parcel APN 202-0-360-110; thence west along said south property line of said parcel APN 202-0-360-110 to the west property line of said parcel APN 202-0-360-110; thence north along said west property line of said parcel APN 202-0-360-110 to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the centerline of Oxnard Boulevard; thence south along said centerline of Oxnard Boulevard to the centerline of Eighth Street; thence west along said centerline of Eighth Street to the centerline of D Street; thence north along said centerline of D Street to the centerline of Seventh Street; thence east along said centerline of Seventh Street to the prolongation of the west property line of the public alley lying

east of and parallel to D Street; thence north along said west property line of said public alley to the centerline of Third Street; thence west along said centerline of Third Street to the centerline of D Street; thence north along said centerline of D Street to the point of beginning.

Benefit Zones

There is one benefit zone within the proposed renewed District.

District Boundary Rationale

The ODMD boundaries encompass the heart of Downtown Oxnard. These parcels showcase a unique array of pedestrian oriented uses - retail, restaurant, service, office, government, residential and parking that form what is considered the “cohesive urban fabric” of the evolving mixed-use Downtown center.

The District boundaries were chosen to generally include parcels that comprise the commercial core that attracts pedestrians and visitors to Downtown Oxnard. Also included are current as well as future in-town residential parcels. Parcels adjacent to the north, south and east of ODMD are not part of the District's commercial and in-town residential pedestrian core and have different marketing needs than those in the ODMD. These outside parcels and uses require different services than those in the ODMD and would not specially benefit from the increased pedestrian oriented programs, services and improvements offered by the ODMD. Therefore, they have not been included within the ODMD boundaries.

Surrounding parcels to the north, south and west that are zoned solely residential and/or with residential uses have not been included within the boundaries of the PBID. The Property and Business Improvement District Law of 1994, California Streets & Highway Code § 36632 states, “Properties zoned solely for residential use..... are conclusively presumed not to benefit from the improvements and service funded through these assessments and shall not be subject to any assessment”. For these reasons, no residentially zoned parcels or residential uses north, south or west of the proposed renewed District are included in the ODMD boundaries.

A list of all parcels included in the proposed renewed ODMD is shown as Appendix 1, attached to this Report identified by their respective Ventura County assessor parcel number. The boundary of the proposed renewed ODMD is shown on the map of the proposed renewed ODMD attached as Appendix 2 to this Report.

All identified assessed parcels within the above-described boundaries shall be assessed to fund supplemental special benefit programs, services and improvements as outlined in this Report and in the Management District Plan. All ODMD funded services, programs and improvements provided within the above described boundaries shall confer special benefit to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within ODMD will proportionately specially benefit from the District funded programs and services (i.e. civil sidewalks, district identity/placemaking and organization). These services, programs and improvements are intended to improve commerce, employment, livability, rents and occupancy rates and investment viability of individually assessed parcels and businesses/residential units on them within ODMD.

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

District services, activities and programs confer special benefits on each and every individually assessed parcel by deterring crime, improving aesthetics and marketing goods and services available from individually assessed parcels and the businesses/occupants on them within the District, all considered necessary in a competitive properly managed mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of assessed parcels within the boundaries of the proposed renewed ODMD.

The District includes 433 parcels of which 432 are identified as assessable within one Benefit Zone and which are listed in the Assessment Roll included as Appendix 1. For further information, a District Boundary Map is included as Appendix 2.

Finding 2. From Section 4(a): “Separate general benefits (if any) from the special benefits conferred on parcel(s). Only special benefits are assessable. “

QUANTITATIVE BENEFIT ANALYSIS

As stipulated in Article XIID Section 4(b) of the California Constitution, assessment district programs and activities confer a combination of general and special benefits to properties, but the only program benefits that can be assessed are those that provide special benefit to the assessed properties. For the purposes of this analysis, a “general benefit” is hereby defined as: “A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied”. “Special benefit” as defined by Article XIID means a distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.

The property uses within the boundaries of the District that will receive special benefits from District funded programs and services are currently an array of retail, restaurant, service, office, banking, residential and commercial parking. Services, programs and improvements provided and funded by the District (i.e. civil sidewalks, district identity/placemaking and organization) are designed to provide special benefits to identified assessed parcels and the array of land uses within the boundaries of the ODMD as described in the Work Plan Details starting on page 10 of this Report.

The proposed renewed District programs, improvements and services and Year 1 – 2025 budget allocations are shown in the Table below:

Year 1 – 2025 District Special Benefit Budget (Assessment Revenue Only)

CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
\$335,000	\$82,000	\$155,261	\$572,261
58.5397%	14.3291%	27.1312%	100%

The special benefits conferred on assessed parcels within the ODMD are particular and distinct to each

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

and every identified assessed parcel within the ODMD and are not provided to non-assessed parcels outside of the ODMD. These programs, services and improvements will only be provided to each individual assessed parcel within the District boundaries and, in turn, confer proportionate “special benefits” to each assessed parcel.

In the case of the ODMD, the very nature of the purpose of this ODMD is to fund supplemental programs, services and improvements to assessed parcels within the District boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The City of Oxnard does not provide these programs and services. All benefits derived from the assessments to be levied on assessed parcels within the District are for services, programs and improvements directly benefiting each individual assessed parcel within the District. No District funded services, activities or programs will be provided outside of the District boundaries.

While every attempt is made to provide District services and programs to confer benefits only to those identified assessed parcels within the District, Article XIID stipulates that general benefits exist either by design or unintentional in all assessment districts and that a portion of the program costs must be considered attributable to general benefits and assigned a value. General benefits cannot be funded by assessment revenues. General benefits might be conferred on parcels within the ODMD, or “spillover” onto parcels surrounding the ODMD, or to the public at large who might be passing through the ODMD with no intention of transacting business within the ODMD or interest in the ODMD itself.

Assessment engineering experience throughout California has found that general benefits within a PBID type assessment district tend to range from 2-6% of the total costs. Most PBIDs in California for which this Assessment Engineer has provided assessment engineering services in conformance with Article XIID have used the composite district overlay determinant method of computing general benefits which will be used for ODMD. This method of computing the value of general benefit involves a composite of three distinct types of general benefit – general benefit to assessed parcels within ODMD, general benefit to the public at large within ODMD and general benefit to parcels immediately outside/adjacent to ODMD.

General Benefit – Assessed Parcels within District

ODMD funded programs are narrowly designed and carefully implemented to specially benefit the assessed District parcels and are only provided for the special benefit to each and every assessed parcel within the District. It is the opinion of this Engineer, based on over 30 years of professional assessment engineering experience, that nearly 100% of benefits conferred on the 432 assessed parcels within the District are distinct and special. In the case of ODMD, it is projected that there are 0.25% general benefits conferred on these 432 assessed parcels. While this factor can typically range from 0.10% to 1.0%, this high ratio of special benefits to general benefits (0.25%) is because ODMD funded programs and services are specially geared to the unique needs of each assessed parcel within ODMD and are directed specially only to these parcels within ODMD. This concept is further reinforced by the proportionality of special benefits conferred on each assessed parcel within ODMD as determined by the special benefit assessment formula as it is applied to the unique and varying property characteristics of each parcel.. The computed 0.25% general benefit value on the 432 assessed parcels within the ODMD equates to \$1,431 or (.25% x \$572,261).

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General Benefit – Public At Large

While the ODMD funded programs are narrowly designed and carefully implemented to specially benefit the assessed District properties and are only provided for the special benefit to each and every assessed parcel within the District, these District funded programs may also provide an incidental general benefit to the public at large within the District. Assessment Engineering experience in California has found that generally well over 95% of people moving about within PBID boundaries are engaged in business related to assessed parcels and businesses contained on them within the PBID, while the public at large “just passing through” is typically much less than 5%.

Tangible services and improvements such as security, cleanliness, bench and shade tree maintenance would confer higher levels of general benefits on the public at large than say planters, decorative pavement/signage and other general district management and operation activities. Typically, a factor range from 0.5% to 2% (0.005 to 0.02) is assigned to tangible streetscape/sidewalk type services, programs and improvements,. Then a factor range from 0.25% to 1.5% (0.0025 to 0.015) is assigned to intangible services, programs and improvements.

Based on experience curves and the nature of the proposed ODMD funded services, programs and improvements and over 30 years of assessment engineering experience, it is the opinion of this Assessment Engineer that districtwide general benefit factors for each of the ODMD funded special benefit program element costs that provide a general benefit to the public at large would be 1.5% (0.015) assigned to Civil Sidewalks and 0.5% (0.005) assigned to both District Identity/Placemaking and Organization.

These factors are applied to each assessment funded program element cost in order to compute the dollar and percent value of districtwide general benefits to the public at large. The total dollar value of this general benefit type, public at large, equates to \$6,211. Each of these factors and corresponding general benefit calculations/values for the public at large are shown in the Table below:

GENERAL BENEFITS TO “PUBLIC AT LARGE”

	A	B	C	E
Program Element	Dollar Allocation	General Benefit Percent	General Benefit Factor	General Benefit Value (A x C)
CIVIL SIDEWALKS	\$335,000	1.50%	0.0150	\$5,025
DISTRICT IDENTITY & PLACEMAKING	\$82,000	0.50%	0.0050	\$410
ORGANIZATION	<u>\$155,261</u>	0.50%	0.0050	<u>\$776</u>
Total	\$572,261			\$6,211

Spillover General Benefits to Parcels Outside of District

While District programs and services will not be provided directly to parcels outside the District boundaries, it is reasonable to conclude that District services may confer an indirect general benefit on parcels immediately adjacent to the District boundaries. An inventory of the District boundaries finds

that the District is surrounded by 69 parcels, of which 12 are commercial uses and 57 are residential, non-profit or public uses adjacent to or across a street or alley from the proposed renewed ODMD. There is 1 non-identified (i.e. not assessed) exempt parcel within the proposed renewed ODMD. Typically, a factor of 100% (1.0) is first assigned to assessed parcels within the district, then a factor range from 5% to 15% (0.05 to 0.15) is assigned to commercial zoned and used parcels directly outside the district, then a factor range from 0.5% to 1.5% (0.005 to 0.015) is assigned to residential zoned and used parcels directly outside the district, and finally, a factor range from 0.5% to 1.5% (0.005 to 0.015) is assigned to public and/or non-profit owned and fully occupied parcels directly outside the district.

The 69 parcels outside the District boundaries adjacent to or across streets or alleys from assessed parcels within the District as well as the 1 non-identified, non-assessed parcel within the District can reasonably be assumed to receive some indirect general benefit as a result of PBID funded programs, services and improvements. Based on over 30 years of assessment engineering experience, it is the opinion of this Assessment Engineer that a benefit factor of 1.0 be attributed to the 432 identified assessed parcels within the District; a benefit factor of 0.1 be attributed to general benefits conferred on the 13 commercial parcels adjacent to or across a street or alley from the proposed renewed ODMD as well as the 1 non-assessed parcel within the ODMD; and a benefit factor of 0.01 be attributed to general benefits conferred on the 57 residential, non-profit and public parcels adjacent to or across a street or alley from the proposed renewed ODMD. The cumulative dollar value of this general benefit type equates to \$2,477 (\$1,722+ \$755) as delineated in the Table below.

“Spillover” General Benefits

Parcel Type	Quantity	Benefit Factor	Benefit Units	Benefit Percent	Benefit Value
Assessed Parcels In	432	1.00	432.00	99.5690%	\$572,261
Commercial Perimeter Parcels Out; Non-Assessed In	13	0.10	1.30	0.2996%	\$1,722
Other Perimeter Parcels Out	57	0.01	0.57	<u>0.1314%</u>	<u>\$755</u>
TOTAL			433.87	100.00%	\$574,738

Composite General Benefit

Based on the general benefit values delineated in the three sections above, the total value of general benefits conferred on assessed parcels within the District, the public at large and parcels outside the District equates to \$10,119 (\$1,431 + \$6,211 + \$2,477) or 1.74% of the total adjusted costs. This leaves a value of 98.26% assigned to special benefit related costs. For the purposes of this analysis, the general benefit value of 1.74% will be conservatively rounded up to 2.0% or \$11,679. The general benefit value of \$11,679 when added to the special benefit value of \$572,261 (Year 1 –2025 assessments) equates to a total adjusted Year 1 – 2025 program cost of \$583,940. Remaining costs that are attributed to general benefits will need to be derived from other sources. A comparison of special and general benefit funding sources is shown in the Table below.

Special and General Benefit Revenue Sources

Revenue Source	Revenue	% of Total
District Assessments	\$572,261	98.0%
Grants, donations, sponsors, program income, etc.	\$11,679	2.0%
TOTAL	\$583,940	100.0%

A breakdown of projected special and general benefit costs for each year of the 5-year renewal term is shown in the following Table:

5 Year Special + General Benefit Costs

YR	PROGRAM CATEGORY	SPECIAL BENEFIT ASSESSMENT COSTS	GENERAL BENEFIT NON- ASSESSMENT COSTS	TOTAL ADJUSTED COSTS	% OF TOTAL
1	CIVIL SIDEWALKS	\$335,000	\$6,837	\$341,837	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$82,000	\$1,673	\$83,673	14.3291%
	ORGANIZATION	<u>\$155,261</u>	<u>\$3,169</u>	<u>\$158,430</u>	<u>27.1312%</u>
	Total	\$572,261	\$11,679	\$583,940	100%
2	CIVIL SIDEWALKS	\$351,750	\$7,179	\$358,929	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$86,100	\$1,757	\$87,857	14.3291%
	ORGANIZATION	<u>\$163,024</u>	<u>\$3,327</u>	<u>\$166,351</u>	<u>27.1312%</u>
	Total	\$600,874	\$12,263	\$613,137	100%
3	CIVIL SIDEWALKS	\$369,338	\$7,538	\$376,876	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$90,405	\$1,845	\$92,250	14.3291%
	ORGANIZATION	<u>\$171,175</u>	<u>\$3,493</u>	<u>\$174,668</u>	<u>27.1312%</u>
	Total	\$630,918	\$12,876	\$643,794	100%
4	CIVIL SIDEWALKS	\$387,805	\$7,915	\$395,720	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$94,925	\$1,937	\$96,862	14.3291%
	ORGANIZATION	<u>\$179,734</u>	<u>\$3,668</u>	<u>\$183,402</u>	<u>27.1312%</u>
	Total	\$662,464	\$13,520	\$675,984	100%
5	CIVIL SIDEWALKS	\$407,195	\$8,311	\$415,506	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$99,671	\$2,034	\$101,705	14.3291%
	ORGANIZATION	<u>\$188,721</u>	<u>\$3,851</u>	<u>\$192,572</u>	<u>27.1312%</u>
	Total	\$695,587	\$14,196	\$709,783	100%

DISTRICT WORK PLAN

Overview

The Programs and activities to be funded by the ODMD include civil sidewalks, district identity/placemaking and organization. The property uses within the boundaries of the District that will receive special benefits from District funded programs, services and improvements are currently a unique mix of retail, restaurant, service, office, government, residential and parking. District funded activities are primarily designed to provide special benefits as described below to identified assessed parcels and array of land uses within the boundaries of the District.

These benefits are particular and distinct to each and every identified assessed parcel within the ODMD and are not provided to non-assessed parcels outside of the District. These programs, services and improvements will only be provided to each individual assessed parcel within the District boundaries and, in turn, confer proportionate "special benefits" to each assessed parcel.

In the case of the ODMD, the very nature of the purpose of this District is to fund supplemental programs, services and improvements to assessed parcels within the District boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The City of Oxnard does not provide these supplemental programs and services. All benefits derived from the assessments to be levied on assessed parcels within the District are for services, programs and improvements directly benefiting each individual assessed parcel within the District. No District funded services, activities or programs will be provided outside of the District boundaries.

The projected program special benefit cost allocation of the District assessment revenues for the 5-year District term assuming a 5% maximum annual assessment rate increase is shown in the Table on page 15 of this Report.

WORK PLAN DETAILS

The programs, services and improvements to be provided by the ODMD include civil sidewalks, district identity/placemaking and organization. Each of these work plan elements are designed to add to the cohesive mixed-use urban fabric of Downtown Oxnard and assist in its economic success and vitality. The assessed parcels in the PBID will specially benefit from the District programs in the form of increased commerce and vitality through meeting the ODMD goals: to improve security, cleanliness, beautification, landscaping, livability and to attract and retain businesses and services, generate more pedestrian and visitor traffic and to increase commerce and improve the economic viability of each assessed parcel.

The following programs, services and improvements are proposed by the ODMD to specially benefit each and every individually assessed parcel within the District boundaries. ODMD services, programs and improvements will not be provided to parcels outside the District boundary.

Civil Sidewalks

Civil Sidewalks includes maintenance and safety (“clean and safe”) services in public sidewalk areas

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adjacent to assessed parcels in ODMD. The maintenance portion of the Civil Sidewalks category includes regular maintenance of public areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. These services include:

- Clean Team 6-days per week
- litter and illegal dumping pickup
- graffiti and illegal sticker/poster removal
- check/empty 130+ sidewalk trash bins
- check, sweep, and secure trash enclosures
- removal of transient discards, including shopping carts, bio-waste
- sidewalk scrubbing/steam cleaning
- curb line block face sweeping
- tree pruning
- weed abatement
- visitor assistance

The maintenance portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the aesthetic appeal of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Maintenance services will only be provided for identified and assessed parcels located within the PBID boundaries.

The maintenance portion of the Civil Sidewalks work plan component will assist in creating a clean environment for each assessed parcel in the District. A dirty environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded clean programs and services provide these parcels with enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded clean programs and services are designed to improve the appearance of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the clean programs and services which will only be provided to, and for the direct special benefit of, each identified assessed parcel within the proposed renewed District boundaries.

Safety

The safety portion of the Civil Sidewalks work plan category includes regular security of areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. The safety portion of the Civil Sidewalks work plan component includes:

- daily bike & truck Safety Patrol
- loitering & trespassing subject removal
- Crime prevention awareness campaigns
- street light outage reporting and repair orders

The safety portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the security of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Safety services will only be provided for identified and assessed parcels located within the proposed renewed PBID boundaries.

The safety portion of the Civil Sidewalks work plan component will assist in creating a safe and secure environment for each assessed parcel in the District. An unsafe environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded safe programs and services provide these parcels with safer and enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded safe programs and services are designed to improve the security of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the safe programs and services which will only be provided to, and for the direct benefit of, each identified assessed parcel within the District boundaries

District Identity/Placemaking

This work plan category includes regular marketing and image enhancement programs and services for the special benefit of each assessed parcel and land use within ODMD by creating a unique, marketable District identity. This work plan category also includes placement of, and care for, a variety of physical improvements and amenities within the public streetscape areas within ODMD for the special benefit of each identified and assessed parcel and land use within ODMD by creating a unique and marketable “sense of place”. The District Identity/Placemaking work plan component includes:

- daily updated responsive website DowntownOxnard.org
- integrated social media promotion – Facebook, Instagram, Twitter, YouTube
- produced and sponsored live events (e.g. First Thursdays, Cruise Night, Halloween, etc.)
- district advertising, newsletters, press releases, media relations, original photo library
- Marketing Committee support for merchant coordinated promotions
- assist prospective businesses with referrals to leasable properties
- permit processing assistance

Also included are:

- district-wide holiday streetlamp décor
- 162 sidewalk flower planters
- Historic Plaza Park hanging flower baskets
- public art – utility box painting and temporary murals
- street banner program (88 street poles)

The District Identity/Placemaking work plan component is designed to specially benefit and improve the image of each assessed parcel within the PBID and attract more customers, clients, employees, tenants, residents and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. District Identity/Placemaking programs and services will only be provided for identified and assessed parcels located within the PBID boundaries.

For parcels with general commercial, retail, restaurant, office and commercial parking uses, District Identity/Placemaking services and programs are specifically designed to attract more customers, employees, tenants and investors for the special benefit of assessed parcels as a result of marketing assessed parcels and the goods and services and spaces available on these assessed parcels. This in turn, is intended to increase business volumes, sales transactions, commercial occupancies, commercial rental income and investment return. In the case of publicly/non-profit owned/occupied parcels that are assessed for these programs, District Identity/Placemaking creates better public/non-profit facilities and services on these assessed parcels by fostering better informed public/non-profit employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of residential use parcels, District Identity/Placemaking specially benefits each assessed residential parcel and creates better informed tenants, visitors and owners, which, in turn, enhance livability and may increase residential occupancies and rental income. District Identity/Placemaking services and programs will only be provided to, and for the direct and special benefit of, each identified assessed parcel within the District.

Organization

This work plan category includes professional management and related corporate operation costs of providing PBID funded services, programs and improvements for the special benefit of each identified and assessed parcel and land use within ODMD. The Organization work plan component includes:

- staff and full service office to manage PBID programs, projects, compliance reporting.
- full service office to assist property and business owners with District-related needs
- advocacy and representation of member interests on District issues and needs
- Organize “town hall” forums and advocacy on topics such as homeless solutions, Vision Plan

Organization also includes legal, accounting, insurance, production of the Annual Planning Report and Budget and quarterly reports, facilitation of meetings of the Owners’ Association, Brown Act compliance, outreach to District property and business owners, and participation in professional peer/best practice forums such as the California Downtown Association or the International Downtown Association. It also covers the costs associated with District renewal. A portion of the Organization budget is held in reserve to offset delinquent and/or slow assessment payments.

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The Organization component is key to the proper expenditure of District assessment funds and the administration of District programs and activities for the special benefit of all parcels and land uses within the ODMD. The Organization work plan component exists only for the purposes of the District and directly relates to the implementation of Civil Sidewalks and District Identity/Placemaking services, programs and improvements which specially benefit each identified assessed parcel within the District boundaries.

In summary, all District funded services, programs and improvements described above confer proportionate special benefits to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within the ODMD will proportionately specially benefit from Civil Sidewalks, District Identity/Placemaking and Organization. These services, programs and improvements are intended to improve commerce, employment, livability, rents, occupancy rates and investment viability of assessed parcels, businesses and residents within the ODMD by deterring crime, reducing litter and debris, making capital improvements and professionally marketing goods, services and spaces available within the District, all considered necessary in a competitive properly managed contemporary mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of each and every assessed parcel within the boundaries of the ODMD.

WORK PLAN BUDGET

Each identified assessed parcel within the ODMD will be assessed the full amount of the proportionate special benefit conferred upon it based on the level of District funded services provided. The projected District program special benefit (assessment) cost allocation budget for Year 1 (2025), is shown in the following Table:

ODMD Year 1 (2025) Special Benefit Assessment Budget

CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
\$335,000	\$82,000	\$155,261	\$572,261
58.5397%	14.3291%	27.1312%	100.00%

In order to carry out the District programs outlined in the previous section, a Year 1 assessment budget of \$572,261 is projected. Since the District is planned for a 5-year term, projected program costs for future years (Years 2-5) are set at the inception of the District. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum, commensurate to special benefits received by each assessed parcel, is incorporated into the projected program costs and assessment rates for the 5-year District term. It is noted that the 5% maximum annual rate increase is deemed necessary in order to offset substantial service and improvement cost increases projected over the next several years and to provide levels of service and types of improvements expected and requested by District stakeholders. Carryovers, if any, may be reapportioned the following

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year for related programs, services and improvements. Detailed annual budgets will be prepared by the Owner’s Association Board and included in an Annual Plan for the City Council’s review and approval.

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year during the 5-year term of the proposed renewed District. Accordingly, the Owners’ Association shall have the ability to reallocate budget line items within the budget categories based on such cost fluctuations subject to the review and approval by the Owners’ Association Board and included in the Annual Planning Report that will be approved by the Oxnard City Council pursuant to Streets and Highways Code Section 36650. Any accrued interest or delinquent payments may be expended in any budget category. A 5-year projected ODMD budget is shown in the following Table:

YEAR 1-5 PROJECED DISTRICT ASSESSMENT BUDGET SUMMARY (Special Benefit Costs)

(Assumes 5% max rate increase per year)

YR	CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
	58.5397%	14.3291%	27.1312%	100.00%
1	\$335,000	\$82,000	\$155,261	\$572,261
2	\$351,750	\$86,100	\$163,024	\$600,874
3	\$369,338	\$90,405	\$171,175	\$630,918
4	\$387,805	\$94,925	\$179,734	\$662,464
5	\$407,195	\$99,671	\$188,721	\$695,587

The ODMD assessments may increase for each individual parcel each year during the 5-year effective operating period, but not to exceed 5% per year, commensurate to special benefits received by each assessed parcel, and must be approved by the Owners’ Association Board of Directors, included in the Annual Planning Report and adopted by the City of Oxnard City Council. The Owners’ Association Board of the Directors (“Property Owner’s Association of the ODMD) shall determine the percentage increase to the annual assessment. The Owners’ Association Executive Director shall communicate the annual increase to the City each year in which the District operates at a time determined in the Administration Contract held between the Owners’ Association and the City of Oxnard.

No bonds are to be issued in conjunction with the proposed renewed District.

Pursuant to Section 36671 of the Streets and Highways Code, any funds remaining after the 5th year of operation will be rolled over into the renewal budget or returned to stakeholders. District assessment funds may be used to pay for costs related to the following District renewal term. If the District is not renewed or terminated for any reason, unexpended funds will be returned to the property owners.

Finding 3. From Section 4(a): “(Determine) the proportionate special benefit derived by each parcel in relationship to the entirety of the.....cost of public improvement(s) or the maintenance and operation expenses.....or the cost of the property related service being provided.

Each identified assessed parcel within the district will be assessed based on property characteristics unique only to that parcel. Based on the specific needs and corresponding nature of the program activities to be funded by the proposed renewed ODMD (i.e., civil sidewalks, district identity/placemaking and organization). It is the opinion of this Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area and street frontage, except as noted otherwise herein, within one benefit zone.

The calculated assessment rates are applied to the actual measured parameters of each parcel and thereby are proportional to each and every other identified assessed parcel within the district. Larger buildings and parcels and/or ones with larger frontages are expected to impact the demand for services and programs to a greater extent than smaller building, land and/or street frontages and thus, are assigned a greater proportionate degree of assessment program and service costs. The proportionality is further achieved by setting targeted formula component weights for the respective parcel by parcel identified property attributes.

The proportionate special benefit cost for each parcel has been calculated based on proportionate formula components and is listed as an attachment to the Management District Plan and this Report. The individual percentages (i.e. proportionate relationship to the total special benefit related program and activity costs) is computed by dividing the individual parcel assessment by the total special benefit program costs.

Finding 4. From Section 4(a): “No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

Not only are the proposed program costs reasonable due to the benefit of group purchasing and contracting which would be possible through the proposed renewed ODMD, they are also considerably less than other options considered by the ODMD Renewal Committee. The actual assessment rates for each parcel within the District directly relate to the level of service and, in turn, special benefit to be conferred on each parcel based on the respective building area, land area and street frontage of each parcel within one benefit zone, except as noted otherwise herein.

Finding 5. From Section 4(a): “Parcels.....that are owned or used by any (public) agency shall not be exempt from assessment.....”

The State Constitution - Article 13D (Proposition 218) states that “parcels within a District that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly-owned parcels in fact receive no special benefit.”

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There are 154 publicly owned parcels within ODMD, all of which are identified and assessable for which District funded special benefit programs, services and improvements will be provided. All 154 of the assessed publicly owned parcels are owned by the City of Oxnard, including the Oxnard Parking Authority and the Oxnard Housing Authority. It is noted that the only publicly owned parcel within ODMD not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct PBID funded special benefit services, programs and improvements will be provided adjacent to this parcel.

For all other publicly owned/occupied parcels and facilities within ODMD, each of these parcels specially benefit from District funded programs services and improvements. The special benefits include cleaner and safer facility entrances and perimeters for their employees, visitors, tenants, vendors and other users of these public locations and facilities. Publicly owned parcels and facilities will be included in all maps, directories and District advertisements and web displays and are active components of Downtown Oxnard’s identity and fabric.

ODMD services are designed to improve the safety and cleanliness for visitors, employees, tenants and users of public facilities on publicly owned parcels within the District by deterring crime and reducing litter and debris, each considered detractions to employment, visitation and use of public facilities if not contained and properly managed. In turn, these services will serve to enhance the public service levels provided by public facilities and parcels within ODMD.

Each identified and assessable publicly owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of this Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for public building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

There is no compelling evidence that these identified assessable publicly owned parcels and facilities would not proportionately specially benefit from ODMD funded programs, services and improvements as delineated herein and, thus, will be assessed similar to privately owned parcels, except as noted herein.

Finding 6. From Section 4(b): “All assessments must be supported by a detailed engineer’s report prepared by a registered professional engineer certified by the State of California”.

This report serves as the “detailed engineer’s report” to support the benefit property assessments proposed to be levied within the proposed renewed ODMD.

Finding 7. From Section 4(c): “The amount of the proposed assessment for each parcel shall be calculated (along with) the total amount thereof chargeable to the entire district, the duration of such payments, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated.”

The individual and total parcel assessments attributable to special property benefits are shown in Appendix 1 to the Management District Plan and this Report. The proposed renewed District and resultant assessment levies will continue for 5-years and may be renewed again at that time. The reasons (purposes) for the proposed assessments are outlined in Finding 2 above as well as in the Management District Plan. The calculation basis of the proposed assessment is attributed to building area, land area and street frontage, except as noted herein, within one benefit zone.

Assessment Formula Methodology

Step 1. Select “Basic Benefit Unit(s)”

Background – Generic Assessment Formula Development

The method used to determine special benefits derived by each identified assessed property within a PBID begins with the selection of a suitable and tangible basic benefit unit. For property related services, such as those proposed in the ODMD, the benefit unit may be measured in linear feet of street frontage or parcel size in square feet or building size in square feet or any combination of these factors. Factor quantities for each parcel are then measured or otherwise determined. From these figures, the amount of benefit units to be assigned to each property can be calculated. Special circumstances such as unique geography, land uses, development constraints etc. are carefully reviewed relative to specific programs and improvements to be funded by the PBID in order to determine any levels of different benefit that may apply on a parcel-by-parcel or categorical basis.

Based on the factors described above such as geography and nature of programs and activities proposed, an assessment formula is developed which is derived from a singular or composite basic benefit unit factor or factors. Within the assessment formula, different factors may be assigned different “weights” or percentage of values based on their relationship to programs/services to be funded.

Next, all program and activity costs, including incidental costs, District administration and ancillary program costs, are estimated. It is noted, as stipulated in Article XIID Section 4(b) of the California Constitution, and now required of all property-based assessment Districts, indirect or general benefits costs may not be incorporated into the assessment formula and levied on the District properties; only direct or “special” benefits and costs may be considered. Indirect or general benefit costs, if any, must be identified and, if quantifiable, calculated and factored out of the assessment cost basis to produce a “net” cost figure. In addition, Article XIID Section 4(b) of the California Constitution also no longer automatically exempts publicly owned property from being assessed unless the respective public agency can provide clear and convincing evidence that their property does not specially benefit from the programs and services to be funded by the proposed special assessments. If special benefit is determined to be conferred upon such properties, they must be assessed in proportion to special benefits conferred in a manner similar to privately owned property assessments. (See pages 16- 17 of this Report for discussion regarding assessment of publicly owned parcels within the ODMD).

From the estimated net program costs, the value of a basic benefit unit or “basic net unit cost” can be computed by dividing the total amount of estimated net program costs by the total number of benefit units. The amount of assessment for each parcel can be computed at this time by multiplying the Net Unit Cost times the number of Basic Benefit Units per parcel. This is known as “spreading the assessment” or the “assessment spread” in that all costs are allocated proportionally or “spread” amongst all benefitting properties within the PBID.

The method and basis of spreading program costs varies from one PBID to another based on local geographic conditions, types of programs and activities proposed, and size and development complexity of the district.

Proposed ODMD Assessment Formula

Based on the specific needs and corresponding nature of the program activities to be funded by the proposed renewed ODMD (i.e. civil sidewalks, district identity/placemaking and organization) it is the opinion of this Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area and street frontage, except as noted herein, within one benefit zone.

The “Basic Benefit Units” will be expressed as a combined function of building square footage (Benefit Unit “A”), land square footage (Benefit Unit “B”) and street frontage (Benefit Unit “C”). Based on the shape of the proposed ODMD, as well as the nature of the District program elements, it is determined that all identified properties will gain a direct and proportionate degree of special benefit based on the respective amount of building area, land area and street frontage, except as noted herein, within one benefit zone. Special benefit proportionality varies for different land uses/ownership types and assessable property characteristics (units), are adjusted via differing assessment methodologies and multiplier factors. See “Special Circumstances” beginning on page 20 of this Report which delineates special assessment methodologies and factors and how and when they are applied.

For the array of land uses within the PBID, the interactive application of building and land areas and street frontage quantities are a common method of fairly and equitably spreading special benefit costs to these beneficiaries of PBID funded services, programs and improvements. Each of these factors directly relates to the degree of special benefit each assessed parcel will receive from PBID funded activities. There are no parcels zoned solely residential within ODMD.

Building area is a direct measure of the static utilization of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of this Assessment Engineer, the targeted weight of this factor, building area, should generate approximately 30% of the total PBID revenue (28.1905% when adjusted for precise parcel measurements, land use factors and program costs).

Land area is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of this Assessment Engineer, the targeted weight of this factor, land area, should generate approximately 40% of the total PBID revenue (43.4115% when adjusted for precise parcel measurements, land use factors and program costs).

Street Frontage is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. Street frontage includes all public street frontages of a parcel. In the opinion of this Assessment Engineer, the targeted weight of this factor, street frontage, should generate approximately 30% of the total PBID revenue (28.3980% when adjusted for precise parcel measurements, land use factors and program costs).

Special Circumstances

1. Lower Tier Residential Uses (1-6 non-condominium residential units)

It is the opinion of this Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels and parcels with higher density residential rental units on them do. It is the opinion of this Assessment Engineer that the assessment for parcels with 1-6 residential units on them shall be based on only on exterior building area which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 1-6 units on them will receive from ODMD funded services, programs and improvements for these land uses.

2. Upper Tier Residential Uses (7+ non-condominiums residential units)

It is the opinion of this Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels do but more than parcels with 1-6 residential units on them do. It is the opinion of this Assessment Engineer that the assessment for parcels with 7+ residential units on them shall be based on exterior building area, parcel land area and parcel street frontage which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area, land area and street frontage which then produces the number of assessable building area units, land area units and street frontage units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 7+ units on them will receive from ODMD funded services, programs and improvements for these land uses.

3. Mixed-Use (Non-Condominium Commercial and Residential)

It is the opinion of this Assessment Engineer that parcels with non-condominium mixed commercial and residential uses on them will specially benefit from PBID funded programs, services and improvements but different than those with only commercial uses on them. The residential portions of these land uses do not specially benefit from marketing and promotion activities to the extent that commercial uses do. As such, the assessment rates and applicable assessment methodology will be applied based on each land use portion and the area of the parcel they cover. Mixed-use parcels will be assessed for the commercial use portions at commercial rates for the commercial building area, the parcel land area covered by commercial uses and the amount of direct commercial street frontage. The residential land use portions will be assessed based on the residential criteria and methodologies delineated in # 2 and 3 above.

4. Residential Condominiums

It is the opinion of this Assessment Engineer that these land uses do not specially benefit from

marketing and promotion activities to the extent that commercial parcels and other parcels with residential units on them do. It is the opinion of this Assessment Engineer that the assessment for residential condominiums shall be based on only on interior building area which is a common method of fairly and equitably spreading special benefit costs to these unique property ownerships, subdivisions and land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured interior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential condominium parcel will receive from ODMD funded services, programs and improvements for these land uses.

5. Commercial Condominiums

It is the opinion of this Assessment Engineer that such units, when located solely on ground floors, shall be assessed based on actual land area covered, interior condo building area and direct street frontage or pro-rated street frontage for each unit. Multi-floor commercial condominiums shall be assessed on interior condo building area and pro-rated land area and street frontage as determined by the Assessment Engineer depending on the development configuration. If residential condominiums are part of the development, the residential portions will be assessed based on the residential criteria and methodology delineated in #1 above.

6. Publicly Owned/Occupied Parcels

Each assessable publicly (government) owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of this Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded district identity/placemaking services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for publicly used building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

It is noted that the only publicly owned parcel not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct ODMD funded special benefit services, programs and improvements will be provided adjacent to or for the special benefit of this parcel.

7. Non-Profit Owned and Occupied Parcels

Each identified and assessable non-profit owned parcel and use within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than other privately owned parcels. It is the opinion of this Assessment Engineer that non-profit owned parcels and uses do not specially benefit to the same extent as other privately owned parcels from district identity/placemaking services, programs and improvements. To offset this special benefit differential, non-profit owned parcels with non-profit uses on them will not be assessed for non-profit used building areas located on these parcels. Non-profit owned parcels with “for-profit” uses on them will be assessed for building areas occupied by “for-profit” uses.

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8. Changes to Building or Parcel Size

Any changes in building size, parcel size and street frontage(s) as a result of new construction or demolition or land adjustments including but not limited to lot splits, consolidations, subdivisions, street dedications, right of way setbacks shall have their assessment adjusted upon final City approval of such parcel adjustments.

9. Other Future Development

Other than future maximum rates and the assessment methodology delineated in this Report, per State Law (Government Code Section 53750), future assessments may increase for any given parcel if such an increase is attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land. Any change in assessment formula methodology or rates other than as stipulated in this Report would require a new Proposition 218 ballot procedure in order to approve any such changes.

Step 2. Quantify Total Basic Benefit Units

Taking into account all identified specially benefiting parcels within the District and their respective assessable benefit units and land use factors, the assessable quantities and assessment revenues by factor are shown in the following Tables:

Year 1 – 2024/2025 – Gross Quantities

GROSS BLDG AREA (SF)	# OF ASSESSABLE PARCELS	GROSS LAND AREA (SF)	GROSS STREET FRONTAGE (LF)
1,277,861	432	3,262,505	30,708

Year 1 – 2024/2025 - Assessable Benefit Units

ASSESSABLE BLDG AREA UNITS	# OF ASSESSABLE PARCEL UNITS	ASSESSABLE LAND AREA UNITS	ASSESSABLE STREET FRONTAGE UNITS
1,171,556.50	383.50	3,133,029.41	35,405.37

Year 1 – 2024/25 Projected Assessment Revenue

BLDG ASSMT REVENUE	LAND 1 ASSMT REVENUE	LAND 2 ASSMT REVENUE	STREET FRONTAGE ASSMT REVENUE	TOTAL ASSMT REVENUE
\$161,323.33	\$152,556.30	\$95,870.70	\$162,510.65	\$572,260.98
28.1905%	26.6585%	16.7530%	28.3980%	100.00%

Step 3. Calculate Benefit Units for Each Property.

The number of Benefit Units for each identified benefiting parcel within the proposed renewed ODMD was computed from data extracted from County Assessor records and maps. These data sources delineate current land uses, building areas, property areas and dimensions of record for each tax parcel. While it is understood that this data does not represent legal field survey measurements or detailed title search of recorded land subdivision maps or building records, it does provide an acceptable basis for the purpose of calculating property-based assessments. All respective property data being used for assessment computations will be provided to each property owner in the District for their review. If a property owner believes there is an error on a parcel’s assessed quantities, the District may confirm the data with the County Assessor’s office. If District data matches Assessor’s data, the property owner may opt to work with the Assessor’s office to correct the data so that the District assessment may be corrected.

Step 4. Determine Assessment Formula

Based on the nature of the programs to be funded as well as other rationale outlined in Step 1 above, it is the opinion of this Engineer that the ODMD assessments will be based on building area, land area, and street frontage except as otherwise noted herein.

The proposed assessment formula is as follows:

Assessment = Assessable Building Area (Unit A) x Unit A Rate, plus
Assessable Land Area (Unit B-1) x Unit B-1 Rate, plus
Assessable Land Area (Unit B-2) x Unit B-2 Rate, plus
Assessable Street Frontage (Unit C) x Unit C Rate

YEAR 1 –2024/25 Assessment Rates

BLDG ASSMT RATE (\$/UNIT A)	LAND ASSMT RATE 1 (\$/UNIT B-1)	LAND ASSMT RATE 2 (\$/UNIT B-2)	FRONTAGE ASSMT RATE (\$/UNIT C)
\$0.1377	\$397.80	\$0.0306	\$4.59

The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this District is included in this Report as Appendix I.

Assessment Formula Unit Rates

Using figures from the Assessable Benefit Units Table and the Projected Assessment Revenue Table on page 22 of this Report, the assessment rates and weighted multipliers for each factor are calculated as follows:

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Building Area Rate (Unit A)

$$(\$572,260.98 \times 28.1905\%) / 1,171,556.50 \text{ units} = \$0.1377 / \text{Building Unit A}$$

Land Area Rate (Unit B-1)

$$(\$572,260.98 \times 26.6585\%) / 383.50 \text{ units} = \$397.80 / \text{Land Unit B-1}$$

Land Area Rate (Unit B-2)

$$(\$572,260.98 \times 16.7530\%) / 3,133,029.41 \text{ units} = \$0.0306 / \text{Land Unit B-2}$$

Street Frontage Rate (Unit C)

$$(\$572,260.98 \times 28.3980\%) / 35,405.37 \text{ units} = \$4.59 / \text{Street Frontage Unit C}$$

Step 5. Estimate Total District Costs

The total projected 5-year special benefit costs for 2025 – 2029 of the District are shown in the Table on page 15 of this Report assuming a maximum increase of 5% per year, commensurate to special benefits received by each assessed parcel.

Step 6. Separate General Benefits from Special Benefits and Related Costs (Article XIIID Section 4(b) of the California Constitution – Proposition 218)

Total Year 1 adjusted costs are estimated at \$583,940. General benefits are factored at 2.0% of the total adjusted costs (see Finding 2 on pages 5-9 of this Report) with special benefits set at 98.0%. Article XIIID Section 4(b) of the California Constitution limits the levy of property assessments to costs attributed to special benefits only. The 2.0% general benefit cost is computed to be \$11,679 with a resultant 98.0% special benefit limit computed at \$572,261. Based on current property data and land uses, this is the maximum amount of Year 1 (2024-25) revenue that can be derived from property assessments from the subject District.

All program costs associated with general benefits will be derived from sources other than District assessments. Sample “other” revenue sources are shown in the following Table:

Special and General Benefit Revenue Sources

Revenue Source	Revenue	% of Total
District Assessments (Special Benefit Costs)	\$572,261	98.0 %
Grants, donations, sponsors, program income, etc. (General Benefit Costs)	\$11,679	2.0%
TOTAL	\$583,940	100.0%

Step 7. Calculate “Basic Unit Cost”

With a YR 1 - 2020 assessment revenue portion of the budget set at \$572,261 (special benefit only), the Basic Unit Costs (rates) are shown earlier in Step 4. Since the District is proposed to be renewed for a 5-year term, maximum assessments for future years (2026-2029) must be set at the inception of the proposed renewed District. An annual inflationary assessment rate increase of up to 5%, commensurate to special benefits received by each assessed parcel, may be imposed for future year assessments, on approval by the District Property Owner’s Association. The maximum assessment rates for the 5-year proposed renewed District term of 2025-2029 are shown in the Table below. The assessment rates listed constitute the maximum assessment rates that may be imposed for each year of the proposed renewed District term (2025-2029).

**ODMD – 5 Year Maximum Assessment Rates
(Includes a 5%/Yr. Max Increase)**

YEAR	BLDG ASSMT RATE (\$/UNIT)	LAND ASSMT RATE 1 (\$/UNIT)	LAND ASSMT RATE 2 (\$/UNIT)	FRONTAGE ASSMT RATE (\$/UNIT)
1	\$0.1377	\$397.8000	\$0.0306	\$4.5900
2	\$0.1446	\$417.6900	\$0.0321	\$4.8195
3	\$0.1518	\$438.5745	\$0.0337	\$5.0605
4	\$0.1594	\$447.3460	\$0.0344	\$5.3135
5	\$0.1674	\$456.2929	\$0.0351	\$5.5792

SAMPLE ASSESSMENT CALCULATION:

A 7,000 square foot lot with 50 linear feet of street frontage and a 5,000 square foot building on it

Bldg Area	= 5,000 SF x \$0.1377	= \$ 688.50
Land Area	= 7,000 SF x \$0.0306 SF + \$397.80	= \$ 612.00
Street Frontage	= 50 LF x \$4.59/LF	= \$ 229.50
TOTAL YEAR 1 ASSESSMENT		= <u>\$1,530.00</u>

Per Month	= \$ 128/Month
Per Day	= \$4.25/Day

The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this PBID is included in this Report as Appendix I.

Step 8. Spread the Assessments

The resultant assessment spread calculation results for each parcel within the District are shown in this Report and the Management District Plan and were determined by applying the District assessment formula to each identified benefiting property.

Miscellaneous District Provisions

Time and Manner of Collecting Assessments:

Assessments for the Property Tax Year beginning July 1, 2024 and ending June 30, 2029, shall be collected at the same time and in the same manner as ad valorem taxes paid to the Ventura County (Operation Years 2025-2029). The District assessments shall appear as a separate line item on the property tax bills issued by the Ventura County Assessor. The City of Oxnard is authorized to collect any assessments not placed on the County tax rolls, or to place assessments, unpaid delinquent assessments, or penalties on the County tax rolls as appropriate to implement the Management District Plan.

Bonds:

No bonds are to be issued in conjunction with this proposed renewed District.

Duration

As allowed by State PBID Law, the District will have a five (5) year operational term from January 1, 2025 to December 31, 2029. The proposed renewed District operation is expected to begin services on January 1, 2025. If the District is not renewed, services will end on December 31, 2029.

APPENDIX 1

ODMD YR 1 – 2024/2025 ASSESSMENT ROLL

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APN			SITE ADDRESS	2024-25 ASSESSMENT	% OF TOTAL
2010113110	202	S	OXNARD BL	\$3,971.91	0.694%
2010160010		N	OXNARD BL	\$703.80	0.123%
2010160020		E	FOURTH ST	\$666.56	0.116%
2010160030		E	FOURTH ST	\$1,877.31	0.328%
2010160040		E	FOURTH ST	\$500.71	0.087%
2010160050		E	FOURTH ST	\$927.18	0.162%
2010160060		E	FOURTH ST	\$468.18	0.082%
2010160070		E	FOURTH ST	\$789.48	0.138%
2010160080		E	FOURTH ST	\$729.81	0.128%
2010160090		E	FOURTH ST	\$704.57	0.123%
2010160100		E	FOURTH ST	\$795.60	0.139%
2010160110		E	FOURTH ST	\$983.18	0.172%
2010160120	400	S	OXNARD BL	\$826.20	0.144%
2010160130		E	FOURTH ST	\$1,358.64	0.237%
2010160170	344	S	OXNARD BL	\$1,604.21	0.280%
2010160180	330	S	OXNARD BL	\$1,818.48	0.318%
2010160190	332	S	OXNARD BL	\$1,040.34	0.182%
2010160200	320	S	OXNARD BL	\$2,024.80	0.354%
2010160220	300	S	OXNARD BL	\$1,170.08	0.204%
2010160250	350	S	OXNARD BL	\$1,175.81	0.205%
2010160260	350	S	OXNARD BL	\$2,270.29	0.397%
2010211010	134		ENTERPRISE ST	\$2,040.26	0.357%
2010211040			META ST	\$497.77	0.087%
2010211110		E	FIFTH ST	\$911.12	0.159%
2010211120		E	FIFTH ST	\$772.04	0.135%
2010211130		E	FIFTH ST	\$584.92	0.102%
2010211140		E	FIFTH ST	\$584.92	0.102%
2010211155	135	E	FIFTH ST	\$584.92	0.102%
2010211170	115	E	FIFTH ST	\$1,940.32	0.339%
2010211180	111-13	E	FIFTH ST	\$1,419.23	0.248%
2010211190	450	S	OXNARD BL	\$1,649.16	0.288%
2010211200	446	S	OXNARD BL	\$1,686.83	0.295%
2010211210	430	S	OXNARD BL	\$1,688.20	0.295%
2010211225		E	FIFTH ST	\$468.00	0.082%
2010211230		E	FIFTH ST	\$697.50	0.122%
2010211300	136		ENTERPRISE ST	\$597.77	0.104%
2010211360			META ST	\$1,197.55	0.209%
2010211380			ENTERPRISE ST	\$1,407.60	0.246%
2010212010	512	S	OXNARD BL	\$1,614.41	0.282%
2010212020	106	E	FIFTH ST	\$1,393.77	0.244%
2010212030	114	E	FIFTH ST	\$1,386.88	0.242%
2010212060	144	E	FIFTH ST	\$1,318.03	0.230%
2010212070	154	E	FIFTH ST	\$1,479.13	0.258%
2010212140	127	E	SIXTH ST	\$1,371.03	0.240%
2010212150	550	S	OXNARD BL	\$3,128.24	0.547%
2010212165	604	S	OXNARD BL	\$1,698.68	0.297%
2010212170	546	S	OXNARD BL	\$1,743.44	0.305%
2010212180	532	S	OXNARD BL	\$1,032.75	0.180%
2010212190	528	S	OXNARD BL	\$1,063.35	0.186%
2010212200	523		META ST	\$784.13	0.137%
2010212230	128	E	FIFTH ST	\$1,249.18	0.218%
2010212260	136	E	FIFTH ST	\$1,899.51	0.332%
2010212270	511		META ST	\$3,959.85	0.692%

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2010213010	200	E	FIFTH ST	\$1,243.32	0.217%
2010213020	204	E	FIFTH ST	\$754.63	0.132%
2010213030	210	E	FIFTH ST	\$935.01	0.163%
2010213075	238	E	FIFTH ST	\$582.50	0.102%
2010213080			META ST	\$1,256.68	0.220%
2010213090	536		META ST	\$1,325.65	0.232%
2010213100	538		META ST	\$684.09	0.120%
2010213110	235	E	SIXTH ST	\$1,531.93	0.268%
2010213120	209	E	SIXTH ST	\$106.99	0.019%
2010213130		E	SIXTH ST	\$1,153.62	0.202%
2010213140	544		META ST	\$602.99	0.105%
2010213150			META ST	\$566.12	0.099%
2010213160	214-228	E	FIFTH ST	\$2,629.99	0.460%
2010214010			ENTERPRISE ST	\$844.56	0.148%
2010214020	200		ENTERPRISE ST	\$3,294.18	0.576%
2010214030	480		META ST	\$2,309.08	0.404%
2010214040	235	E	FIFTH ST	\$2,897.16	0.506%
2010271030	638		META ST	\$684.09	0.120%
2010271040	634		META ST	\$646.43	0.113%
2010271060	616		META ST	\$703.80	0.123%
2010271070	612		META ST	\$909.59	0.159%
2010271080	600		META ST	\$1,279.08	0.224%
2010271090		E	SIXTH ST	\$627.30	0.110%
2010271100	220	E	SIXTH ST	\$856.80	0.150%
2010271110	224	E	SIXTH ST	\$856.80	0.150%
2010271160	235	E	SEVENTH ST	\$883.48	0.154%
2010271170	234	E	SIXTH ST	\$1,463.63	0.256%
2010271180	650		META ST	\$2,957.18	0.517%
2010272010	155	E	SEVENTH ST	\$1,457.33	0.255%
2010272020		E	SEVENTH ST	\$642.60	0.112%
2010272030	141	E	SEVENTH ST	\$642.60	0.112%
2010272040	131	E	SEVENTH ST	\$887.40	0.155%
2010272050	125	E	SEVENTH ST	\$887.40	0.155%
2010272060	658	S	OXNARD BL	\$1,797.75	0.314%
2010272070	656	S	OXNARD BL	\$841.50	0.147%
2010272080	650	S	OXNARD BL	\$841.50	0.147%
2010272090	638	S	OXNARD BL	\$1,063.35	0.186%
2010272100	626	S	OXNARD BL	\$1,736.55	0.303%
2010272110	620	S	OXNARD BL	\$992.40	0.173%
2010272120	610-612	S	OXNARD BL	\$1,361.04	0.238%
2010272140	128	E	SIXTH ST	\$627.30	0.110%
2010272150	128	E	SIXTH ST	\$1,906.38	0.333%
2010272160	140	E	SIXTH ST	\$844.18	0.148%
2010272170	150	E	SIXTH ST	\$856.80	0.150%
2010272180	154	E	SIXTH ST	\$1,487.93	0.260%
2010272190	629		META ST	\$55.08	0.010%
2010272200			META ST	\$589.05	0.103%
2010272210			META ST	\$474.30	0.083%
2010272220	633		META ST	\$1,814.58	0.317%
2010272230	600	S	OXNARD BL	\$1,832.36	0.320%
2010360110	126	E	SEVENTH ST	\$1,751.61	0.306%

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2020052060	143	S	B ST	\$1,392.30	0.243%
2020052070		S	B ST	\$841.50	0.147%
2020052080		S	B ST	\$1,190.34	0.208%
2020052090		W	SECOND ST	\$691.56	0.121%
2020054010	216	W	FIRST ST	\$1,219.41	0.213%
2020054020	111	S	A ST	\$841.50	0.147%
2020054030		S	A ST	\$841.50	0.147%
2020054040		S	A ST	\$841.50	0.147%
2020054050	141	S	A ST	\$3,157.92	0.552%
2020054060	155	S	A ST	\$3,511.35	0.614%
2020054090	136	S	B ST	\$841.50	0.147%
2020054100	122	S	B ST	\$242.21	0.042%
2020054110	118	S	B ST	\$962.37	0.168%
2020054120	110	S	B ST	\$185.90	0.032%
2020054130	254	W	FIRST ST	\$1,828.35	0.319%
2020054145			B ST	\$2,371.50	0.414%
2020056030	141	S	OXNARD BLVD	\$2,149.65	0.376%
2020056040	155	S	OXNARD BLVD	\$2,181.78	0.381%
2020056060	156	S	A ST	\$963.90	0.168%
2020056080	150	S	A ST	\$895.05	0.156%
2020056090	144	S	A ST	\$841.50	0.147%
2020056100	138	S	A ST	\$963.90	0.168%
2020056110	134	S	A ST	\$791.78	0.138%
2020056120	132	S	A ST	\$1,530.00	0.267%
2020056130	122	S	A ST	\$1,075.59	0.188%
2020056140	110	S	A ST	\$1,461.15	0.255%
2020056150	136	W	FIRST ST	\$2,034.90	0.356%
2020056160	135	W	SECOND ST	\$2,379.15	0.416%
2020056170	111	S	OXNARD BLVD	\$3,534.30	0.618%
2020081010	201	S	C ST	\$1,484.10	0.259%
2020081020	211	S	C ST	\$841.50	0.147%
2020081100	260	S	D ST	\$1,257.66	0.220%
2020081160	208	S	D ST	\$841.50	0.147%
2020081170	200	S	D ST	\$1,484.10	0.259%
2020081180	231	S	C ST	\$856.80	0.150%
2020081190		S	C ST	\$856.80	0.150%
2020081200		S	C ST	\$856.80	0.150%
2020081210	251	S	C ST	\$856.80	0.150%
2020081220		S	C ST	\$856.80	0.150%
2020081230		W	THIRD ST	\$1,499.40	0.262%
2020081240		S	D ST	\$639.54	0.112%
2020081250		S	D ST	\$856.80	0.150%
2020081260		S	D ST	\$856.80	0.150%
2020081270		S	D ST	\$856.80	0.150%
2020081280		S	D ST	\$856.80	0.150%
2020081290	210	S	D ST	\$856.80	0.150%
2020083030	321	S	C ST	\$1,381.28	0.241%
2020083040	327	S	C ST	\$68.85	0.012%
2020083050	331	S	C ST	\$1,668.82	0.292%
2020083060	345	S	C ST	\$1,202.15	0.210%
2020083070	361	S	C ST	\$1,332.63	0.233%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020083210	301	S	C ST	\$2,381.97	0.416%
2020083220	418	W	THIRD ST	\$918.00	0.160%
2020085030	431	S	C ST	\$843.41	0.147%
2020085040	437	S	C ST	\$904.70	0.158%
2020085050	441	S	C ST	\$3,681.58	0.643%
2020085190	418	W	FOURTH ST	\$845.33	0.148%
2020085200	401	S	C ST	\$2,044.08	0.357%
2020091100		S	C ST	\$841.50	0.147%
2020091370	351	W	THIRD ST	\$1,927.80	0.337%
2020091380		W	SECOND ST	\$1,063.96	0.186%
2020091390	206	W	SECOND ST	\$12,485.99	2.182%
2020091400	214	W	SECOND ST	\$3,907.38	0.683%
2020092030		S	B ST	\$483.48	0.084%
2020092040		S	B ST	\$755.82	0.132%
2020092050	343	S	B ST	\$1,296.60	0.227%
2020092060	351	S	B ST	\$1,322.62	0.231%
2020092070	361	S	B ST	\$2,448.00	0.428%
2020092120	320	S	C ST	\$841.50	0.147%
2020092130	310	S	C ST	\$1,365.59	0.239%
2020092140	330	W	THIRD ST	\$2,310.30	0.404%
2020092170	300	W	THIRD ST	\$6,359.32	1.111%
2020092180	344	S	C ST	\$2,180.25	0.381%
2020092190	350	S	C ST	\$3,028.47	0.529%
2020094010	301	S	A ST	\$2,092.12	0.366%
2020094020	309	S	A ST	\$1,226.45	0.214%
2020094035	325	S	A ST	\$2,649.96	0.463%
2020094040	327-337	S	A ST	\$2,099.16	0.367%
2020094050	339	S	A ST	\$1,276.02	0.223%
2020094060	345	S	A ST	\$1,523.88	0.266%
2020094080	361	S	A ST	\$2,073.12	0.362%
2020094140	324	S	B ST	\$1,373.94	0.240%
2020094155		S	B ST	\$416.16	0.073%
2020094160		S	B ST	\$416.16	0.073%
2020094170		S	B ST	\$823.14	0.144%
2020094185		W	THIRD ST	\$789.48	0.138%
2020094195		S	B ST	\$1,536.12	0.268%
2020094205		S	B ST	\$434.52	0.076%
2020094215	365	S	B ST	\$1,891.08	0.330%
2020094225		S	B ST	\$434.52	0.076%
2020094235		S	B ST	\$1,248.48	0.218%
2020094240	355	S	A ST	\$1,702.31	0.297%
2020095075	254	S	A ST	\$841.50	0.147%
2020095085	242	S	A ST	\$841.50	0.147%
2020095090	228	S	A ST	\$1,474.92	0.258%
2020095100	220	S	A ST	\$1,357.88	0.237%
2020095110	210	S	A ST	\$841.50	0.147%
2020095120	200	S	A ST	\$4,435.29	0.775%
2020095140	221	S	OXNARD	\$2,785.37	0.487%
2020095150	229	S	OXNARD	\$1,686.83	0.295%
2020095160	235	S	OXNARD	\$1,686.83	0.295%
2020096035	357	S	OXNARD BL	\$1,568.25	0.274%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020096040	350	S	A ST	\$0.00	0.000%
2020096050	336	S	A ST	\$1,754.91	0.307%
2020096060	326	S	A ST	\$1,402.70	0.245%
2020096070	318	S	A ST	\$1,530.00	0.267%
2020096080	300	S	A ST	\$3,265.97	0.571%
2020096095		S	OXNARD BL	\$1,058.76	0.185%
2020096105	321	S	OXNARD BL	\$2,677.42	0.468%
2020096110	349	S	OXNARD BL	\$1,363.08	0.238%
2020096125		S	OXNARD BL	\$786.11	0.137%
2020101130	422	S	C ST	\$1,698.30	0.297%
2020101190	329	W	FIFTH ST	\$711.60	0.124%
2020101205		S	C ST	\$553.86	0.097%
2020101215		S	C ST	\$1,940.04	0.339%
2020101225		W	FOURTH ST	\$410.81	0.072%
2020101235		W	FOURTH ST	\$583.70	0.102%
2020101255	425	S	B ST	\$499.55	0.087%
2020101270		W	FIFTH ST	\$412.34	0.072%
2020101290		W	FIFTH ST	\$451.35	0.079%
2020101310		W	FIFTH ST	\$412.34	0.072%
2020101330		W	FIFTH ST	\$412.34	0.072%
2020101355		W	FIFTH ST	\$412.34	0.072%
2020101360	424	S	C ST	\$407.35	0.071%
2020101370		W	FIFTH ST	\$421.52	0.074%
2020101405		S	B ST	\$457.62	0.080%
2020101415	425	S	B ST	\$4,009.58	0.701%
2020101420	314	W	FOURTH ST	\$1,366.11	0.239%
2020101435		W	FOURTH ST	\$423.81	0.074%
2020101445	405	S	B ST	\$2,312.38	0.404%
2020102010	500	S	C ST	\$5,214.94	0.911%
2020103025		W	FIFTH ST	\$795.60	0.139%
2020103090		W	SIXTH ST	\$795.60	0.139%
2020103100	560	S	C ST	\$2,269.14	0.397%
2020103115	544	S	C ST	\$501.08	0.088%
2020103120	338	W	FIFTH ST	\$2,043.27	0.357%
2020103130	319	W	SIXTH ST	\$872.10	0.152%
2020103145		W	SIXTH ST	\$780.30	0.136%
2020103175		W	FIFTH ST	\$405.83	0.071%
2020103185		W	FIFTH ST	\$589.92	0.103%
2020103195	301	E	SIXTH ST	\$2,296.96	0.401%
2020103205		W	SIXTH ST	\$668.30	0.117%
2020103210	318	W	FIFTH ST	\$1,205.64	0.211%
2020103225		W	FIFTH ST	\$423.81	0.074%
2020103235		S	B ST	\$518.67	0.091%
2020103245	300	W	FIFTH ST	\$2,534.45	0.443%
2020104015	401	S	A ST	\$3,886.20	0.679%
2020104165	400	S	B ST	\$2,829.63	0.494%
2020104395	445	S	A ST	\$9,008.56	1.574%
2020104405	445	S	A ST	\$1,202.18	0.210%
2020104415	445	S	A ST	\$2,469.70	0.432%
2020104425	445	S	A ST	\$2,120.06	0.370%
2020104435	445	S	A ST	\$3,524.29	0.616%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020105100	545	S	A ST	\$7,328.70	1.281%
2020105120	538	S	B ST	\$619.65	0.108%
2020105170		W	SIXTH ST	\$507.96	0.089%
2020105180		S	B ST	\$2,261.58	0.395%
2020105195		S	B ST	\$406.98	0.071%
2020105205		S	B ST	\$610.47	0.107%
2020105210		S	B ST	\$406.98	0.071%
2020105220		S	B ST	\$610.47	0.107%
2020105235		S	B ST	\$425.34	0.074%
2020105245		S	B ST	\$1,035.81	0.181%
2020105260		W	FIFTH ST	\$489.60	0.086%
2020105275	270	W	FIFTH ST	\$1,836.00	0.321%
2020105295	200	W	FIFTH ST	\$2,851.16	0.498%
2020105305		S	A ST	\$662.49	0.116%
2020105325	529	S	A ST	\$2,705.65	0.473%
2020105335	505	S	A ST	\$2,378.20	0.416%
2020106015	403	S	OXNARD BL	\$1,311.21	0.229%
2020106035		S	OXNARD BL	\$604.35	0.106%
2020106065		W	FIFTH ST	\$833.85	0.146%
2020106120	424	S	A ST	\$1,063.73	0.186%
2020106130	420	S	A ST	\$1,758.58	0.307%
2020106140	400-410	S	A ST	\$3,847.61	0.672%
2020106245		S	OXNARD BL	\$664.02	0.116%
2020106250	425	N	OXNARD BL	\$901.17	0.157%
2020106265		W	FOURTH ST	\$483.17	0.084%
2020106275		W	FOURTH ST	\$716.13	0.125%
2020106285		W	FOURTH ST	\$434.52	0.076%
2020106295	421	S	OXNARD BL	\$691.56	0.121%
2020106310		W	FIFTH ST	\$454.56	0.079%
2020106320		W	FIFTH ST	\$569.71	0.100%
2020106355	105	W	FIFTH ST	\$2,082.33	0.364%
2020106370	428	S	A ST	\$1,067.18	0.186%
2020106380	434	S	A ST	\$1,067.30	0.187%
2020106390	438	S	A ST	\$1,050.12	0.184%
2020106400	143	W	FIFTH ST	\$2,211.28	0.386%
2020106410	141	W	FIFTH ST	\$2,620.19	0.458%
2020107050		W	FIFTH ST	\$601.14	0.105%
2020107060		W	FIFTH ST	\$615.83	0.108%
2020107070		W	FIFTH ST	\$615.83	0.108%
2020107080	104	W	FIFTH ST	\$2,409.37	0.421%
2020107100	531	S	OXNARD BL	\$1,019.75	0.178%
2020107110	545	S	OXNARD BL	\$2,205.11	0.385%
2020107120	559	S	OXNARD BL	\$604.35	0.106%
2020107135	563	S	OXNARD BL	\$1,361.70	0.238%
2020107160	534	S	A ST	\$1,303.56	0.228%
2020107170	528	S	A ST	\$1,545.15	0.270%
2020107195		W	FIFTH ST	\$572.22	0.100%
2020107205		W	FIFTH ST	\$440.64	0.077%
2020107215		S	OXNARD BL	\$439.11	0.077%
2020107225		S	OXNARD BL	\$558.91	0.098%
2020107235	150	W	FIFTH ST	\$3,147.21	0.550%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020107240	560	S	A ST	\$3,222.18	0.563%
2020107250	544-550	S	A ST	\$1,640.77	0.287%
2020131030	519	S	C ST	\$895.05	0.156%
2020131040	521-523	S	C ST	\$1,747.57	0.305%
2020131050	535	S	C ST	\$1,855.13	0.324%
2020131060	543-545	S	C ST	\$1,704.21	0.298%
2020131070	555	S	C ST	\$1,609.56	0.281%
2020131170	509-511	S	C ST	\$1,232.42	0.215%
2020131190		S	C ST	\$405.30	0.071%
2020131220		W	FIFTH ST	\$642.60	0.112%
2020131230	515	S	C ST	\$1,386.18	0.242%
2020133010	416	W	SIXTH ST	\$1,484.10	0.259%
2020133020	613	S	C ST	\$1,013.63	0.177%
2020133030	619	S	C ST	\$841.50	0.147%
2020133040	625	S	C ST	\$841.50	0.147%
2020133050	637	S	C ST	\$94.12	0.016%
2020133060	643	S	C ST	\$841.50	0.147%
2020133210	699	S	C ST	\$3,519.89	0.615%
2020135025	711	S	C ST	\$3,913.59	0.684%
2020135035	761	S	C ST	\$6,364.80	1.112%
2020141050	333	W	SEVENTH ST	\$1,927.80	0.337%
2020141060	644	S	C ST	\$1,032.75	0.180%
2020141070	642	S	C ST	\$619.65	0.108%
2020141080	634-636	S	C ST	\$1,199.52	0.210%
2020141090	630	S	C ST	\$1,199.52	0.210%
2020141100	618	S	C ST	\$43.17	0.008%
2020141110	340	W	SIXTH ST	\$1,927.80	0.337%
2020141155	687	S	B ST	\$88.61	0.015%
2020141165	685	S	B ST	\$83.03	0.015%
2020141175	683	S	B ST	\$83.03	0.015%
2020141185	681	S	B ST	\$88.61	0.015%
2020141195	673	S	B ST	\$83.93	0.015%
2020141205	671	S	B ST	\$82.90	0.014%
2020141215	669	S	B ST	\$82.90	0.014%
2020141225	667	S	B ST	\$82.90	0.014%
2020141235	665	S	B ST	\$82.90	0.014%
2020141245	663	S	B ST	\$82.90	0.014%
2020141255	661	S	B ST	\$83.93	0.015%
2020141265	655	S	B ST	\$83.93	0.015%
2020141275	653	S	B ST	\$82.90	0.014%
2020141285	651	S	B ST	\$83.93	0.015%
2020141295	645	S	B ST	\$83.93	0.015%
2020141305	643	S	B ST	\$82.90	0.014%
2020141315	641	S	B ST	\$83.93	0.015%
2020141325	633	S	B ST	\$83.93	0.015%
2020141335	631	S	B ST	\$82.90	0.014%
2020141345	629	S	B ST	\$82.90	0.014%
2020141355	627	S	B ST	\$82.90	0.014%
2020141365	625	S	B ST	\$82.90	0.014%
2020141375	623	S	B ST	\$82.90	0.014%
2020141385	621	S	B ST	\$83.93	0.015%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

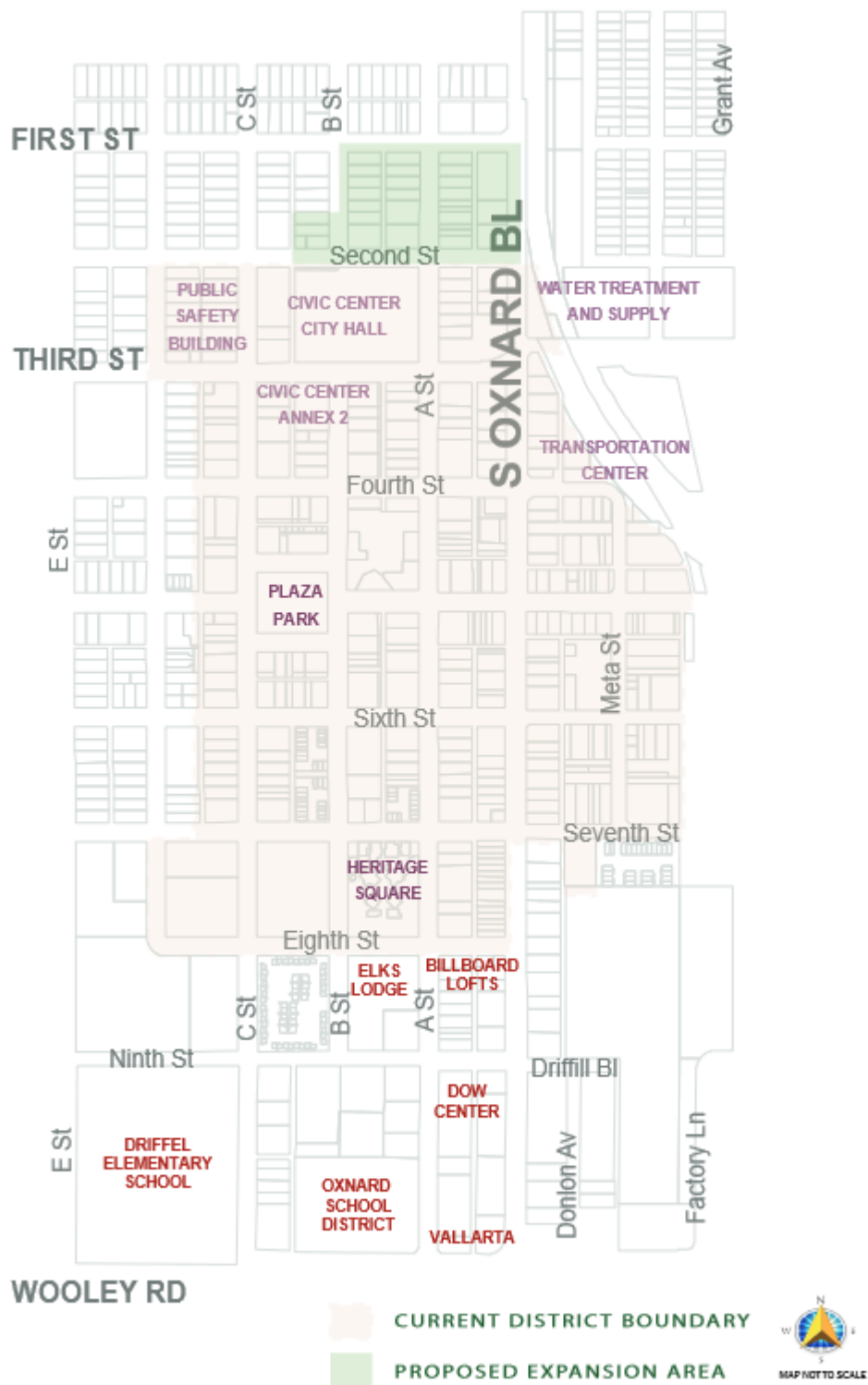
2020141395	611	S	B ST	\$88.61	0.015%
2020141405	613	S	B ST	\$83.03	0.015%
2020141415	615	S	B ST	\$83.03	0.015%
2020141425	617	S	B ST	\$88.61	0.015%
2020142160	785	S	B ST	\$10,611.61	1.854%
2020143015	601	S	A ST	\$3,376.40	0.590%
2020143025	623	S	A ST	\$1,524.08	0.266%
2020143030	629	S	A ST	\$1,015.00	0.177%
2020143040	635	S	A ST	\$877.84	0.153%
2020143050	637	S	A ST	\$619.65	0.108%
2020143140	246	W	SIXTH ST	\$3,938.83	0.688%
2020143230	640	S	B ST	\$1,904.85	0.333%
2020143240	237	W	SEVENTH ST	\$1,689.18	0.295%
2020143250	235	W	SEVENTH ST	\$1,260.40	0.220%
2020144170	230	W	SEVENTH ST	\$951.05	0.166%
2020144180	220	W	SEVENTH ST	\$1,110.52	0.194%
2020144190	210	W	SEVENTH ST	\$1,170.21	0.204%
2020144200	200	W	SEVENTH ST	\$1,023.37	0.179%
2020144210	710	S	B ST	\$1,079.71	0.189%
2020144220	720	S	B ST	\$560.50	0.098%
2020144230	730	S	B ST	\$1,781.51	0.311%
2020144240	715	S	A ST	\$560.16	0.098%
2020144250	721	S	A ST	\$1,294.47	0.226%
2020144260	711	S	A ST	\$947.72	0.166%
2020144270	740	S	B ST	\$1,049.76	0.183%
2020144280	731	S	A ST	\$952.98	0.167%
2020144290	750	S	B ST	\$853.07	0.149%
2020144300	741	S	A ST	\$981.33	0.171%
2020145010	112	W	SIXTH ST	\$3,468.51	0.606%
2020145030	637	S	OXNARD BL	\$1,221.29	0.213%
2020145050	653	S	OXNARD BL	\$1,795.82	0.314%
2020145060	663	S	OXNARD BL	\$1,179.71	0.206%
2020145100	630	S	A ST	\$841.50	0.147%
2020145110	622	S	A ST	\$1,667.70	0.291%
2020145120	618	S	A ST	\$841.50	0.147%
2020145130	608	S	A ST	\$1,557.54	0.272%
2020145140	120	W	SIXTH ST	\$1,484.10	0.259%
2020145190		S	A ST	\$841.50	0.147%
2020145200	631	S	OXNARD BL	\$810.90	0.142%
2020145210	629	S	OXNARD BL	\$708.54	0.124%
2020145220	658	S	A ST	\$4,770.07	0.834%
2020145230	643	S	OXNARD BL	\$1,198.11	0.209%
2020145240	645	S	OXNARD BL	\$1,327.28	0.232%
2020146010	110	W	SEVENTH ST	\$1,935.45	0.338%
2020146020	705	S	OXNARD BL	\$1,120.73	0.196%
2020146030	711	S	OXNARD BL	\$1,051.88	0.184%
2020146040	715	S	OXNARD BL	\$742.05	0.130%
2020146050	719	S	OXNARD BL	\$948.60	0.166%
2020146070	733	S	OXNARD BL	\$1,335.95	0.233%
2020146080	737	S	OXNARD BL	\$776.48	0.136%
2020146090	745	S	OXNARD BL	\$604.35	0.106%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – ASSESSMENT ENGINEER’S REPORT

2020146100	755	S	OXNARD BL	\$1,017.45	0.178%
2020146110	749	S	OXNARD BL	\$604.35	0.106%
2020146120		S	OXNARD BL	\$604.35	0.106%
2020146130	761	S	OXNARD BL	\$879.75	0.154%
2020146140	752	S	A ST	\$2,747.34	0.480%
2020146150	744	S	A ST	\$1,428.94	0.250%
2020146180	700	S	A ST	\$2,280.28	0.398%
2020146190		S	OXNARD BL	\$604.35	0.106%
2020146200		S	OXNARD BL	\$604.35	0.106%
2020146210	723	S	OXNARD BL	\$604.35	0.106%
2020146220	708	S	A ST	\$4,889.15	0.854%
2020380015	651	S	A ST	\$118.49	0.021%
2020380025	653	S	A ST	\$96.05	0.017%
2020380035	655	S	A ST	\$120.69	0.021%
2020380045	657	S	A ST	\$120.69	0.021%
2020380055	659	S	A ST	\$96.05	0.017%
2020380065	661	S	A ST	\$118.49	0.021%
2020380075	211	W	SEVENTH ST	\$120.69	0.021%
2020380085	213	W	SEVENTH ST	\$96.05	0.017%
2020380095	215	W	SEVENTH ST	\$118.49	0.021%
2020380105	645	S	A ST	\$120.69	0.021%
2020380115	643	S	A ST	\$95.36	0.017%
2020380125	641	S	A ST	\$118.49	0.021%
				\$572,260.99	100.000%

APPENDIX 2

ODMD BOUNDARY MAP



OXNARD DOWNTOWN MANAGEMENT DISTRICT RENEWAL



MANAGEMENT DISTRICT PLAN

*Being Renewed for a 5 Year Term Pursuant to
California Streets and Highways Code Section 36600 et seq.
Property & Business Improvement District Act of 1994, as amended*

APRIL 10, 2024

V 3.0

MANAGEMENT DISTRICT PLAN

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OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

I. MANAGEMENT DISTRICT PLAN SUMMARY

The Oxnard Downtown Management District is a property-based Business Improvement District (PBID) being renewed for a 5 year period by a consortium of business and property owners within Downtown Oxnard. The District was originally formed in 2001 for a 5 year period. It was renewed and expanded in 2006 for another 5 year term, renewed for a 3 year term in 2011 and renewed for 5 year terms in 2014 and 2019. The purpose of this District is to continue to provide and manage supplemental services and improvements for this important business center, including a civil sidewalks (“clean and safe”) program, district identity and image enhancement and a program of installing and upgrading placemaking and physical amenities throughout the greater Downtown area. The PBID is a unique benefit assessment district that will enable the District property/business owners and residents, working as a unit, to continue to fund needed property and business related services, programs and improvement projects above what can and is provided by the City of Oxnard.

Name: The name of the PBID is the Oxnard Downtown Management District (ODMD).

Location: The PBID is located in the center of Oxnard and is bounded roughly by First and Second Streets on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. There is one benefit zone (See attached map).

Zones: There is one benefit zone within the renewed ODMD.

Services: Civil Sidewalks, District Identity/Placemaking and Organization.

Finance: Benefit assessment of real property (432 parcels). No bonds shall be issued to fund ODMD programs.

Budget: PBID assessment revenue for Year 1 (2024-25) is projected to be \$572,261. It is noted that the Assessment Engineer has determined that general benefits equate to 2.0% of the total adjusted PBID program costs of \$583,940, or \$11,679. (See attached Engineer’s Report for more details on benefit costs). General benefit costs shall be derived from non-assessment revenue sources such as grants, program income, credits, interest, memberships and other sources.

Year 1 – 2025 PROPOSED BUDGET (ASSESSMENT REVENUES ONLY)

CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
\$335,000	\$82,000	\$155,261	\$572,261
58.5397%	14.3291%	27.1312%	100.000%

Benefits: “General Benefit” is defined as: “A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied”. “Special Benefit” as defined by the California State Constitution

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means a distinct benefit over and above general benefits conferred on real property located in the ODMD or to the public at large.

Assessment Formula: There is one benefit zone in the ODMD. (A map showing the ODMD boundaries is shown on Appendix 2 attached to this Plan). Year 1 property assessment rates per parcel are as follows:

YEAR 1 –2024/25 Assessment Rates

BLDG ASSMT RATE (\$/UNIT A)	LAND ASSMT RATE 1 (\$/UNIT B-1)	LAND ASSMT RATE 2 (\$/UNIT B-2)	FRONTAGE ASSMT RATE (\$/UNIT C)
\$0.1377	\$397.80	\$0.0306	\$4.59

Assessment Formula Special Circumstances:

Lower Tier Residential Uses (1-6 residential units including residential condominiums): Assess only building area and at 50% of commercial building area rate with no assessment for land area or street frontage.

Upper Tier Residential Uses (7+ residential units): Assess building area, land area and street frontage, all at 50% of commercial rates.

Mixed-Use Parcels: Assess commercial portions of parcel at building area, land area and street frontage at commercial rates for parcel area covered by commercial uses. Assess residential portions based on the criteria above based on the “tier” (i.e. number of residential units).

Government/Non-Profit Owned and Occupied: Assess only for land area and street frontage at commercial rates with no assessment for building area.

Cap: Assessment increases are capped at a maximum of 5% per year, subject to approval by the ODMD Property Owner Association Board of Directors.

Renewal: PBID renewal is a two-step process. First, petitions signed by PBID property owners representing at least 50% of the total assessment to be levied must be secured. Second, property owners will be sent a ballot to vote on the PBID renewal. Returned ballots in support of the PBID renewal must outweigh those in opposition based on the amount of assessment to be levied.

Duration: The renewed ODMD will have a term of five (5) years. After five years, the petition and balloting process must be repeated in order to renew the ODMD and levy assessments again at that time.

II. PBID BOUNDARIES

Setting:

The proposed renewed ODMD is centrally located in the center of Oxnard and centered along A Street from First Street to Eighth Street. ODMD is bounded roughly by First and Second Streets on the north, the Railroad tracks on the east, Eighth Street on the south and C and D Streets on the west. There is one benefit zone within ODMD (See attached map in Appendix 2).

General Boundary Description

ODMD includes 433 parcels of which 432 are identified assessed parcels in a 32 block area of Historic Downtown Oxnard. The property uses within the boundaries of the proposed renewed ODMD which will receive special benefits from PBID funded programs and services are currently a unique mix of retail, restaurant, service, office, government, residential and parking. ODMD boundaries were selected to incorporate the core Downtown parcels and businesses. There is one benefit zone within the proposed renewed District. It is noted that ODMD is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. This two block area includes a combination of commercial parcels associated with Downtown Oxnard along with mixed use parcels with residential rental units.

Detailed Boundary Description

More specifically, the ODMD is described as follows:

Beginning at the intersection of the centerlines of Second Street and D Street; thence east along said centerline of Second Street to the centerline of B Street; thence north along said centerline of B Street to the centerline of First Street; thence east along said centerline of First Street to the east property line of Oxnard Boulevard; thence south along said east property line of Oxnard Boulevard to the tangent intersection point with the west property line of the railroad right of way; thence southeast and south along said west property line of the railroad right of way to the centerline of Fifth Street; thence west along said centerline of Fifth Street to the prolongation of the east property line of the public alley lying east of and parallel to Meta Street; thence south along said east property line of said public alley to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the east property line of parcel APN 202-0-360-110; thence south along said east property line of said parcel APN 202-0-360-110 to the south property line of said parcel APN 202-0-360-110; thence west along said south property line of said parcel APN 202-0-360-110 to the west property line of said parcel APN 202-0-360-110; thence north along said west property line of said parcel APN 202-0-360-110 to the centerline of Seventh Street; thence west along said centerline of Seventh Street to the centerline of Oxnard Boulevard; thence south along said centerline of Oxnard Boulevard to the centerline of Eighth Street; thence west along said centerline of Eighth Street to the centerline of D Street; thence north along said centerline of D Street to the centerline of Seventh Street; thence east along said centerline of Seventh Street to the prolongation of the west property line of the public

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alley lying east of and parallel to D Street; thence north along said west property line of said public alley to the centerline of Third Street; thence west along said centerline of Third Street to the centerline of D Street; thence north along said centerline of D Street to the point of beginning.

Benefit Zones

There is one benefit zone within the proposed renewed District.

District Boundary Rationale

The ODMD boundaries encompass the heart of Downtown Oxnard. These parcels showcase a unique array of pedestrian oriented uses - retail, restaurant, service, office, government, residential and parking that form what is considered the “cohesive urban fabric” of the evolving mixed-use Downtown center.

The District boundaries were chosen to generally include parcels that comprise the commercial core that attracts pedestrians and visitors to Downtown Oxnard. Also included are current as well as future in-town residential parcels. Parcels adjacent to the north, south and east of ODMD are not part of the District's commercial and in-town residential pedestrian core and have different marketing needs than those in the ODMD. These outside parcels and uses require different services than those in the ODMD and would not specially benefit from the increased pedestrian oriented programs, services and improvements offered by the ODMD. Therefore, they have not been included within the ODMD boundaries.

Surrounding parcels to the north, south and west that are zoned solely residential and/or with residential uses have not been included within the boundaries of the PBID. The Property and Business Improvement District Law of 1994, California Streets & Highway Code § 36632 states, “Properties zoned solely for residential use..... are conclusively presumed not to benefit from the improvements and service funded through these assessments and shall not be subject to any assessment”. For these reasons, no residentially zoned parcels or residential uses north, south or west of the proposed renewed District are included in the ODMD boundaries.

A list of all parcels included in the proposed renewed ODMD is shown as Appendix 1, attached to this Plan identified by their respective Ventura County assessor parcel number. The boundary of the proposed renewed ODMD is shown on the map of the proposed renewed ODMD attached as Appendix 2 to this Plan.

All identified assessed parcels within the above-described boundaries shall be assessed to fund supplemental special benefit programs, services and improvements as outlined in this Plan and in the Management District Plan. All ODMD funded services, programs and improvements provided within the above described boundaries shall confer special benefit to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within ODMD will proportionately specially benefit from the District funded programs and services (i.e. civil sidewalks, district identity/placemaking and organization). These services, programs and improvements are intended to improve commerce, employment, livability, rents and occupancy rates and investment viability of individually assessed parcels and businesses/residential units on them within ODMD.

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District services, activities and programs confer special benefits on each and every individually assessed parcel by deterring crime, improving aesthetics and marketing goods and services available from individually assessed parcels and the businesses/occupants on them within the District, all considered necessary in a competitive properly managed mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of assessed parcels within the boundaries of the proposed renewed ODMD.

The District includes 433 parcels of which 432 are identified as assessable within one Benefit Zone and which are listed in the Assessment Roll included as Appendix 1. For further information, a District Boundary Map is included as Appendix 2.

III. Proposed 5 Year PBID Work Plan and Budget

Overview

The Programs and activities to be funded by the ODMD include civil sidewalks, district identity/placemaking and organization. The property uses within the boundaries of the District that will receive special benefits from District funded programs, services and improvements are currently a unique mix of retail, restaurant, service, office, government, residential and parking. District funded activities are primarily designed to provide special benefits as described below to identified assessed parcels and array of land uses within the boundaries of the District.

These benefits are particular and distinct to each and every identified assessed parcel within the ODMD and are not provided to non-assessed parcels outside of the District. These programs, services and improvements will only be provided to each individual assessed parcel within the District boundaries and, in turn, confer proportionate "special benefits" to each assessed parcel.

In the case of the ODMD, the very nature of the purpose of this District is to fund supplemental programs, services and improvements to assessed parcels within the District boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The City of Oxnard does not provide these supplemental programs and services. All benefits derived from the assessments to be levied on assessed parcels within the District are for services, programs and improvements directly benefiting each individual assessed parcel within the District. No District funded services, activities or programs will be provided outside of the District boundaries.

The projected program special benefit cost allocation of the District assessment revenues for the 5-year District term assuming a 5% maximum annual assessment rate increase is shown in the Table on page 12 of this Plan.

WORK PLAN DETAILS

The programs, services and improvements to be provided by the ODMD include civil sidewalks, district identity/placemaking and organization. Each of these work plan elements are designed to add to the

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cohesive mixed-use urban fabric of Downtown Oxnard and assist in its economic success and vitality. The assessed parcels in the PBID will specially benefit from the District programs in the form of increased commerce and vitality through meeting the ODMD goals: to improve security, cleanliness, beautification, landscaping, livability and to attract and retain businesses and services, generate more pedestrian and visitor traffic and to increase commerce and improve the economic viability of each assessed parcel.

The following programs, services and improvements are proposed by the ODMD to specially benefit each and every individually assessed parcel within the District boundaries. ODMD services, programs and improvements will not be provided to parcels outside the District boundary.

Civil Sidewalks

Civil Sidewalks includes maintenance and safety (“clean and safe”) services in public sidewalk areas adjacent to assessed parcels in ODMD. The maintenance portion of the Civil Sidewalks category includes regular maintenance of public areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODMD. These services include:

- Clean Team 6-days per week
- litter and illegal dumping pickup
- graffiti and illegal sticker/poster removal
- check/empty 130+ sidewalk trash bins
- check, sweep, and secure trash enclosures
- removal of transient discards, including shopping carts, bio-waste
- sidewalk scrubbing/steam cleaning
- curb line block face sweeping
- tree pruning
- weed abatement
- visitor assistance

The maintenance portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the aesthetic appeal of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Maintenance services will only be provided for identified and assessed parcels located within the PBID boundaries.

The maintenance portion of the Civil Sidewalks work plan component will assist in creating a clean environment for each assessed parcel in the District. A dirty environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within

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the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded clean programs and services provide these parcels with enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded clean programs and services are designed to improve the appearance of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the clean programs and services which will only be provided to, and for the direct special benefit of, each identified assessed parcel within the proposed renewed District boundaries.

Safety

The safety portion of the Civil Sidewalks work plan category includes regular security of areas adjacent to each assessed parcel for the special benefit of each identified and assessed parcel and land use within ODM. The safety portion of the Civil Sidewalks work plan component includes:

- daily bike & truck Safety Patrol
- loitering & trespassing subject removal
- Crime prevention awareness campaigns
- street light outage reporting and repair orders

The safety portion of the Civil Sidewalks work plan component is designed to specially benefit and improve the security of each identified and assessed parcel within the PBID and attract more customers, clients, employees, tenants and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. Safety services will only be provided for identified and assessed parcels located within the proposed renewed PBID boundaries.

The safety portion of the Civil Sidewalks work plan component will assist in creating a safe and secure environment for each assessed parcel in the District. An unsafe environment deters commerce and may fail to attract patrons, residents and visitors, and reduce rents and occupancies. For parcels with general commercial, retail, restaurant, office and commercial parking uses, this activity is designed to increase vehicular and pedestrian traffic, increase commerce and customer activity, attract and retain new business and patrons, and may increase commercial rents and commercial occupancies for the assessed parcels within the BID boundaries. In the case of assessed publicly/non-profit owned/occupied parcels, District funded safe programs and services provide these parcels with safer and enhanced facility entrances and perimeters and better public/non-profit facilities in turn for their employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of assessed residential use parcels, District funded safe programs and services are designed to improve the security of entrances and perimeters for the special benefit of each assessed residential parcel and in turn their tenants, visitors and owners, which, in turn, may increase occupancies and rental income. Each assessed parcel will specially benefit from the safe programs and services which will only be provided to, and for the direct benefit of, each identified assessed parcel within the District boundaries

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District Identity/Placemaking

This work plan category includes regular marketing and image enhancement programs and services for the special benefit of each assessed parcel and land use within ODMD by creating a unique, marketable District identity. This work plan category also includes placement of, and care for, a variety of physical improvements and amenities within the public streetscape areas within ODMD for the special benefit of each identified and assessed parcel and land use within ODMD by creating a unique and marketable “sense of place”. The District Identity/Placemaking work plan component includes:

- daily updated responsive website DowntownOxnard.org
- integrated social media promotion – Facebook, Instagram, Twitter, YouTube
- produced and sponsored live events (e.g. First Thursdays, Cruise Night, Halloween, etc.)
- district advertising, newsletters, press releases, media relations, original photo library
- Marketing Committee support for merchant coordinated promotions
- assist prospective businesses with referrals to leasable properties
- permit processing assistance

Also included are:

- district-wide holiday streetlamp décor
- 162 sidewalk flower planters
- Historic Plaza Park hanging flower baskets
- public art – utility box painting and temporary murals
- street banner program (88 street poles)

The District Identity/Placemaking work plan component is designed to specially benefit and improve the image of each assessed parcel within the PBID and attract more customers, clients, employees, tenants, residents and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and attractiveness of investments. District Identity/Placemaking programs and services will only be provided for identified and assessed parcels located within the PBID boundaries.

For parcels with general commercial, retail, restaurant, office and commercial parking uses, District Identity/Placemaking services and programs are specifically designed to attract more customers, employees, tenants and investors for the special benefit of assessed parcels as a result of marketing assessed parcels and the goods and services and spaces available on these assessed parcels. This in turn, is intended to increase business volumes, sales transactions, commercial occupancies, commercial rental income and investment return. In the case of publicly/non-profit owned/occupied parcels that are assessed for these programs, District Identity/Placemaking creates better public/non-profit facilities and services on these assessed parcels by fostering better informed public/non-profit employees, visitors, vendors and users of these public/non-profit facilities. Further, in the case of residential use parcels, District Identity/Placemaking specially benefits each assessed residential parcel and creates better informed tenants, visitors and owners, which, in turn, enhance livability and may increase residential occupancies and rental income. District Identity/Placemaking services and programs will only be provided to, and for the direct and special benefit of, each identified assessed parcel within the District.

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Organization

This work plan category includes professional management and related corporate operation costs of providing PBID funded services, programs and improvements for the special benefit of each identified and assessed parcel and land use within ODMD. The Organization work plan component includes:

- staff and full service office to manage PBID programs, projects, compliance reporting.
- full service office to assist property and business owners with District-related needs
- advocacy and representation of member interests on District issues and needs
- Organize “town hall” forums and advocacy on topics such as homeless solutions, Vision Plan

Organization also includes legal, accounting, insurance, production of the Annual Planning Report and Budget and quarterly reports, facilitation of meetings of the Owners’ Association, Brown Act compliance, outreach to District property and business owners, and participation in professional peer/best practice forums such as the California Downtown Association or the International Downtown Association. It also covers the costs associated with District renewal. A portion of the Organization budget is held in reserve to offset delinquent and/or slow assessment payments.

The Organization component is key to the proper expenditure of District assessment funds and the administration of District programs and activities for the special benefit of all parcels and land uses within the ODMD. The Organization work plan component exists only for the purposes of the District and directly relates to the implementation of Civil Sidewalks and District Identity/Placemaking services, programs and improvements which specially benefit each identified assessed parcel within the District boundaries.

In summary, all District funded services, programs and improvements described above confer proportionate special benefits to identified assessed parcels inside the District boundaries and none will be provided outside of the District. Each assessed parcel within the ODMD will proportionately specially benefit from Civil Sidewalks, District Identity/Placemaking and Organization. These services, programs and improvements are intended to improve commerce, employment, livability, rents, occupancy rates and investment viability of assessed parcels, businesses and residents within the ODMD by deterring crime, reducing litter and debris, making capital improvements and professionally marketing goods, services and spaces available within the District, all considered necessary in a competitive properly managed contemporary mixed-use business district. All District funded services programs and improvements are considered supplemental, above normal base level services provided by the City of Oxnard and are only provided for the special benefit of each and every assessed parcel within the boundaries of the ODMD.

WORK PLAN BUDGET

Each identified assessed parcel within the ODMD will be assessed the full amount of the proportionate special benefit conferred upon it based on the level of District funded services provided. The projected District program special benefit (assessment) cost allocation budget for Year 1 (2025), is shown in the following Table:

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ODMD Year 1 (2025) Special Benefit Assessment Budget

CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
\$335,000	\$82,000	\$155,261	\$572,261
58.5397%	14.3291%	27.1312%	100.000%

In order to carry out the District programs outlined in the previous section, a Year 1 assessment budget of \$572,261 is projected. Since the District is planned for a 5-year term, projected program costs for future years (Years 2-5) are set at the inception of the District. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum, commensurate to special benefits received by each assessed parcel, is incorporated into the projected program costs and assessment rates for the 5-year District term. It is noted that the 5% maximum annual rate increase is deemed necessary in order to offset substantial service and improvement cost increases projected over the next several years and to provide levels of service and types of improvements expected and requested by District stakeholders. Carryovers, if any, may be reapportioned the following year for related programs, services and improvements. Detailed annual budgets will be prepared by the Owner’s Association Board and included in an Annual Plan for the City Council’s review and approval.

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year during the 5-year term of the proposed renewed District. Accordingly, the Owners’ Association shall have the ability to reallocate budget line items within the budget categories based on such cost fluctuations subject to the review and approval by the Owners’ Association Board and included in the Annual Planning Report that will be approved by the Oxnard City Council pursuant to Streets and Highways Code Section 36650. Any accrued interest or delinquent payments may be expended in any budget category. A 5-year projected ODMD budget is shown in the following Table:

YEAR 1-5 PROJECED DISTRICT ASSESSMENT BUDGET SUMMARY (Special Benefit Costs)

(Assumes 5% max rate increase per year)

YR	CIVIL SIDEWALKS	DISTRICT IDENTITY & PLACEMAKING	ORGANIZATION	TOTAL
	58.5397%	14.3291%	27.1312%	100.00%
1	\$335,000	\$82,000	\$155,261	\$572,261
2	\$351,750	\$86,100	\$163,024	\$600,874
3	\$369,338	\$90,405	\$171,175	\$630,918
4	\$387,805	\$94,925	\$179,734	\$662,464
5	\$407,195	\$99,671	\$188,721	\$695,587

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The ODMD assessments may increase for each individual parcel each year during the 5-year effective operating period, but not to exceed 5% per year, commensurate to special benefits received by each assessed parcel, and must be approved by the Owners’ Association Board of Directors, included in the Annual Planning Report and adopted by the City of Oxnard City Council. The Owners’ Association Board of the Directors (“Property Owner’s Association of the ODMD) shall determine the percentage increase to the annual assessment. The Owners’ Association Executive Director shall communicate the annual increase to the City each year in which the District operates at a time determined in the Administration Contract held between the Owners’ Association and the City of Oxnard.

No bonds are to be issued in conjunction with the proposed renewed District.

Pursuant to Section 36671 of the Streets and Highways Code, any funds remaining after the 5th year of operation will be rolled over into the renewal budget or returned to stakeholders. District assessment funds may be used to pay for costs related to the following District renewal term. If the District is not renewed or terminated for any reason, unexpended funds will be returned to the property owners.

Special/General Benefits

The Assessment Engineer (see attached Engineer’s Report) has found that the general benefits (i.e. general benefits to assessed parcels within the District, the general public and surrounding parcels outside the ODMD) of the proposed programs, services and improvements (i.e. civil sidewalks, district identity/placemaking and organization) represent 2.0% of the total benefits generated and, in turn, 2.0% (\$11,679) of the total adjusted costs of the ODMD funded improvements, activities and services provided.

Total Year 1 adjusted costs are estimated at \$583,940. General benefits are factored at 2.0% of the total adjusted costs (see Finding 2 on pages 5-9 of the attached Engineer’s Report) with special benefits set at 98.0%. Article XIID Section 4(b) of the California Constitution limits the levy of property assessments to costs attributed to special benefits only. The 2.0% general benefit cost is computed to be \$11,679 with a resultant 98.0% special benefit limit computed at \$572,261. Based on current property data and land uses, this is the maximum amount of Year 1 (2024-25) revenue that can be derived from property assessments from the subject District.

All program costs associated with general benefits will be derived from sources other than District assessments. Sample “other” revenue sources are shown in the following Table:

Special and General Benefit Revenue Sources

Revenue Source	Revenue	% of Total
District Assessments	\$572,261	98.0%
Grants, donations, sponsors, program income, etc.	\$11,679	2.0%
TOTAL	\$583,940	100.0%

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A breakdown of projected special and general benefit costs for each year of the 5-year renewal term is shown in the following Table:

5 Year Special + General Benefit Costs

YR	PROGRAM CATEGORY	SPECIAL BENEFIT ASSESSMENT COSTS	GENERAL BENEFIT NON- ASSESSMENT COSTS	TOTAL ADJUSTED COSTS	% OF TOTAL
1	CIVIL SIDEWALKS	\$335,000	\$6,837	\$341,837	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$82,000	\$1,673	\$83,673	14.3291%
	ORGANIZATION	\$155,261	\$3,169	\$158,430	27.1312%
	Total	\$572,261	\$11,679	\$583,940	100%
2	CIVIL SIDEWALKS	\$351,750	\$7,179	\$358,929	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$86,100	\$1,757	\$87,857	14.3291%
	ORGANIZATION	\$163,024	\$3,327	\$166,351	27.1312%
	Total	\$600,874	\$12,263	\$613,137	100%
3	CIVIL SIDEWALKS	\$369,338	\$7,538	\$376,876	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$90,405	\$1,845	\$92,250	14.3291%
	ORGANIZATION	\$171,175	\$3,493	\$174,668	27.1312%
	Total	\$630,918	\$12,876	\$643,794	100%
4	CIVIL SIDEWALKS	\$387,805	\$7,915	\$395,720	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$94,925	\$1,937	\$96,862	14.3291%
	ORGANIZATION	\$179,734	\$3,668	\$183,402	27.1312%
	Total	\$662,464	\$13,520	\$675,984	100%
5	CIVIL SIDEWALKS	\$407,195	\$8,311	\$415,506	58.5397%
	DISTRICT IDENTITY & PLACEMAKING	\$99,671	\$2,034	\$101,705	14.3291%
	ORGANIZATION	\$188,721	\$3,851	\$192,572	27.1312%
	Total	\$695,587	\$14,196	\$709,783	100%

Duration

As allowed by State PBID Law, the District will have a five (5) year operational term from January 1, 2025 to December 31, 2029. The proposed renewed District operation is expected to begin services on January 1, 2025. If the District is not renewed, services will end on December 31, 2029.

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Manner of Collection

Assessments for the Property Tax Year beginning July 1, 2024 and ending June 30, 2029, shall be collected at the same time and in the same manner as ad valorem taxes paid to the County of Ventura (Operation Years 2025-2029). The District assessments shall appear as a separate line item on the property tax bills issued by the Ventura County Assessor. The City of Oxnard is authorized to collect any assessments not placed on the County tax rolls, or to place assessments, unpaid delinquent assessments, or penalties on the County tax rolls as appropriate to implement this Management District Plan.

IV PROPOSED ASSESSMENT FORMULA

The PBID programs and services described in this Management District Plan will be funded through benefit assessments against real property in the PBID and non-assessment revenues to fund the costs associated with general benefits conferred on assessed parcels within the District, the public at large and surrounding parcels outside of the ODMD boundaries. The assessment formula has been developed by the Assessment Engineer to ensure that no parcel will be assessed an amount that exceeds the cost of the proportional special benefit that parcel derives from the programs, services and improvements to be funded by the proposed benefit assessments. The assessment rates are based on the anticipated special benefit to be conferred on each assessed parcel within the boundary of the ODMD.

Based on the specific needs and corresponding nature of the program activities to be funded by the proposed renewed ODMD (i.e. civil sidewalks, district identity/placemaking and organization) it is the opinion of the Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area and street frontage, except as noted herein, within one benefit zone.

The “Basic Benefit Units” will be expressed as a combined function of building square footage (Benefit Unit “A”), land square footage (Benefit Unit “B”) and street frontage (Benefit Unit “C”). Based on the shape of the proposed ODMD, as well as the nature of the District program elements, it is determined that all identified properties will gain a direct and proportionate degree of special benefit based on the respective amount of building area, land area and street frontage, except as noted herein, within one benefit zone. Special benefit proportionality varies for different land uses/ownership types and assessable property characteristics (units), are adjusted via differing assessment methodologies and multiplier factors. See “Special Circumstances” beginning on page 20 of this Plan which delineates special assessment methodologies and factors and how and when they are applied.

For the array of land uses within the PBID, the interactive application of building and land areas and street frontage quantities are a common method of fairly and equitably spreading special benefit costs to these beneficiaries of PBID funded services, programs and improvements. Each of these factors directly relates to the degree of special benefit each assessed parcel will receive from PBID funded activities. There are no parcels zoned solely residential within ODMD.

Building area is a direct measure of the static utilization of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of the Assessment Engineer, the targeted weight of this factor,

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building area, should generate approximately 30% of the total PBID revenue (28.1905% when adjusted for precise parcel measurements, land use factors and program costs).

Land area is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. In the opinion of the Assessment Engineer, the targeted weight of this factor, land area, should generate approximately 40% of the total PBID revenue (43.4115% when adjusted for precise parcel measurements, land use factors and program costs).

Street Frontage is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on PBID funded activities. Street frontage includes all public street frontages of a parcel. In the opinion of the Assessment Engineer, the targeted weight of this factor, street frontage, should generate approximately 30% of the total PBID revenue (28.3980% when adjusted for precise parcel measurements, land use factors and program costs).

Special Circumstances

1. Lower Tier Residential Uses (1-6 non-condominium residential units)

It is the opinion of the Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels and parcels with higher density residential rental units on them do. It is the opinion of the Assessment Engineer that the assessment for parcels with 1-6 residential units on them shall be based on only on exterior building area which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 1-6 units on them will receive from ODMD funded services, programs and improvements for these land uses.

2. Upper Tier Residential Uses (7+ non-condominiums residential units)

It is the opinion of the Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels do but more than parcels with 1-6 residential units on them do. It is the opinion of the Assessment Engineer that the assessment for parcels with 7+ residential units on them shall be based on exterior building area, parcel land area and parcel street frontage which is a common method of fairly and equitably spreading special benefit costs to these land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured exterior building area, land area and street frontage which then produces the number of assessable building area units, land area units and street frontage units. This assessment methodology directly relates to the proportionate amount of special benefit each residential parcel with 7+ units on them will receive from ODMD funded services, programs and improvements for these land uses.

3. Mixed-Use (Non-Condominium Commercial and Residential)

It is the opinion of the Assessment Engineer that parcels with non-condominium mixed commercial and residential uses on them will specially benefit from PBID funded programs, services and improvements but different than those with only commercial uses on them. The residential portions of these land uses do not specially benefit from marketing and promotion activities to the extent that commercial uses do. As such,

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the assessment rates and applicable assessment methodology will be applied based on each land use portion and the area of the parcel they cover. Mixed-use parcels will be assessed for the commercial use portions at commercial rates for the commercial building area, the parcel land area covered by commercial uses and the amount of direct commercial street frontage. The residential land use portions will be assessed based on the residential criteria and methodologies delineated in # 2 and 3 above.

4. Residential Condominiums

It is the opinion of the Assessment Engineer that these land uses do not specially benefit from marketing and promotion activities to the extent that commercial parcels and other parcels with residential units on them do. It is the opinion of the Assessment Engineer that the assessment for residential condominiums shall be based on only on interior building area which is a common method of fairly and equitably spreading special benefit costs to these unique property ownerships, subdivisions and land uses. Further, a special benefit adjustment factor of 0.5 will be applied to the measured interior building area which then produces the number of assessable building area units. This assessment methodology directly relates to the proportionate amount of special benefit each residential condominium parcel will receive from ODMD funded services, programs and improvements for these land uses.

5. Commercial Condominiums

It is the opinion of the Assessment Engineer that such units, when located solely on ground floors, shall be assessed based on actual land area covered, interior condo building area and direct street frontage or pro-rated street frontage for each unit. Multi-floor commercial condominiums shall be assessed on interior condo building area and pro-rated land area and street frontage as determined by the Assessment Engineer depending on the development configuration. If residential condominiums are part of the development, the residential portions will be assessed based on the residential criteria and methodology delineated in #1 above.

6. Publicly Owned/Occupied Parcels

Each assessable publicly (government) owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of the Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded district identity/placemaking services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for publicly used building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

It is noted that the only publicly owned parcel not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct ODMD funded special benefit services, programs and improvements will be provided adjacent to or for the special benefit of this parcel.

7. Non-Profit Owned and Occupied Parcels

Each identified and assessable non-profit owned parcel and use within ODMD will proportionately

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specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than other privately owned parcels. It is the opinion of the Assessment Engineer that non-profit owned parcels and uses do not specially benefit to the same extent as other privately owned parcels from district identity/placemaking services, programs and improvements. To offset this special benefit differential, non-profit owned parcels with non-profit uses on them will not be assessed for non-profit used building areas located on these parcels. Non-profit owned parcels with “for-profit” uses on them will be assessed for building areas occupied by “for-profit” uses.

8. Changes to Building or Parcel Size

Any changes in building size, parcel size and street frontage(s) as a result of new construction or demolition or land adjustments including but not limited to lot splits, consolidations, subdivisions, street dedications, right of way setbacks shall have their assessment adjusted upon final City approval of such parcel adjustments.

9. Other Future Development

Other than future maximum rates and the assessment methodology delineated in this Plan and the Engineer’s Report, per State Law (Government Code Section 53750), future assessments may increase for any given parcel if such an increase is attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land. Any change in assessment formula methodology or rates other than as stipulated in this Plan and the Engineer’s Report would require a new Proposition 218 ballot procedure in order to approve any such changes.

Taking into account all identified specially benefiting parcels within the District and their respective assessable benefit units, the rates, cumulative quantities and assessment revenues by factor are shown in the following Tables:

Year 1 – 2024/2025 – Gross Quantities

GROSS BLDG AREA (SF)	# OF ASSESABLE PARCELS	GROSS LAND AREA (SF)	GROSS STREET FRONTAGE (LF)
1,277,861	432	3,262,505	30,708

Year 1 – 2024/2025 - Assessable Benefit Units

ASSESSABLE BLDG AREA UNITS	# OF ASSESSABLE PARCEL UNITS	ASSESSABLE LAND AREA UNITS	ASSESSABLE STREET FRONTAGE UNITS
1,171,556.50	383.50	3,133,029.41	35,405.37

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Year 1 – 2024/25 Projected Assessment Revenue

BLDG ASSMT REVENUE	LAND 1 ASSMT REVENUE	LAND 2 ASSMT REVENUE	STREET FRONTAGE ASSMT REVENUE	TOTAL ASSMT REVENUE
\$161,323.33	\$152,556.30	\$95,870.70	\$162,510.65	\$572,260.98
28.1905%	26.6585%	16.7530%	28.3980%	100.00%

The number of Benefit Units for each identified benefiting parcel within the proposed renewed ODMD was computed from data extracted from County Assessor records and maps. These data sources delineate current land uses, building and property areas and dimensions of record for each tax parcel. While it is understood that this data does not represent legal field survey measurements or detailed title search of recorded land subdivision maps or building records, it does provide an acceptable basis for the purpose of calculating property-based assessments. All respective property data being used for assessment computations will be provided to each property owner in the District for their review. If a property owner believes there is an error on a parcel's assessed quantities, the District may confirm the data with the Ventura County Assessor's office. If District data matches Assessor's data, the property owner may opt to work with the Assessor's office to correct the data so that the District assessment may be corrected.

Assessment Formula

Based on the nature of the programs to be funded as well as other rationale outlined in Step 1 above, it is the opinion of the Assessment Engineer that the ODMD assessments will be based on building area, land area, and street frontage except as otherwise noted herein.

The proposed assessment formula is as follows:

Assessment = Assessable Building Area (Unit A) x Unit A Rate, plus
 Assessable Land Area (Unit B-1) x Unit B-1 Rate, plus
 Assessable Land Area (Unit B-2) x Unit B-2 Rate, plus
 Assessable Street Frontage (Unit C) x Unit C Rate

YEAR 1 –2024/25 Assessment Rates

BLDG ASSMT RATE (\$/UNIT A)	LAND ASSMT RATE 1 (\$/UNIT B-1)	LAND ASSMT RATE 2 (\$/UNIT B-2)	FRONTAGE ASSMT RATE (\$/UNIT C)
\$0.1377	\$397.80	\$0.0306	\$4.59

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The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this District is included in this Plan as Appendix I.

Assessment Formula Unit Rates

Using figures from the Assessable Benefit Units Table and the Projected Assessment Revenue Table on pages 18-19 of this Plan, the assessment rates and weighted multipliers for each factor are calculated as follows:

Building Area Rate (Unit A)

$$(\$572,260.98 \times 28.1905\%) / 1,171,556.50 \text{ units} = \$0.1377 / \text{Building Unit A}$$

Land Area Rate (Unit B-1)

$$(\$572,260.98 \times 26.6585\%) / 383.50 \text{ units} = \$397.80 / \text{Land Unit B-1}$$

Land Area Rate (Unit B-2)

$$(\$572,260.98 \times 16.7530\%) / 3,133,029.41 \text{ units} = \$0.0306 / \text{Land Unit B-2}$$

Street Frontage Rate (Unit C)

$$(\$572,260.98 \times 28.3980\%) / 35,405.37 \text{ units} = \$4.59 / \text{Street Frontage Unit C}$$

Since the ODMD is planned for a 5-year term, maximum assessment rates for future years (Years 2-5) must be set at the inception of the PBID. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum is incorporated into the projected program costs and, in turn, the resultant assessment rates for the 5-year term of the PBID. These figures are shown in the table below. Assessment rates may not exceed those indicated below.

In addition, any annual budget surplus or deficit will be incorporated into the subsequent year's PBID budget. Within the constraints of the annual adjustment, annual assessments will be set to account for surpluses or deficits carried forward.

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ODMD – 5-Year Maximum Assessment Rates (Includes a 5%/Yr. Max Increase)

YEAR	BLDG ASSMT RATE (\$/UNIT)	LAND ASSMT RATE 1 (\$/UNIT)	LAND ASSMT RATE 2 (\$/UNIT)	FRONTAGE ASSMT RATE (\$/UNIT)
1	\$0.1377	\$397.8000	\$0.0306	\$4.5900
2	\$0.1446	\$417.6900	\$0.0321	\$4.8195
3	\$0.1518	\$438.5745	\$0.0337	\$5.0605
4	\$0.1594	\$447.3460	\$0.0344	\$5.3135
5	\$0.1674	\$456.2929	\$0.0351	\$5.5792

SAMPLE ASSESSMENT CALCULATION:

A 7,000 square foot lot with 50 linear feet of street frontage and a 5,000 square foot building on it

Bldg Area = 5,000 SF x \$0.1377 = \$ 688.50

Land Area = 7,000 SF x \$0.0306 SF + \$397.80 = \$ 612.00

Street Frontage = 50 LF x \$4.59/LF = \$ 229.50

TOTAL YEAR 1 ASSESSMENT = **\$1,530.00**

Per Month = \$ 128/Month

Per Day = \$4.25/Day

The complete Year 1 – 2024-25 assessment roll of all parcels to be assessed by this PBID is included in this Plan as Appendix I.

V. PUBLICLY OWNED PARCELS

The State Constitution - Article 13D (Proposition 218) states that “parcels within a District that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly-owned parcels in fact receive no special benefit.”

There are 154 publicly owned parcels within ODMD, all of which are identified and assessable for which District funded special benefit programs, services and improvements will be provided. All 154 of the

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assessed publicly owned parcels are owned by the City of Oxnard, including the Oxnard Parking Authority and the Oxnard Housing Authority. It is noted that the only publicly owned parcel within ODMD not being assessed is the United States Post Office parcel on A Street. The US Attorney General has opined that Federally owned properties are exempt from local taxes and benefit assessments in accordance with the Supremacy Clause of the US Constitution. As such, no direct PBID funded special benefit services, programs and improvements will be provided adjacent to this parcel.

For all other publicly owned/occupied parcels and facilities within ODMD, each of these parcels specially benefit from District funded programs services and improvements. The special benefits include cleaner and safer facility entrances and perimeters for their employees, visitors, tenants, vendors and other users of these public locations and facilities. Publicly owned parcels and facilities will be included in all maps, directories and District advertisements and web displays and are active components of Downtown Oxnard's identity and fabric.

ODMD services are designed to improve the safety and cleanliness for visitors, employees, tenants and users of public facilities on publicly owned parcels within the District by deterring crime and reducing litter and debris, each considered detractors to employment, visitation and use of public facilities if not contained and properly managed. In turn, these services will serve to enhance the public service levels provided by public facilities and parcels within ODMD.

Each identified and assessable publicly owned parcel and facility within ODMD will proportionately specially benefit as delineated herein from the ODMD funded supplemental services, programs and improvements, but differently than privately owned parcels. It is the opinion of the Assessment Engineer that publicly owned parcels and public facilities do not specially benefit to the same extent as privately owned parcels from PBID funded services, programs and improvements. To offset this special benefit differential, publicly owned parcels with public facilities on them will not be assessed for public building areas located on these parcels. Publicly owned parcels with non-government uses on them will be assessed for building areas not occupied by government uses and facilities.

There is no compelling evidence that these identified assessable publicly owned parcels and facilities would not proportionately specially benefit from ODMD funded programs, services and improvements as delineated herein and, thus, will be assessed similar to privately owned parcels, except as noted herein.

VI. PBID DISTRICT GOVERNANCE

The governance or management of a PBID typically requires an "Owner's Association" to carry out the PBID services and activities. State PBID Law (36600 Streets & Highways Code) also requires that the Owner's Association carry out specific additional functions. This includes preparation of an Annual Report to the City Council on the PBID activities for the past fiscal year and those proposed for the next fiscal year. The Owner's Association may also recommend to the City Council from time to time, changes to the PBID boundaries, benefit zones, assessment formula or PBID programs and activities, all subject to public notification and, in some cases petition/balloting requirements.

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Meetings of the Owner’s Association and its standing Committees shall be subject to the State of California “Brown Act” open meeting law.

VII. PROPOSED RULES AND REGULATION APPLIED TO THE DISTRICT

There are no specific rules or regulations applied to this PBID

VIII. OTHER ITEMS

No bonds will be issued for any ODMD projects in conjunction with this renewal.

IX. PLAN AUTHOR

The author and preparer of this Plan is Ed Henning of Edward Henning & Associates

X. IMPLEMENTATION TIME TABLE

The renewed PBID is expected to begin operation by January 2025. In order to meet this goal, the following procedural timeline is proposed:

<u>Date</u>	<u>Action/Task</u>
Jan 2024	• Finalize PBID Management District Plan
Feb 2024	• Initiate petition drive
Feb-Mar 2024	• Collect petitions signed by property owners
April 2024	• Submit majority support petitions to City along with Management Plan
Spring 2024	• City Council adopts Resolution of Intention to renew the PBID
Spring 2024	• City sends notice of PBID public hearing and a ballot to all property owners within PBID
Mid-2024	• City Council conducts hearing (ballots due by this date)
Mid-2024	• Providing no majority ballot protest is filed at the hearing, Council approves Ordinance of Renewal for the PBID
August 2024	• Assessment roll submitted to County Assessor
Dec 10/Apr 10 (due)	• Assessments billed and collected by County with property taxes
1st Quarter ‘25	• Revenues remitted to Owner’s Association per contract with City
(5 years)	• Owner’s Association carries out renewed PBID programs and services

APPENDIX 1

YR 1 – 2024/25 ASSESSMENT ROLL

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APN			SITE ADDRESS	2024-25 ASSESSMENT	% OF TOTAL
2010113110	202	S	OXNARD BL	\$3,971.91	0.694%
2010160010		N	OXNARD BL	\$703.80	0.123%
2010160020		E	FOURTH ST	\$666.56	0.116%
2010160030		E	FOURTH ST	\$1,877.31	0.328%
2010160040		E	FOURTH ST	\$500.71	0.087%
2010160050		E	FOURTH ST	\$927.18	0.162%
2010160060		E	FOURTH ST	\$468.18	0.082%
2010160070		E	FOURTH ST	\$789.48	0.138%
2010160080		E	FOURTH ST	\$729.81	0.128%
2010160090		E	FOURTH ST	\$704.57	0.123%
2010160100		E	FOURTH ST	\$795.60	0.139%
2010160110		E	FOURTH ST	\$983.18	0.172%
2010160120	400	S	OXNARD BL	\$826.20	0.144%
2010160130		E	FOURTH ST	\$1,358.64	0.237%
2010160170	344	S	OXNARD BL	\$1,604.21	0.280%
2010160180	330	S	OXNARD BL	\$1,818.48	0.318%
2010160190	332	S	OXNARD BL	\$1,040.34	0.182%
2010160200	320	S	OXNARD BL	\$2,024.80	0.354%
2010160220	300	S	OXNARD BL	\$1,170.08	0.204%
2010160250	350	S	OXNARD BL	\$1,175.81	0.205%
2010160260	350	S	OXNARD BL	\$2,270.29	0.397%
2010211010	134		ENTERPRISE ST	\$2,040.26	0.357%
2010211040			META ST	\$497.77	0.087%
2010211110		E	FIFTH ST	\$911.12	0.159%
2010211120		E	FIFTH ST	\$772.04	0.135%
2010211130		E	FIFTH ST	\$584.92	0.102%
2010211140		E	FIFTH ST	\$584.92	0.102%
2010211155	135	E	FIFTH ST	\$584.92	0.102%
2010211170	115	E	FIFTH ST	\$1,940.32	0.339%
2010211180	111-13	E	FIFTH ST	\$1,419.23	0.248%
2010211190	450	S	OXNARD BL	\$1,649.16	0.288%
2010211200	446	S	OXNARD BL	\$1,686.83	0.295%
2010211210	430	S	OXNARD BL	\$1,688.20	0.295%
2010211225		E	FIFTH ST	\$468.00	0.082%
2010211230		E	FIFTH ST	\$697.50	0.122%
2010211300	136		ENTERPRISE ST	\$597.77	0.104%
2010211360			META ST	\$1,197.55	0.209%
2010211380			ENTERPRISE ST	\$1,407.60	0.246%
2010212010	512	S	OXNARD BL	\$1,614.41	0.282%
2010212020	106	E	FIFTH ST	\$1,393.77	0.244%
2010212030	114	E	FIFTH ST	\$1,386.88	0.242%
2010212060	144	E	FIFTH ST	\$1,318.03	0.230%
2010212070	154	E	FIFTH ST	\$1,479.13	0.258%
2010212140	127	E	SIXTH ST	\$1,371.03	0.240%
2010212150	550	S	OXNARD BL	\$3,128.24	0.547%
2010212165	604	S	OXNARD BL	\$1,698.68	0.297%
2010212170	546	S	OXNARD BL	\$1,743.44	0.305%
2010212180	532	S	OXNARD BL	\$1,032.75	0.180%

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2010212190	528	S	OXNARD BL	\$1,063.35	0.186%
2010212200	523		META ST	\$784.13	0.137%
2010212230	128	E	FIFTH ST	\$1,249.18	0.218%
2010212260	136	E	FIFTH ST	\$1,899.51	0.332%
2010212270	511		META ST	\$3,959.85	0.692%
2010213010	200	E	FIFTH ST	\$1,243.32	0.217%
2010213020	204	E	FIFTH ST	\$754.63	0.132%
2010213030	210	E	FIFTH ST	\$935.01	0.163%
2010213075	238	E	FIFTH ST	\$582.50	0.102%
2010213080			META ST	\$1,256.68	0.220%
2010213090	536		META ST	\$1,325.65	0.232%
2010213100	538		META ST	\$684.09	0.120%
2010213110	235	E	SIXTH ST	\$1,531.93	0.268%
2010213120	209	E	SIXTH ST	\$106.99	0.019%
2010213130		E	SIXTH ST	\$1,153.62	0.202%
2010213140	544		META ST	\$602.99	0.105%
2010213150			META ST	\$566.12	0.099%
2010213160	214-228	E	FIFTH ST	\$2,629.99	0.460%
2010214010			ENTERPRISE ST	\$844.56	0.148%
2010214020	200		ENTERPRISE ST	\$3,294.18	0.576%
2010214030	480		META ST	\$2,309.08	0.404%
2010214040	235	E	FIFTH ST	\$2,897.16	0.506%
2010271030	638		META ST	\$684.09	0.120%
2010271040	634		META ST	\$646.43	0.113%
2010271060	616		META ST	\$703.80	0.123%
2010271070	612		META ST	\$909.59	0.159%
2010271080	600		META ST	\$1,279.08	0.224%
2010271090		E	SIXTH ST	\$627.30	0.110%
2010271100	220	E	SIXTH ST	\$856.80	0.150%
2010271110	224	E	SIXTH ST	\$856.80	0.150%
2010271160	235	E	SEVENTH ST	\$883.48	0.154%
2010271170	234	E	SIXTH ST	\$1,463.63	0.256%
2010271180	650		META ST	\$2,957.18	0.517%
2010272010	155	E	SEVENTH ST	\$1,457.33	0.255%
2010272020		E	SEVENTH ST	\$642.60	0.112%
2010272030	141	E	SEVENTH ST	\$642.60	0.112%
2010272040	131	E	SEVENTH ST	\$887.40	0.155%
2010272050	125	E	SEVENTH ST	\$887.40	0.155%
2010272060	658	S	OXNARD BL	\$1,797.75	0.314%
2010272070	656	S	OXNARD BL	\$841.50	0.147%
2010272080	650	S	OXNARD BL	\$841.50	0.147%
2010272090	638	S	OXNARD BL	\$1,063.35	0.186%
2010272100	626	S	OXNARD BL	\$1,736.55	0.303%
2010272110	620	S	OXNARD BL	\$992.40	0.173%
2010272120	610-612	S	OXNARD BL	\$1,361.04	0.238%
2010272140	128	E	SIXTH ST	\$627.30	0.110%
2010272150	128	E	SIXTH ST	\$1,906.38	0.333%
2010272160	140	E	SIXTH ST	\$844.18	0.148%
2010272170	150	E	SIXTH ST	\$856.80	0.150%

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2010272180	154	E	SIXTH ST	\$1,487.93	0.260%
2010272190	629		META ST	\$55.08	0.010%
2010272200			META ST	\$589.05	0.103%
2010272210			META ST	\$474.30	0.083%
2010272220	633		META ST	\$1,814.58	0.317%
2010272230	600	S	OXNARD BL	\$1,832.36	0.320%
2010360110	126	E	SEVENTH ST	\$1,751.61	0.306%
2020052060	143	S	B ST	\$1,392.30	0.243%
2020052070		S	B ST	\$841.50	0.147%
2020052080		S	B ST	\$1,190.34	0.208%
2020052090		W	SECOND ST	\$691.56	0.121%
2020054010	216	W	FIRST ST	\$1,219.41	0.213%
2020054020	111	S	A ST	\$841.50	0.147%
2020054030		S	A ST	\$841.50	0.147%
2020054040		S	A ST	\$841.50	0.147%
2020054050	141	S	A ST	\$3,157.92	0.552%
2020054060	155	S	A ST	\$3,511.35	0.614%
2020054090	136	S	B ST	\$841.50	0.147%
2020054100	122	S	B ST	\$242.21	0.042%
2020054110	118	S	B ST	\$962.37	0.168%
2020054120	110	S	B ST	\$185.90	0.032%
2020054130	254	W	FIRST ST	\$1,828.35	0.319%
2020054145			B ST	\$2,371.50	0.414%
2020056030	141	S	OXNARD BLVD	\$2,149.65	0.376%
2020056040	155	S	OXNARD BLVD	\$2,181.78	0.381%
2020056060	156	S	A ST	\$963.90	0.168%
2020056080	150	S	A ST	\$895.05	0.156%
2020056090	144	S	A ST	\$841.50	0.147%
2020056100	138	S	A ST	\$963.90	0.168%
2020056110	134	S	A ST	\$791.78	0.138%
2020056120	132	S	A ST	\$1,530.00	0.267%
2020056130	122	S	A ST	\$1,075.59	0.188%
2020056140	110	S	A ST	\$1,461.15	0.255%
2020056150	136	W	FIRST ST	\$2,034.90	0.356%
2020056160	135	W	SECOND ST	\$2,379.15	0.416%
2020056170	111	S	OXNARD BLVD	\$3,534.30	0.618%
2020081010	201	S	C ST	\$1,484.10	0.259%
2020081020	211	S	C ST	\$841.50	0.147%
2020081100	260	S	D ST	\$1,257.66	0.220%
2020081160	208	S	D ST	\$841.50	0.147%
2020081170	200	S	D ST	\$1,484.10	0.259%
2020081180	231	S	C ST	\$856.80	0.150%
2020081190		S	C ST	\$856.80	0.150%
2020081200		S	C ST	\$856.80	0.150%
2020081210	251	S	C ST	\$856.80	0.150%
2020081220		S	C ST	\$856.80	0.150%
2020081230		W	THIRD ST	\$1,499.40	0.262%
2020081240		S	D ST	\$639.54	0.112%
2020081250		S	D ST	\$856.80	0.150%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020081260		S	D ST	\$856.80	0.150%
2020081270		S	D ST	\$856.80	0.150%
2020081280		S	D ST	\$856.80	0.150%
2020081290	210	S	D ST	\$856.80	0.150%
2020083030	321	S	C ST	\$1,381.28	0.241%
2020083040	327	S	C ST	\$68.85	0.012%
2020083050	331	S	C ST	\$1,668.82	0.292%
2020083060	345	S	C ST	\$1,202.15	0.210%
2020083070	361	S	C ST	\$1,332.63	0.233%
2020083210	301	S	C ST	\$2,381.97	0.416%
2020083220	418	W	THIRD ST	\$918.00	0.160%
2020085030	431	S	C ST	\$843.41	0.147%
2020085040	437	S	C ST	\$904.70	0.158%
2020085050	441	S	C ST	\$3,681.58	0.643%
2020085190	418	W	FOURTH ST	\$845.33	0.148%
2020085200	401	S	C ST	\$2,044.08	0.357%
2020091100		S	C ST	\$841.50	0.147%
2020091370	351	W	THIRD ST	\$1,927.80	0.337%
2020091380		W	SECOND ST	\$1,063.96	0.186%
2020091390	206	W	SECOND ST	\$12,485.99	2.182%
2020091400	214	W	SECOND ST	\$3,907.38	0.683%
2020092030		S	B ST	\$483.48	0.084%
2020092040		S	B ST	\$755.82	0.132%
2020092050	343	S	B ST	\$1,296.60	0.227%
2020092060	351	S	B ST	\$1,322.62	0.231%
2020092070	361	S	B ST	\$2,448.00	0.428%
2020092120	320	S	C ST	\$841.50	0.147%
2020092130	310	S	C ST	\$1,365.59	0.239%
2020092140	330	W	THIRD ST	\$2,310.30	0.404%
2020092170	300	W	THIRD ST	\$6,359.32	1.111%
2020092180	344	S	C ST	\$2,180.25	0.381%
2020092190	350	S	C ST	\$3,028.47	0.529%
2020094010	301	S	A ST	\$2,092.12	0.366%
2020094020	309	S	A ST	\$1,226.45	0.214%
2020094035	325	S	A ST	\$2,649.96	0.463%
2020094040	327-337	S	A ST	\$2,099.16	0.367%
2020094050	339	S	A ST	\$1,276.02	0.223%
2020094060	345	S	A ST	\$1,523.88	0.266%
2020094080	361	S	A ST	\$2,073.12	0.362%
2020094140	324	S	B ST	\$1,373.94	0.240%
2020094155		S	B ST	\$416.16	0.073%
2020094160		S	B ST	\$416.16	0.073%
2020094170		S	B ST	\$823.14	0.144%
2020094185		W	THIRD ST	\$789.48	0.138%
2020094195		S	B ST	\$1,536.12	0.268%
2020094205		S	B ST	\$434.52	0.076%
2020094215	365	S	B ST	\$1,891.08	0.330%
2020094225		S	B ST	\$434.52	0.076%
2020094235		S	B ST	\$1,248.48	0.218%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020094240	355	S	A ST	\$1,702.31	0.297%
2020095075	254	S	A ST	\$841.50	0.147%
2020095085	242	S	A ST	\$841.50	0.147%
2020095090	228	S	A ST	\$1,474.92	0.258%
2020095100	220	S	A ST	\$1,357.88	0.237%
2020095110	210	S	A ST	\$841.50	0.147%
2020095120	200	S	A ST	\$4,435.29	0.775%
2020095140	221	S	OXNARD	\$2,785.37	0.487%
2020095150	229	S	OXNARD	\$1,686.83	0.295%
2020095160	235	S	OXNARD	\$1,686.83	0.295%
2020096035	357	S	OXNARD BL	\$1,568.25	0.274%
2020096040	350	S	A ST	\$0.00	0.000%
2020096050	336	S	A ST	\$1,754.91	0.307%
2020096060	326	S	A ST	\$1,402.70	0.245%
2020096070	318	S	A ST	\$1,530.00	0.267%
2020096080	300	S	A ST	\$3,265.97	0.571%
2020096095		S	OXNARD BL	\$1,058.76	0.185%
2020096105	321	S	OXNARD BL	\$2,677.42	0.468%
2020096110	349	S	OXNARD BL	\$1,363.08	0.238%
2020096125		S	OXNARD BL	\$786.11	0.137%
2020101130	422	S	C ST	\$1,698.30	0.297%
2020101190	329	W	FIFTH ST	\$711.60	0.124%
2020101205		S	C ST	\$553.86	0.097%
2020101215		S	C ST	\$1,940.04	0.339%
2020101225		W	FOURTH ST	\$410.81	0.072%
2020101235		W	FOURTH ST	\$583.70	0.102%
2020101255	425	S	B ST	\$499.55	0.087%
2020101270		W	FIFTH ST	\$412.34	0.072%
2020101290		W	FIFTH ST	\$451.35	0.079%
2020101310		W	FIFTH ST	\$412.34	0.072%
2020101330		W	FIFTH ST	\$412.34	0.072%
2020101355		W	FIFTH ST	\$412.34	0.072%
2020101360	424	S	C ST	\$407.35	0.071%
2020101370		W	FIFTH ST	\$421.52	0.074%
2020101405		S	B ST	\$457.62	0.080%
2020101415	425	S	B ST	\$4,009.58	0.701%
2020101420	314	W	FOURTH ST	\$1,366.11	0.239%
2020101435		W	FOURTH ST	\$423.81	0.074%
2020101445	405	S	B ST	\$2,312.38	0.404%
2020102010	500	S	C ST	\$5,214.94	0.911%
2020103025		W	FIFTH ST	\$795.60	0.139%
2020103090		W	SIXTH ST	\$795.60	0.139%
2020103100	560	S	C ST	\$2,269.14	0.397%
2020103115	544	S	C ST	\$501.08	0.088%
2020103120	338	W	FIFTH ST	\$2,043.27	0.357%
2020103130	319	W	SIXTH ST	\$872.10	0.152%
2020103145		W	SIXTH ST	\$780.30	0.136%
2020103175		W	FIFTH ST	\$405.83	0.071%
2020103185		W	FIFTH ST	\$589.92	0.103%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020103195	301	E	SIXTH ST	\$2,296.96	0.401%
2020103205		W	SIXTH ST	\$668.30	0.117%
2020103210	318	W	FIFTH ST	\$1,205.64	0.211%
2020103225		W	FIFTH ST	\$423.81	0.074%
2020103235		S	B ST	\$518.67	0.091%
2020103245	300	W	FIFTH ST	\$2,534.45	0.443%
2020104015	401	S	A ST	\$3,886.20	0.679%
2020104165	400	S	B ST	\$2,829.63	0.494%
2020104395	445	S	A ST	\$9,008.56	1.574%
2020104405	445	S	A ST	\$1,202.18	0.210%
2020104415	445	S	A ST	\$2,469.70	0.432%
2020104425	445	S	A ST	\$2,120.06	0.370%
2020104435	445	S	A ST	\$3,524.29	0.616%
2020105100	545	S	A ST	\$7,328.70	1.281%
2020105120	538	S	B ST	\$619.65	0.108%
2020105170		W	SIXTH ST	\$507.96	0.089%
2020105180		S	B ST	\$2,261.58	0.395%
2020105195		S	B ST	\$406.98	0.071%
2020105205		S	B ST	\$610.47	0.107%
2020105210		S	B ST	\$406.98	0.071%
2020105220		S	B ST	\$610.47	0.107%
2020105235		S	B ST	\$425.34	0.074%
2020105245		S	B ST	\$1,035.81	0.181%
2020105260		W	FIFTH ST	\$489.60	0.086%
2020105275	270	W	FIFTH ST	\$1,836.00	0.321%
2020105295	200	W	FIFTH ST	\$2,851.16	0.498%
2020105305		S	A ST	\$662.49	0.116%
2020105325	529	S	A ST	\$2,705.65	0.473%
2020105335	505	S	A ST	\$2,378.20	0.416%
2020106015	403	S	OXNARD BL	\$1,311.21	0.229%
2020106035		S	OXNARD BL	\$604.35	0.106%
2020106065		W	FIFTH ST	\$833.85	0.146%
2020106120	424	S	A ST	\$1,063.73	0.186%
2020106130	420	S	A ST	\$1,758.58	0.307%
2020106140	400-410	S	A ST	\$3,847.61	0.672%
2020106245		S	OXNARD BL	\$664.02	0.116%
2020106250	425	N	OXNARD BL	\$901.17	0.157%
2020106265		W	FOURTH ST	\$483.17	0.084%
2020106275		W	FOURTH ST	\$716.13	0.125%
2020106285		W	FOURTH ST	\$434.52	0.076%
2020106295	421	S	OXNARD BL	\$691.56	0.121%
2020106310		W	FIFTH ST	\$454.56	0.079%
2020106320		W	FIFTH ST	\$569.71	0.100%
2020106355	105	W	FIFTH ST	\$2,082.33	0.364%
2020106370	428	S	A ST	\$1,067.18	0.186%
2020106380	434	S	A ST	\$1,067.30	0.187%
2020106390	438	S	A ST	\$1,050.12	0.184%
2020106400	143	W	FIFTH ST	\$2,211.28	0.386%
2020106410	141	W	FIFTH ST	\$2,620.19	0.458%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020107050		W	FIFTH ST	\$601.14	0.105%
2020107060		W	FIFTH ST	\$615.83	0.108%
2020107070		W	FIFTH ST	\$615.83	0.108%
2020107080	104	W	FIFTH ST	\$2,409.37	0.421%
2020107100	531	S	OXNARD BL	\$1,019.75	0.178%
2020107110	545	S	OXNARD BL	\$2,205.11	0.385%
2020107120	559	S	OXNARD BL	\$604.35	0.106%
2020107135	563	S	OXNARD BL	\$1,361.70	0.238%
2020107160	534	S	A ST	\$1,303.56	0.228%
2020107170	528	S	A ST	\$1,545.15	0.270%
2020107195		W	FIFTH ST	\$572.22	0.100%
2020107205		W	FIFTH ST	\$440.64	0.077%
2020107215		S	OXNARD BL	\$439.11	0.077%
2020107225		S	OXNARD BL	\$558.91	0.098%
2020107235	150	W	FIFTH ST	\$3,147.21	0.550%
2020107240	560	S	A ST	\$3,222.18	0.563%
2020107250	544-550	S	A ST	\$1,640.77	0.287%
2020131030	519	S	C ST	\$895.05	0.156%
2020131040	521-523	S	C ST	\$1,747.57	0.305%
2020131050	535	S	C ST	\$1,855.13	0.324%
2020131060	543-545	S	C ST	\$1,704.21	0.298%
2020131070	555	S	C ST	\$1,609.56	0.281%
2020131170	509-511	S	C ST	\$1,232.42	0.215%
2020131190		S	C ST	\$405.30	0.071%
2020131220		W	FIFTH ST	\$642.60	0.112%
2020131230	515	S	C ST	\$1,386.18	0.242%
2020133010	416	W	SIXTH ST	\$1,484.10	0.259%
2020133020	613	S	C ST	\$1,013.63	0.177%
2020133030	619	S	C ST	\$841.50	0.147%
2020133040	625	S	C ST	\$841.50	0.147%
2020133050	637	S	C ST	\$94.12	0.016%
2020133060	643	S	C ST	\$841.50	0.147%
2020133210	699	S	C ST	\$3,519.89	0.615%
2020135025	711	S	C ST	\$3,913.59	0.684%
2020135035	761	S	C ST	\$6,364.80	1.112%
2020141050	333	W	SEVENTH ST	\$1,927.80	0.337%
2020141060	644	S	C ST	\$1,032.75	0.180%
2020141070	642	S	C ST	\$619.65	0.108%
2020141080	634-636	S	C ST	\$1,199.52	0.210%
2020141090	630	S	C ST	\$1,199.52	0.210%
2020141100	618	S	C ST	\$43.17	0.008%
2020141110	340	W	SIXTH ST	\$1,927.80	0.337%
2020141155	687	S	B ST	\$88.61	0.015%
2020141165	685	S	B ST	\$83.03	0.015%
2020141175	683	S	B ST	\$83.03	0.015%
2020141185	681	S	B ST	\$88.61	0.015%
2020141195	673	S	B ST	\$83.93	0.015%
2020141205	671	S	B ST	\$82.90	0.014%
2020141215	669	S	B ST	\$82.90	0.014%

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020141225	667	S	B ST	\$82.90	0.014%
2020141235	665	S	B ST	\$82.90	0.014%
2020141245	663	S	B ST	\$82.90	0.014%
2020141255	661	S	B ST	\$83.93	0.015%
2020141265	655	S	B ST	\$83.93	0.015%
2020141275	653	S	B ST	\$82.90	0.014%
2020141285	651	S	B ST	\$83.93	0.015%
2020141295	645	S	B ST	\$83.93	0.015%
2020141305	643	S	B ST	\$82.90	0.014%
2020141315	641	S	B ST	\$83.93	0.015%
2020141325	633	S	B ST	\$83.93	0.015%
2020141335	631	S	B ST	\$82.90	0.014%
2020141345	629	S	B ST	\$82.90	0.014%
2020141355	627	S	B ST	\$82.90	0.014%
2020141365	625	S	B ST	\$82.90	0.014%
2020141375	623	S	B ST	\$82.90	0.014%
2020141385	621	S	B ST	\$83.93	0.015%
2020141395	611	S	B ST	\$88.61	0.015%
2020141405	613	S	B ST	\$83.03	0.015%
2020141415	615	S	B ST	\$83.03	0.015%
2020141425	617	S	B ST	\$88.61	0.015%
2020142160	785	S	B ST	\$10,611.61	1.854%
2020143015	601	S	A ST	\$3,376.40	0.590%
2020143025	623	S	A ST	\$1,524.08	0.266%
2020143030	629	S	A ST	\$1,015.00	0.177%
2020143040	635	S	A ST	\$877.84	0.153%
2020143050	637	S	A ST	\$619.65	0.108%
2020143140	246	W	SIXTH ST	\$3,938.83	0.688%
2020143230	640	S	B ST	\$1,904.85	0.333%
2020143240	237	W	SEVENTH ST	\$1,689.18	0.295%
2020143250	235	W	SEVENTH ST	\$1,260.40	0.220%
2020144170	230	W	SEVENTH ST	\$951.05	0.166%
2020144180	220	W	SEVENTH ST	\$1,110.52	0.194%
2020144190	210	W	SEVENTH ST	\$1,170.21	0.204%
2020144200	200	W	SEVENTH ST	\$1,023.37	0.179%
2020144210	710	S	B ST	\$1,079.71	0.189%
2020144220	720	S	B ST	\$560.50	0.098%
2020144230	730	S	B ST	\$1,781.51	0.311%
2020144240	715	S	A ST	\$560.16	0.098%
2020144250	721	S	A ST	\$1,294.47	0.226%
2020144260	711	S	A ST	\$947.72	0.166%
2020144270	740	S	B ST	\$1,049.76	0.183%
2020144280	731	S	A ST	\$952.98	0.167%
2020144290	750	S	B ST	\$853.07	0.149%
2020144300	741	S	A ST	\$981.33	0.171%
2020145010	112	W	SIXTH ST	\$3,468.51	0.606%
2020145030	637	S	OXNARD BL	\$1,221.29	0.213%
2020145050	653	S	OXNARD BL	\$1,795.82	0.314%
2020145060	663	S	OXNARD BL	\$1,179.71	0.206%

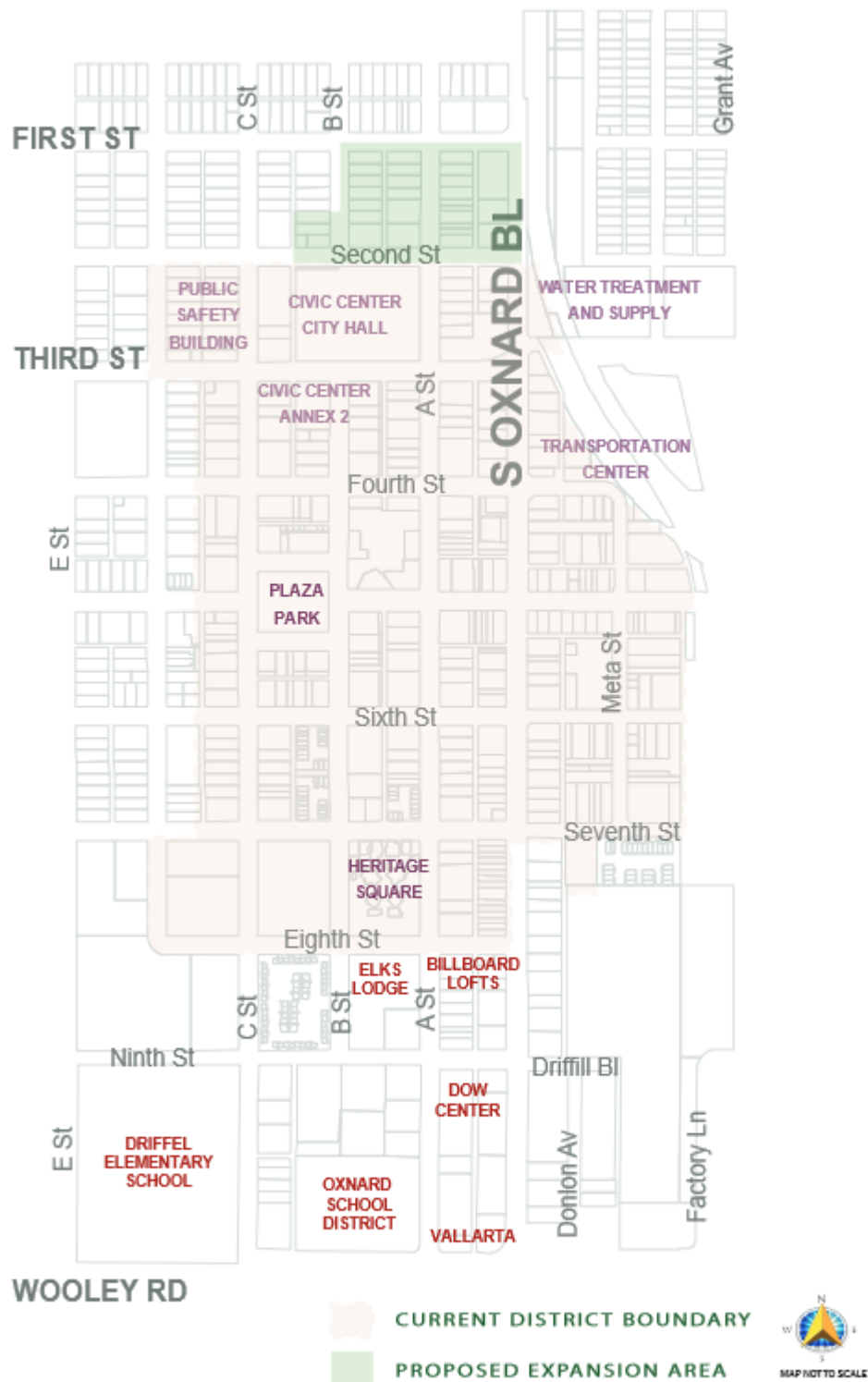
OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN

2020145100	630	S	A ST	\$841.50	0.147%
2020145110	622	S	A ST	\$1,667.70	0.291%
2020145120	618	S	A ST	\$841.50	0.147%
2020145130	608	S	A ST	\$1,557.54	0.272%
2020145140	120	W	SIXTH ST	\$1,484.10	0.259%
2020145190		S	A ST	\$841.50	0.147%
2020145200	631	S	OXNARD BL	\$810.90	0.142%
2020145210	629	S	OXNARD BL	\$708.54	0.124%
2020145220	658	S	A ST	\$4,770.07	0.834%
2020145230	643	S	OXNARD BL	\$1,198.11	0.209%
2020145240	645	S	OXNARD BL	\$1,327.28	0.232%
2020146010	110	W	SEVENTH ST	\$1,935.45	0.338%
2020146020	705	S	OXNARD BL	\$1,120.73	0.196%
2020146030	711	S	OXNARD BL	\$1,051.88	0.184%
2020146040	715	S	OXNARD BL	\$742.05	0.130%
2020146050	719	S	OXNARD BL	\$948.60	0.166%
2020146070	733	S	OXNARD BL	\$1,335.95	0.233%
2020146080	737	S	OXNARD BL	\$776.48	0.136%
2020146090	745	S	OXNARD BL	\$604.35	0.106%
2020146100	755	S	OXNARD BL	\$1,017.45	0.178%
2020146110	749	S	OXNARD BL	\$604.35	0.106%
2020146120		S	OXNARD BL	\$604.35	0.106%
2020146130	761	S	OXNARD BL	\$879.75	0.154%
2020146140	752	S	A ST	\$2,747.34	0.480%
2020146150	744	S	A ST	\$1,428.94	0.250%
2020146180	700	S	A ST	\$2,280.28	0.398%
2020146190		S	OXNARD BL	\$604.35	0.106%
2020146200		S	OXNARD BL	\$604.35	0.106%
2020146210	723	S	OXNARD BL	\$604.35	0.106%
2020146220	708	S	A ST	\$4,889.15	0.854%
2020380015	651	S	A ST	\$118.49	0.021%
2020380025	653	S	A ST	\$96.05	0.017%
2020380035	655	S	A ST	\$120.69	0.021%
2020380045	657	S	A ST	\$120.69	0.021%
2020380055	659	S	A ST	\$96.05	0.017%
2020380065	661	S	A ST	\$118.49	0.021%
2020380075	211	W	SEVENTH ST	\$120.69	0.021%
2020380085	213	W	SEVENTH ST	\$96.05	0.017%
2020380095	215	W	SEVENTH ST	\$118.49	0.021%
2020380105	645	S	A ST	\$120.69	0.021%
2020380115	643	S	A ST	\$95.36	0.017%
2020380125	641	S	A ST	\$118.49	0.021%
				\$572,260.99	100.000%

APPENDIX 2

ODMD BOUNDARY MAP

OXNARD DOWNTOWN MANAGEMENT DISTRICT – MANAGEMENT DISTRICT PLAN



ATTACHMENT 1

ASSESSMENT ENGINEER'S REPORT

Public Hearing on the Renewal and Expansion of the Oxnard Downtown Management District

Emilio Ramirez, Director
Housing Department
City Council
July 2, 2024

1. On April 30, 2024, the City Council adopted a Resolution of Intent (Resolution No. 15,773) to renew and expand the District and levy and collect assessments therein, and to hold a public hearing on July 2, 2024.
2. A ballot and informational packet for the renewal of the District was mailed to the property owners within the proposed District boundaries. At the July 2, 2024 public hearing, the City Council will receive public testimony on the renewal of the District and the proposed assessments.
3. The City Clerk will open and count the ballots received at the conclusion of the Public Hearing. In order for the district to be renewed, a weighted majority of ballots received must be in favor of the District renewal.

1. Assuming that a weighted majority of the vote supports the renewal, the City Council may renew the District by adopting a resolution. The term of the District is five fiscal/tax years (calendar operating years), after which a new petition and ballot procedure must be carried out to renew the District again.
2. Since last fall, a District Renewal Committee consisting of Downtown property and business owners has been meeting to formulate the details of the renewal. The Committee determined that the renewal period will be a five-year period (10 years maximum are currently permitted by State Law for renewals) and that a 2025 annual budget of approximately \$572,250 be established to be used to continue to provide enhanced maintenance, enhanced security, business development, beautification and related management services.
3. Assessment for the remaining four years may be increased by an amount not to exceed five percent (5%) per year. An annual report is required from the DOIA.

1. The District boundary includes approximately a 32-block area bounded roughly by First Street on the north, the Railroad tracks/Oxnard Boulevard on the east, Eighth Street on the south and C and D Streets on the west.
2. It is noted that District is being expanded to the north to First Street from the centerline of B Street to Oxnard Boulevard. This two-block area includes a combination of commercial parcels associated with Downtown Oxnard along with mixed use parcels with residential rental units.

1. Under the proposed District renewal, the City/Housing Authority/Parking Authority would be assessed \$156,052.78 which will be combined with \$416,197.22 from the remaining properties within the proposed renewed/expanded district boundary. The total assessment funds of \$572,250 are proposed to be allocated as follows during the first renewal year.
 - a. **Civil Sidewalks: \$335,000 (58.5%)** – This work plan category includes: litter pickup and illegal dumping removal, graffiti abatement, trash enclosures cleaning, sidewalk sweeping and pressure washing, gardening, weed removal, security patrols, loitering & trespassing subject removal, and homeless outreach.

- a. **District Identity and Placemaking: \$83,250 (14.5%)** – This work plan category includes: website and social media management, newsletters, advertising and media relations, special events production, sidewalk flower planters, public art displays, holiday streetlamp décor, and street banners.
- b. **Organization: \$154,000 (27%)** ~ This work plan category includes professional management and related operation costs of providing services, programs and improvements for the special benefit of each identified and assessed parcel and land use within the District.

1. The City, Housing and Parking Authorities' cumulative estimated assessment for the first year of the renewed District will be \$156,052 and may be increased by five percent (5%) per year. If the District is renewed the City will be responsible for paying an annual assessment each year, over the next five years.
2. In the City of Oxnard's 2024~2025 budget, General Funds were approved to support the first year's assessment.
3. Ongoing assessment payments will be requested annually as part of the City's budget process.

That City Council:

1. Conduct a public hearing concerning the renewal and expansion of the Oxnard Downtown Management District ("District") and tabulate the ballots for and against its renewal.
2. If a weighted majority of the ballots are in support of the renewal of the District, adopt a resolution renewing the District and levying assessments in the District for fiscal year 2024-2025 to fiscal year 2028-2029.



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. L.1

DATE: July 2, 2024

TO: City Council

FROM: Jason Benites, Police Chief, (805) 385-7624, jason.benites@oxnardpd.org

SUBJECT: Police Department 2023 Annual Military Equipment Use Report. (20 minutes)

RECOMMENDATION

That the City Council:

1. Receive the Police Department's annual report concerning its inventory and use of military equipment, in accordance with Government Code sections 7070-7075.
2. Approve the renewal of City of Oxnard Ordinance 3014, which is codified in Oxnard City Code Section 2-112 as the City's "Military Equipment Policy" as required by Government Code section 7071 (e)(1).
3. Approve the continuing authorization for the funding, acquisition, and use of military equipment by the Oxnard Police Department's military equipment inventory as required by Government Code section 7071 (e)(2).
4. Approve the acquisition and use of the following military equipment items:
 - a. One (1) Transcend tactical Robotic device
 - b. Nineteen (19) 40mm projectile launchers
 - c. Twenty-two (22) .223 caliber rifles
 - d. Five hundred and sixty (560) 40mm projectile rounds and eight (8) sponge round training kits.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://youtu.be/hO9GtnYMzKE>

BACKGROUND

On January 1, 2022, California Assembly Bill 481 (AB 481) was codified in Government Code sections 7070 through 7075. AB 481 mandates Law Enforcement Agencies (LEA) to obtain approval from their governing body via the adoption of a "military equipment" use policy by ordinance before the LEA funds, acquires, or uses such equipment. This is specified in Government Code section 7071(a)(1)(A-G).

On June 7, 2022, the Oxnard City Council adopted the Oxnard Police Department Military Equipment Use Policy to allow the Oxnard Police Department to use the equipment specified therein. This policy exists as City of Oxnard Ordinance 3014 (Ordinance), which is codified in Oxnard City Code Section 2-112, and in section 708 of the *Oxnard Police Department's Policy Manual*, and went into effect on July 6, 2022. The Ordinance can be found as Attachment (B) to this report, and *Oxnard Police Department's Policy Manual* section 708 as Attachment (C)

Government Code section 7071(e)(1) requires that a governing body, in this case the Oxnard City Council, review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment, and vote on whether to renew the ordinance at a regular meeting.

Government Code section 7071(e)(2) states that a governing body, in this case the Oxnard City Council, shall determine,

based on the submitted annual military equipment report submitted whether each type of military equipment identified in that report has complied with the standards for approval. Per Government Code 7071(d)(1)(A-D), the required standards for approval are:

- The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Annual Military Equipment Report (Attachment A)

California Government Code 7072 (a)(1-6) requires, after receiving approval for its military equipment use policy, the LEA to submit an annual military equipment report providing certain required information for each type of military equipment approved by the governing body for as long as the equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- The quantity possessed for each type of military equipment.
- A summary of how military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning military equipment.
- The results of any internal audits, information about violations of military equipment use policy, and any actions taken in response.
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Police Department's "Military Equipment" Inventory

Government Code section 7070(c)(1-16) defines "military equipment" and lists fifteen (15) specific categories that are considered "military equipment." The Oxnard Police Department possesses and/or uses equipment from only seven (7) of these categories. The annual report cites an eighth category, for equipment that the Police Department does not actually possess, but is deployed by another LEA when requested to assist. The categories and specific equipment currently used by the Oxnard Police Department are listed below and are further described in the attached "Military Equipment Inventory."

Below is a summary of the Oxnard Police Department's military equipment inventory. The equipment is listed in accordance with the Government Code sections that govern its designation as "military equipment." Additional details are in *Oxnard Police Department Policy Manual* section 708, included as an attachment to this report.

7070(c)(1): Unmanned, remotely piloted, powered aerial or ground vehicles.

- Unmanned aerial vehicles (Drones): 7
- Unmanned aerial vehicle (drone) usage: There were 115 drone deployments in 2023, broken down as follows:
 - 25 for field operations support (area searches)
 - 42 for tactical assists (SWAT operations)
 - 20 for crime scene documentation

- 12 for special events support
- 9 for area mapping
- 7 for training
- Annual cost: \$23,677 for drone replacement costs in 2023.
- Remotely piloted ground vehicles: 1
- Remotely piloted ground vehicle usage: Zero (0) deployments in 2023.
- Cost: \$12,433.87 initial purchase.

7070(c)(3): High mobility multipurpose wheeled vehicles (HMMWV), called Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles with a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

- Lenco® Bearcat armored rescue vehicles (ARV): 2
- ARV usage: There were 41 ARV deployments in 2023, broken down as follows:
 - 9 for responses to armed subjects and patrol assists
 - 22 for search warrants
 - 10 for community engagement events
- Annual cost: \$1,100 estimated average annual maintenance per unit in 2023.

7070(c)(4): Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

- The Oxnard Police Department does not possess any equipment from this category in its inventory.
- However, the Ventura County Sheriff's Office possesses a tracked armored skid steer loader (referred to as "The Rook"), which is available to assist other agencies in the County, including Oxnard. Pursuant to Government Code section 7071(a)(1)(D), an LEA must obtain approval from the governing body when "Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body."
- Rook usage: In 2023, the Ventura County Sheriff's Office assisted the Oxnard Police Department on one (1) occasion, for a SWAT warrant service.
- There were no complaints received concerning the use of this equipment.
- There were no violations of policy concerning the use of this equipment.
- Annual cost: Zero (0) cost to the City of Oxnard in 2023.

7070(c)(5): Command and control vehicles that are either built or modified to facilitate public safety units' operational control and direction.

- Total number of command and control vehicles: 13
 - Large mobile command vehicles: 2
 - Vans: 2
 - DUI enforcement command trailer: 1
 - Police Ford Explorer forward command post vehicles: 8
- Command and control vehicle usage: There were 117 deployments in 2023, broken down as follows:
 - 85 times for the Drone unit van.
 - 10 times for the large mobile command post (major crimes and community events).
 - 12 times for the traffic unit
 - 10 times for crime scene mapping
- Annual cost: Approximately \$63,400 for the 13 vehicles each year (fuel and maintenance).

7070(c)(7): Battering rams, slugs, and breaching apparatuses that are explosive in nature.

- Frangible breaching shotguns: 2

- Breaching shotgun usage: Zero (0) times throughout the year.
- Annual cost: No associated costs with this item in 2023.

7070(c)(10): *Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.*

- Total number of specialized firearms: 169
 - Remington .308 caliber rifles: 5
 - Accuracy International AT .308 caliber rifles: 6
 - Colt .223 caliber rifles: 107
 - Sionics .223 caliber rifles: 51
- Rifle usage: The Police Department deployed rifles in 65 incidents in 2023, and these were limited to the pointing of firearms only. There were zero (0) instances of Oxnard Police Department personnel discharging a rifle of this type at a member of the public.
- Annual cost: No .223 rifle ammunition was purchased in 2023. Rifle maintenance was approximately \$1,200. .308 caliber rifle ammunition cost \$16,587. Maintenance was unnecessary since the Accuracy International AT rifles were purchased in 2023.

7070(c)(12): *“Flashbang” grenades and explosive breaching tools, ‘tear gas,’ and ‘pepper balls,’ excluding standard, service-issued handheld pepper spray.*

For clarification, the term “flashbang” is commonly used to refer to “light, sound, diversionary devices” (LSDD). “Tear gas” is the term commonly used to describe 2-chlorobenzalmalononitrile gas, also referred to as “CS.” The Police Department’s inventory includes:

- Combined Tactical Systems (CTS) LSDD: 164
- CTS 5230B CS gas canisters: 34
- Defense Technology Triple Chaser CS gas: 12
- Defense Technology Spede-Heat CS gas: 16
- Defense Technology CS Ferret rounds: 18
- Defense Technology OC/CS vapor: 12
- Defense Technology OC vapor: 10
- Pepperball launchers: 13
- Flashbang usage: The Police Department deployed flashbangs 16 times in 2023.
 - It is important to note that flashbangs deployed alone, without other equipment, successfully gained suspect compliance on 13 of the 16 occasions, eliminating the necessity for any additional force tactics.
- Annual cost: \$4,408.18 for 2023 replenishment costs.
- Gas usage: The Police Department deployed CS gas 3 times in 2023, under the following circumstances:
 - 1 for a barricaded suspect in a vehicle, in which the suspect refused to exit their vehicle.
 - 2 for warrant services where the suspects refused to exit their residences.
- Annual cost: \$2,173 for 2023 replenishment costs.
- Pepperball usage: 4 times throughout the year.
 - In all 4 instances, the device was successfully used to take a non-compliant suspect into custody.
- Annual cost: No associated costs with this item in 2023.

7070(c)(14): *The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.*

- Penn Arms 40mm less lethal projectile launchers: 4
 - 10 direct impact sponge CS rounds
 - 10 direct impact sponge OC rounds
- 40mm projectile usage: Zero (0) times throughout the year.

- Annual cost: No associated costs with this item in 2023.
- *Remington 870* less lethal (“bean bag”) shotguns: 22
 - Less lethal shotgun usage: 1 time in 2023.
 - The less lethal shotgun was deployed in an attempt to take a non-compliant suspect into custody.
 - Annual cost: No associated costs with this item in 2023.

The Oxnard Police Department intends to maintain sufficient stock of specific equipment to maintain standards and operational readiness. The Police Department routinely orders replacement stock to maintain the levels of equipment enumerated in the “Military Equipment Inventory.”

Additional Reported Information

Government Code section 7072(a)(1-6) requires the Police Department to annually report additional information, beyond inventory quantities, related to its “military equipment.” Below is a summary of the annual use of Police Department’s inventory, complaints, policy violations related to the equipment, annual costs, and financial impacts related to the equipment:

- Inventory: Quantities of this equipment are stated in an attachment to *Oxnard Police Department Policy Manual* section 708 (Included as attachment C)
- Complaints: There were no specific community complaints or concerns received involving specific deployments of any of the Police Department’s “military equipment” in 2023.
- Violations of Policy: There were no violations of *Oxnard Police Department Policy Manual* section 708 (Military Equipment Policy).

To ensure the accuracy of the data, both the Special Operations Division Commander and the Professional Standards Division staff track the use of equipment that meets AB 481’s definition of “military equipment.” This ensures proper usage and tracking of deployments.

Ongoing maintenance and replacement costs for all the equipment are included in the Police Department’s budget and continue to be accounted for there. Expenditures for such equipment are appropriate and seek to minimize the impact on Oxnard’s General Fund. The Police Department makes a conscious effort to fund replenishment and new additions with Asset Forfeiture Funds (AFF) and/or Supplemental Law Enforcement Services Funds (SLESF), which do not affect the City’s General Fund.

Need for Equipment Authorization

AB 481 requires the governing body’s approval of this annual report. The equipment listed in the annual report and used by the Oxnard Police Department is necessary for public safety operations, and there are no other practical alternatives that can achieve the same community safety objectives.

A significant amount of the Police Department’s “military equipment” are “less lethal” devices that are designed to provide force options that serve to avoid the use of lethal force. As such, the equipment’s use and accompanying policies safeguard the public’s welfare, safety, civil rights, and civil liberties.

Requested Equipment Acquisitions (from “Recommendation” above)

The Police Department is requesting the City Council’s authorization to make the following “military equipment” acquisitions:

1. The Police Department intends to acquire a *Transcend Robotics* Vantage Robot, which qualifies as a “remotely piloted ground vehicle.” This device is used to enter structures to locate violent, often armed, subjects wanted for violent crimes. This equipment provides a safer option for officers to get a view into a building or structure through the robot’s camera system, and decreases the likelihood of a lethal force encounter. The robot’s two-way communications system allows officers to de-escalate, communicate, and negotiate compliance or surrender. This robot has the ability to safely deploy Oleoresin Capsicum (OC) and 2-chlorobenzalmalononitrile (CS) gas remotely. This type of gas is used to bring suspects out of hiding, and increases the likelihood that they will comply. Though this item falls under the Government

Code's definition of "military equipment," it is essential to note that it has no weapons, no armor, and no materials furnished by the military. The total cost to purchase this robot is \$62,818, and will be paid for with Supplemental Law Enforcement Services Fund (SLESF). There would be no impact on the City's General Fund.



Transcend Robotics Vantage Robot

2. The Police Department intends to acquire nineteen (19) additional 40mm projectile launchers. These less lethal tools allow officers to engage violent, potentially armed suspects from a safe distance, allowing officers to attempt de-escalation techniques. These types of less-lethal projectiles often prevent officers from using lethal force. The total cost to purchase these 40MM launchers is approximately \$51,240, which will be paid using Asset Forfeiture Funds (AFF) and Supplement Law Enforcement Services Fund (SLESF). There would be no impact on the City's General Fund.



Penn Arms 40mm projectile launchers (single and six-shot models)

3. The Police Department intends to replace/acquire twenty-two (22) .223 caliber rifles for the department's SWAT team. The rifles currently assigned to the SWAT team are over twenty years old, significantly exceeding their expected lifespan of five to seven years under SWAT team conditions, rendering them overdue for replacement. The SWAT team needs rifles for increased firepower and accuracy in situations that require the ability to engage targets at longer distances, penetrate barriers, and effectively address threats, while minimizing risk to officers and members of the public. These rifles also provide a tactical advantage in addressing high-risk scenarios such as active shooter situations or dealing with heavily armed suspects, allowing SWAT teams to maintain control and respond decisively to potential threats. The total cost to purchase these rifles is \$57,920 and will be paid using Justice Administration Grant funds. There would be no impact on the General Fund.



Sionics Patrol Rifle

4. The Police Department's 40mm inventory has become depleted over the last year due to expired rounds and use during previous deployments. To replenish the inventory, the Police Department needs to purchase five hundred (500) exact impact sponge rounds, twenty (20) direct impact sponge rounds with OC gas, twenty (20) direct impact rounds with CS gas, and twenty (20) direct impact sponge rounds (green marking). The cost to purchase these rounds is \$14,799.44, which will be paid using the General Fund. The Police Department must also purchase eight (8) sponge round training kits. The cost to purchase these training rounds is \$11,432.80, which will be paid using the General Fund.



40mm projectiles (not shown to scale)

Transparency

Government Code section 7071(b) requires any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant LEA for as long as the military equipment is available for use.

This information is available to the public on the Oxnard Police Department's website, at <https://sites.google.com/oxnardpd.org/ab-481/ab-481>.

STRATEGIC PRIORITIES

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

There is sufficient FY2024-25 budget available to fund the equipment acquisitions from the following funding sources: General Fund (101), Federal Asset Seizure Fund (191), State and Local Grant Fund (210) and Federal Grant Fund - Justice Assistance Grant (200), as well as sufficient corresponding budget in the Capital Outlay Fund (301) applicable to capital projects.

For Finance Use Only: General Fund (Org. 1012111 Obj. 52900), Federal Asset Seizure Fund (Org. 1912131 Obj. 52400) Project M2005, State and Local Grant Fund -SLESF (Org. 2101001 Obj. 59800) Project C2418, Federal Grant Fund (Org. 2001001 Obj. 59800) Project C2318., Capital Outlay Fund (Org. 3012131 Obj. 56040) Projects C2318 & C2418

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Daniel Whitmer, Police Commander

ATTACHMENTS

1. Attachment A 2023 OXPD Military Equipment Annual Report.FINAL
2. Attachment B Oxnard Military Equipment Ordinance
3. Attachment C 2023 Military Equipment (Policy Manual 708.9)
4. Attachment D Police Department 2023 Military Equipment Report (PowerPoint) PDF



Oxnard Police Department
2023 Annual Military Equipment Report

Jason Benites, Chief of Police

Oxnard Police Department 2023 Annual Military Equipment Report

Background

Over the course of the past several years, criticism and debate has spread across the nation concerning the narrative of militarized policing in the United States. On September 30, 2021, California Governor Gavin Newsom signed legislation aimed at reforming law enforcement agency (LEA) funding, acquisition and use of specific types of "military equipment." This legislation, referred to as Assembly Bill 481 (AB 481), was authored by California Assembly member David Chiu (D-San Francisco) to address and regulate the funding, acquisition, and use of military equipment by LEA's.

Enacted into Government Code sections 7070 through 7075 as of January 1, 2022, AB 481's intent is to increase transparency by which California law enforcement agencies fund, acquire, and/or use what this legislation defines as "military equipment."

AB 481 mandates LEA's obtain approval from their governing body via the adoption of a "military equipment" use policy (Policy) by ordinance before the LEA funds, acquires, or uses such equipment. In summary, AB 481 states in Government Code section 7071(a)(1)(A-G), that LEA's shall obtain approval of their governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body prior to engaging in any of the following:

- Requesting military equipment made available pursuant to section 2576a of Title 10 of the United States Code.
- Seeking funds for military equipment.
- Acquiring military equipment.
- Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
- Using any new or existing military equipment.
- Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

Government Code section 7070(d) (1-7) also requires that an LEA's military equipment policy address, at a minimum, disclose all of the following:

- A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

Oxnard Police Department 2023 Annual Military Equipment Report

- The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
- The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
- The legal and procedural rules that govern each authorized use.
- The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
- The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
- For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

On June 7, 2022, the Oxnard City Council adopted the Oxnard Police Department's Military Equipment Use Policy, authorizing the Oxnard Police Department to use the equipment specified therein. This policy exists as City of Oxnard Ordinance 3014 (Ordinance), which is codified in Oxnard City Code Section 2-112, and in section 708 of the *Oxnard Police Department's Policy Manual*, (Policy). These went into effect on July 6, 2022.

The Ordinance, Policy, and AB 481 related information are available to the public on the Oxnard Police Department's website at:

(<https://sites.google.com/oxnardpd.org/departments-policy-manual/departments-policy-manual>).

Standards of Approval

Government Code section 7071(e)(1) requires that an LEA's governing body, in this case the Oxnard City Council, review the ordinance that it adopted that approves the

Oxnard Police Department 2023 Annual Military Equipment Report

funding, acquisition, or use of military equipment, and vote on whether to renew the ordinance at a regular meeting.

Government Code section 7071(e)(2) states that a governing body, in Oxnard's case its Oxnard City Council, shall determine, based on the submitted annual military equipment report submitted whether each type of military equipment identified in that report has complied with the standards for approval. Per Government Code 7071(d)(1)(A-D), the required standards for approval are that:

- The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Per Government Code section 7071(e)(2), "If the governing body determines that a type of military equipment identified in the LEA's annual military equipment report has not complied with the standards for approval, the governing body shall either disapprove a renewal of the authorization for that type of military equipment, or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance."

Oxnard Police Department Meets Standards of Approval

The military equipment that the Oxnard Police Department possesses is consistent with law enforcement profession norms in the United States. Such equipment has been tested in the field, has been successfully deployed in the field, and are used by LEA's across the nation for the purposes of enhancing both the safety of peace officers and the public that they serve.

The Oxnard Police Department is committed to using contemporary tools and equipment to safeguard the public that it serves. Many of the items deemed as "military equipment" by AB 481 have been employed by the Oxnard Police Department and LEA's across the nation for a considerable amount of time, in order

Oxnard Police Department 2023 Annual Military Equipment Report

to specifically protect and reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of lethal force encounters. To that end, the equipment of discussion in this report, and the accompanying Military Equipment Use Policy, also provide Oxnard Police Department personnel with vital tools that facilitate compliance with its robust use of force policy and reporting procedures.

The Oxnard Police Department's inventory also contains items that are designed to protect officers and members of the public. For example, the armored rescue vehicles (ARV's) are designed to shield officers and members of the public from gunfire or other threats, and have been successfully used to this effect.

The Oxnard Police Department's inventory of command and control vehicles are unarmed platforms that are vital to coordinating public safety resources in a variety of circumstances, ranging from tactical incidents to natural disasters. They are essential to facilitating the safest outcomes by promoting communication and resource coordination, both of which are essential to protecting the public's welfare, safety, civil rights, and civil liberties.

Denial or loss of the use of these previously approved items would detract from the welfare of community members and peace officers within the Oxnard Police Department, as that would eliminate resources or options that could more safely and peacefully conclude incidents. For example, the loss of an agency to deploy "less lethal" equipment would eliminate an option that could have been used to end a volatile situation without the use of lethal force.

Ongoing maintenance and replacement costs for all the equipment are included in the Police Department's budget and continue to be accounted for there. Expenditures for such equipment are appropriate and seek to minimize the impact to Oxnard's General Fund. The Police Department makes a conscious effort to fund replenishment and new additions with Asset Forfeiture Funds (AFF) and/or Supplemental Law Enforcement Services Funds (SLESF), both of which do not affect the City's General Fund.

There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the equipment identified in the Policy is vital to the Oxnard Police Department's mission, and will continue to be strictly regulated through internal processes and management oversight.

Oxnard Police Department 2023 Annual Military Equipment Report

To ensure the accuracy of the data, both the Special Operations Division Commander, and the Professional Standards Division staff closely track the use of equipment that meets AB 481's definition of "military equipment." This ensures proper usage and tracking of deployments. In the event of policy violations, management is well positioned to apply corrective action, whether through training and education, and up to the disciplinary process should that become necessary. Of note, there were no community complaints about specific deployments of Oxnard's "military equipment" in 2023, no instances of inappropriate use, and no violations of policy related to the same.

Criteria for "Military Equipment" Designation

Over the past several decades, many LEA's across the United States acquired a variety of military surplus equipment from the federal government, and incorporated their use into law enforcement operations. The federal program that currently hosts this is the Defense Logistics Agency's *1033 Program*. Other forms of this program included the former *Defense Reutilization Marketing Office* (DRMO) Program. Generally speaking, the equipment furnished to LEA's was intended to be necessary or beneficial to operations, intended to improve the safety of officers as well as the public, and helped agencies acquire such equipment in the face of limited budgets. The materials provided by these programs were very diverse, and included items ranging from office furniture/equipment, to gas masks and rifles. These programs also furnished civilian-type vehicles, as well as military-purpose ones such as High Mobility Multipurpose Wheeled Vehicles (Humvees). At some point in the past two decades, a number of LEA's across the nation received larger (12+ ton) Mine Resistant Ambush Protected (MRAP) armored vehicles.

The Oxnard Police Department never requested, nor received, Humvees or MRAP armored vehicles, and no longer requests or procures equipment from such surplus programs. In previous years, the Oxnard Police Department accepted a limited variety of items, including gas masks, helmets, older-generation rifles, and rifle optics. These items are no longer in the Department's inventory.

Under AB 481, the term "military equipment" expands beyond equipment that has a default application to military use. It also expands beyond the equipment offered by the above-mentioned DRMO and 1033 programs. It is important to note that many items qualifying as "military equipment" under AB 481 are not necessarily manufactured specifically for the United States military.

Oxnard Police Department 2023 Annual Military Equipment Report

Some of the items that fall under AB481's definition of "military equipment" can be purchased by civilians in an open market. For example, civilian members of the public can retail purchase an unmanned aerial vehicle, more commonly referred to as a "drone." Under this circumstance, a drone is not considered as "military equipment." However, if an LEA acquires the same piece of equipment in the same manner, it is considered "military equipment" by AB 481. Such is also the case for AR-15 style rifles, which the civilian public can purchase.

Under AB 481, Government Code section 7070(c)(1-15) defines "military equipment" with fifteen (15) specific categories. They are:

1. *Unmanned, remotely piloted, powered aerial or ground vehicles.*
2. *Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.*
3. *High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.*
4. *Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.*
5. *Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.*
6. *Weaponized aircraft, vessels, or vehicles of any kind.*
7. *Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.*
8. *Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.*
9. *Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.*
10. *Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.*

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11. *Any firearm or firearm accessory that is designed to launch explosive projectiles.*
12. *“Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.*
13. *Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).*
14. *The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.*
15. *Any other equipment as determined by a governing body or a state agency to require additional oversight.*

The Oxnard Police Department possesses and/or uses equipment from only seven (7) of AB 481’s fifteen (15) military equipment categories. This report cites an eighth category, for equipment that the Oxnard Police Department does not actually possess, but is deployed by another LEA when requested to assist. The categories and specific equipment currently used by the Oxnard Police Department are listed later in this report, and are further described in the attached “Military Equipment Inventory” which is a part of the *Oxnard Police Department Policy Manual* section 708 (Policy).

Military Equipment Report

California Government Code 7072 (a)(1-6) requires LEA’s to submit an annual military equipment report providing certain required information for each type of military equipment approved by the governing body for as long as the equipment is available for use. The annual military equipment report shall at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- The quantity possessed for each type of military equipment.
- A summary of how military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning military equipment.
- The results of any internal audits, information about violations of military equipment use policy, and any actions taken in response.
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military

Oxnard Police Department 2023 Annual Military Equipment Report

equipment in the calendar year following submission of the annual military equipment report.

- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

No Community Complaints

There were no specific community complaints or concerns received involving specific deployments of any of the Police Department's "military equipment" in 2023.

No Violations of Policy

There were no instances of inappropriate use of this equipment in 2023.

There were no violations of *Oxnard Police Department Policy Manual* section 708 (Military Equipment Policy) relative to "military equipment" in 2023.

Oxnard Police Department's Military Equipment Inventory

Below is a summary of the Oxnard Police Department's military equipment inventory. The equipment is listed in accordance with the Government Code sections that govern its designation as "military equipment." Additional details are in *Oxnard Police Department Policy Manual* section 708, included as an attachment to this report.

7070(c)(1): Unmanned, remotely piloted, powered aerial or ground vehicles.

- Unmanned aerial vehicles (drones): 7
- Unmanned aerial vehicle (drone) usage: There were 115 drone deployments in 2023, broken down as follows:
 - 25 for field operations support (area searches)
 - 42 for tactical assists (SWAT operations)
 - 20 for crime scene documentation
 - 12 for special events support
 - 9 for area mapping
 - 7 for training
- Annual cost: \$23,677 for drone replacement costs in 2023.
- Remotely piloted ground vehicles: 1
- Remotely piloted ground vehicle usage: Zero (0) deployments in 2023.
- Cost: \$12,433.87 initial purchase.

Oxnard Police Department
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7070(c)(3): High mobility multipurpose wheeled vehicles (HMMWV), called Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles with a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

- Lenco® Bearcat armored rescue vehicles (ARV): 2
- ARV usage: There were 41 ARV deployments in 2023, broken down as follows:
 - 9 for responses to armed subjects and patrol assists
 - 22 for search warrants
 - 10 for community engagement events
- Annual cost: \$1,100 estimated average annual maintenance per unit in 2023.

7070(c)(4): Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

- The Oxnard Police Department does not possess any equipment from this category in its inventory.
- However, the Ventura County Sheriff's Office possesses a tracked armored skid steer loader (referred to as "The Rook"), which is available to assist other LEAs in Ventura County, including Oxnard. Pursuant to Government Code section 7071(a)(1)(D), an LEA must obtain approval from the governing body when "Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body."
- Rook usage: In 2023, the Ventura County Sheriff's Office assisted the Oxnard Police Department on one (1) occasion, for a SWAT warrant service.
- There were no complaints received concerning the use of this equipment.
- There were no violations of policy concerning the use of this equipment.
- Annual cost: Zero (0) cost to the City of Oxnard in 2023.

7070(c)(5): Command and control vehicles that are either built or modified to facilitate public safety units' operational control and direction.

- Total number of command and control vehicles: 13
 - Large mobile command vehicles: 2
 - Vans: 2
 - DUI enforcement command trailer: 1
 - Police Ford Explorer forward command post vehicles: 8
- Command and control vehicle usage: There were 117 deployments in 2023, broken down as follows:
 - 85 for the Drone unit van.

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- 10 for the large mobile command post (major crimes and community events)
- 12 for the traffic unit
- 10 for major crime incidents for crime scene mapping
- Annual cost: Approximately \$63,400 for the 13 vehicles each year (fuel and maintenance).

7070(c)(7): Battering rams, slugs, and breaching apparatuses that are explosive in nature.

- Frangible breaching shotguns: 2
- Breaching shotgun usage: Zero (0) times in 2023.
- Annual cost: No associated costs with this item in 2023.

7070(c)(10): Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

- Total number of specialized firearms: 169
 - Remington .308 caliber rifles: 5
 - Accuracy International AT .308 caliber rifles: 6
 - Colt .223 caliber rifles: 107
 - Sionics .223 caliber rifles: 51
- Rifle usage: The Police Department deployed rifles in 65 incidents in 2023. It is important to note that these were limited to the pointing of firearms only. There were no instances of Oxnard Police Department personnel discharging a rifle of this type at a member of the public.
- Annual cost: No .223 rifle ammunition was purchased in 2023. Rifle maintenance was approximately \$1,200. .308 caliber rifle ammunition cost \$16,587. Maintenance was unnecessary since the Accuracy International AT rifles were purchased in 2023.

7070(c)(12): "Flashbang" grenades and explosive breaching tools, 'tear gas,' and 'pepper balls,' excluding standard, service-issued handheld pepper spray.

For clarification, the term "flashbang" is commonly used to refer to "light, sound, diversionary devices" (LSDD). "Tear gas" is the term commonly used to describe 2-chlorobenzalmalononitrile gas, also referred to as "CS." The Police Department's inventory includes:

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- *Combined Tactical Systems* (CTS) LSDD: 164
- CTS 5230B CS gas canisters: 34
- *Defense Technology* Triple Chaser CS gas: 12
- *Defense Technology* Spede-Heat CS gas: 16
- *Defense Technology* CS Ferret rounds: 18
- *Defense Technology* OC/CS vapor: 12
- *Defense Technology* OC vapor: 10
- Pepperball launchers: 13

- Flashbang usage: 16 times in 2023.
 - It is important to note that flashbangs deployed alone, without other equipment, successfully gained suspect compliance on 13 of the 16 occasions, eliminating the necessity for any additional force tactics.
- Annual cost: \$4,408.18 for replenishment costs in 2023.

- Gas usage: The Police Department deployed CS gas 3 times in 2023, under the following circumstances:
 - 1 for a barricaded suspect in a vehicle, in which the suspect refused to exit their vehicle.
 - 2 for warrant services where the suspects refused to exit their residences.
- Annual cost: \$2,173 for 2023 replenishment costs.

- Pepperball usage: 4 times in 2023.
 - In all 4 instances, the device was successfully used to take a non-compliant suspect into custody.
- Annual cost: No associated costs with this item in 2023.

7070(c)(14): The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

- *Penn Arms* 40mm less lethal projectile launchers: 4
 - 10 direct impact sponge CS rounds
 - 10 direct impact sponge OC rounds
- 40mm projectile usage: Zero (0) times throughout the year.
- Annual cost: No associated costs with this item in 2023.

- *Remington* 870 less lethal (“bean bag”) shotguns: 22
- Less lethal shotgun usage: 1 time in 2023.

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- The less lethal shotgun was deployed in an attempt to take a non-compliant suspect into custody.
- Annual cost: No associated costs with this item in 2023.

Intent to Acquire Additional “Military Equipment”

The Oxnard Police Department intends to maintain sufficient stock of specific equipment to maintain standards and operational readiness. The Police Department routinely orders replacement stock to maintain the levels of equipment enumerated in the “Military Equipment Inventory.”

The sought items shown above are those that are anticipated at the time of this report. Should additional items need to be acquired, they will be brought before the Oxnard City Council at a regularly scheduled meeting for approval consideration.

The Oxnard Police Department intends to seek approval for, acquire, and use the following items in 2024:

The Police Department intends to acquire a *Transcend Robotics* Vantage Robot, which qualifies as a “remotely piloted ground vehicle.” This device is used to enter structures to locate violent, often armed, subjects wanted for violent crimes. This equipment provides a safer option for officers to get a view into a building or structure through the robot’s camera system, and decreases the likelihood of a lethal force encounter. The robot’s two-way communications system allows officers to de-escalate, communicate, and negotiate compliance or surrender. This robot has the ability to safely deploy Oleoresin Capsicum (OC) and 2-chlorobenzalmalononitrile (CS) gas remotely. This type of gas is used to bring suspects out of hiding, and increases the likelihood that they will comply. Though this item falls under the Government Code’s definition of “military equipment,” it is essential to note that it has no weapons, no armor, and no materials furnished by the military. The total cost to purchase this robot is \$62,818, and will be paid for with Supplemental Law Enforcement Services Fund (SLESF). There would be no impact on the City’s General Fund.



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The Police Department intends to acquire nineteen (19) additional 40mm projectile launchers. These less lethal tools allow officers to engage violent, potentially armed suspects from a safe distance, allowing officers to attempt de-escalation techniques. These types of less-lethal projectiles often prevent officers from using lethal force. The addition of these items is intended to increase the availability of this option when needed. The total cost to purchase these 40MM launchers is approximately \$51,240. five (5) of the launchers will be paid using Asset Forfeiture Funds (AFF), which will be approximately \$19,000, and the remaining fourteen launchers will be paid using Supplemental Law Enforcement Services Fund (SLESF) which will be approximately \$32,240. There would be no impact on the City's General Fund.



The Police Department intends to replace/acquire twenty-two (22) .223 caliber rifles for the department's SWAT team. The rifles currently assigned to the SWAT team are over twenty years old, significantly exceeding their expected lifespan of five to seven years under SWAT team conditions, rendering them overdue for replacement. The SWAT team needs rifles for increased firepower and accuracy in situations that require the ability to engage targets at longer distances, penetrate barriers, and effectively address threats, while minimizing risk to officers and members of the public. These rifles also provide a tactical advantage in addressing high-risk scenarios such as active shooter situations or dealing with heavily armed suspects, allowing SWAT teams to maintain control and respond decisively to potential threats. The total cost to purchase these rifles is \$57,920 and will be paid using Justice Administration Grant funds. There would be no impact on the General Fund.



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The Police Department's 40mm inventory has become depleted over the last year due to expired rounds and use during previous year deployments. Adding new 40mm projectile launchers also increases the need for training and live rounds. To replenish the inventory, the Police Department needs to purchase five hundred (500) exact impact sponge rounds, twenty (20) direct impact sponge rounds with OC gas, twenty (20) direct impact rounds with CS gas, and twenty (20) direct impact sponge rounds (green marking). The cost to purchase these rounds is \$14,799.44, which the General Fund would cover. The Police Department must also purchase eight (8) sponge round training kits. The cost to purchase these training rounds is \$11,432.80, which will be paid using the General Fund.



Oversight

Government Code section 7070(d)(6) requires a declaration of the “mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.”

The attached *Military Equipment Inventory* portion from the Oxnard Police Department Policy Manual section 708 cites requirements to operate items listed in the inventory. Additionally, it cites legal and procedural rules governing their use. These rules span from Police Department policy to the Oxnard City Code, to the adherence to state and federal regulations. Both supervision and management have a fundamental obligation to ensure that Oxnard Police Department personnel ensure compliance. The Chief of Police is responsible to ensure that supervision and management are diligently working to promote and ensure compliance.

Oxnard Police Department 2023 Annual Military Equipment Report

The Oxnard City Council, the governing body for the Oxnard Police Department and City of Oxnard, has not called for any military equipment items to require additional oversight.

Transparency

Government Code section 7071(b) requires any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant LEA for as long as the military equipment is available for use.

This report is available to the public on the Oxnard Police Department's website, at <https://sites.google.com/oxnardpd.org/ab-481/ab-481>.

Attachments

City of Oxnard Ordinance 3014 (Ordinance),

- Codified in Oxnard City Code Section 2-112

Oxnard Police Department's Policy Manual section 708 ("Military Equipment")

- Includes *Inventory of Military Equipment* (section 708.9)

SEC. 2-212. MILITARY EQUIPMENT POLICY.

(A) The city council hereby adopts Oxnard police department Policy Manual Section 708 (the “policy”) which shall govern the use of military equipment by the Oxnard police department. The policy may be amended by the police chief or his/her designee, subject to city council approval.

(B) The policy shall be made publicly available on the Oxnard police department’s website for as long as the military equipment is available for use or as otherwise ordained by the city council.

(C) The Oxnard police department shall submit an annual military equipment report to the city council containing the information required by Cal. Gov’t Code, Section 7072 and the city council shall thereafter determine whether each type of military equipment identified therein complied with the standards for approval set forth in Cal. Gov’t Code, Section 7071(d).

(D) The city council shall on an annual basis and at a regular meeting thereof review this section and vote on whether to renew it pursuant to Cal. Gov’t Code, Section 7071(e)(2). At such time, the policy shall be presented to the city council as an attachment to the annual report.

(E) The definitions set forth in Cal. Gov’t Code, Section 7070 shall apply to this section of the city code. Any provision of state law referred to herein shall mean and include any amended or successor provision thereof.

(Ord. No. 3014)

Military Equipment

708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department, in this case the Oxnard City Council.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

708.2 POLICY

It is the policy of the Oxnard Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

708.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of the Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Oxnard Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

708.4 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or his/her authorized designee shall ensure the proposed military equipment policy is submitted to the governing body, and is available on the Department website at least (30) days prior to any public hearing concerning the military equipment at issue (Government Code § 7071).

The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

Military Equipment

- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

708.5 COORDINATION WITH OTHER JURISDICTIONS

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing combined or regional operations, occasional planned operations, or in exigent circumstances. Where applicable to the provisions of Government Code § 7070 through § 7075, such assisting agencies must comply with their respective military equipment use policies when rendering assistance.

708.6 EXTRAORDINARY CIRCUMSTANCES

This policy also recognizes that there may be very limited or extreme instances where incidents of extraordinary nature could demand the need for incident commanders to authorize Department personnel to use equipment not specified in this policy. This decision must be influenced by the totality of the circumstances, including the due regard for the public's safety, officer safety, respecting civil rights, seriousness of the situation, and other information available at that time.

Should such extreme instances occur that call for members of this Department to use equipment not specified in this policy, the incident commander shall, if practical, notify the Chief of Police via the chain of command prior to deploying such equipment. Should such circumstances occur, the Chief of Police or his/her designee, shall notify the City Council as soon as practical, and indicate any such uses in the required annual report.

708.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or his/her authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.

Military Equipment

- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Chief of Police or his/her authorized designee shall also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

708.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

708.9 MILITARY EQUIPMENT INVENTORY

The Department's inventory of "military equipment" is attached to this policy, and shall be updated annually. This inventory may include equipment the Oxnard Police Department does not currently possess but intends to acquire.

[See attachment: 2023 Military Equipment \(Policy Manual 708.9\).pdf](#)

708.10 COMPLAINT PROCESS AND QUESTIONS

Community members may submit complaints or questions about the use of military equipment by completing a citizen complaint and inquiry form. All citizen complaints will be reviewed in a timely manner in accordance with Oxnard Police Department Policy 1020, which provides guidelines for reporting, investigating, and disposition of complaints. Use of military equipment questions will be forwarded to Professional Standards for review and follow-up.

Attachments

2023 Military Equipment (Policy Manual 708.9).pdf

Attachment

Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Government Code Section 7070(c)(1): Unmanned, remotely piloted, powered aerial or ground vehicles.

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)
Make/Model: DJI Matrice 300 RTK
Quantity: 1
Lifespan: 200-300 flight hours
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions, including images enhanced by forward-looking Infrared (FLIR) and optical zoom lenses.
Manufacturer Product Description: <i>“The all-new DJI Matrice 300 RTK Commercial Drone System has created a new standard for the commercial drone industry. With inspiration from modern aviation systems, the DJI Matrice 300 RTK offers up to 55 minutes of flight time. The advanced flight control system, 6 Directional Sensing and Positioning systems, AI spot-checking, Smart Track, PinPoint, Location Sharing, and an all-new Primary Flight Display make the Matrice 300 RTK one of the most powerful and capable industrial platforms on the market.”</i>
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are unavailable or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications
Fiscal Impacts: \$32,000 initial equipment purchase. The ongoing costs for software licensing and batteries will vary.
Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas with a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.
Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90-day periods).

Attachment

Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)
Make/Model: DJI Mavic Enterprise Advanced
Quantity Owned/Sought: 2 owned
Lifespan: 200-300 flight hours
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions, including images enhanced by forward-looking Infrared (FLIR) and optical zoom lenses.
Manufacturer Product Description: <i>“The DJI Mavic II Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12-megapixel photos that support up to 6x FHD zoom. DJI signature technologies, such as obstacle sensing and the advanced pilot assistance system, help you capture complex shots effortlessly. Additional features like the built-in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose-built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes.”</i>
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are unavailable or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications
Fiscal Impacts: \$7,500 purchase price per unit. The ongoing costs for software licensing and batteries will vary.
Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas with a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.
Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90 day periods).

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)
Make/Model: DJI M30
Quantity Owned/Sought: 1 owned
Lifespan: 200-300 flight hours
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions.
Manufacturer Product Description: <i>“The M30 series integrates multiple high-performance sensors into a lightweight and portable body. Equipped with a remote controller designed for enterprise users and the newly upgraded Pilot 2 flight app, to improve the efficiency of drone operations.”</i>
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are unavailable or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications
Fiscal Impacts: \$10,000 purchase price per unit. The ongoing costs for software licensing and batteries will vary.
Legal/Procedural Rules Governing Use: <i>“Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.”</i>
Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90-day periods).

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)
Make/Model: DJI Avata
Quantity: 2
Lifespan: 100-200 flight hours
Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions. Compact aircraft ideal for indoor flight operations.
Manufacturer Product Description: <i>“The DJI Avata is a state of the art FPV drone designed with extreme maneuverability in a compact airframe. With a flight time of approximately 18 mins on a single charge, the Avata gives pilots more durability than other compact UAVs. When paired with DJI Goggles 2, the Avata is easier to operate in confined spaces.”</i>
Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are unavailable or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications
Fiscal Impacts: \$1,000 initial equipment purchase. The ongoing costs for software licensing and batteries will vary.
Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas with a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.
Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90-day periods).

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Unmanned, remotely operated ground vehicle – CA Govt. Code §7070(c)(1)
Make/Model: RoboteX Avatar Robot
Quantity: 1
Lifespan: Approximately 10 years
Equipment Capabilities: The small remotely operated ground vehicle can be deployed quickly and is capable of providing live and recorded video images through several cameras, including a pan, tilt, zoom camera. The vehicle has night vision capability. A built-in speaker and microphone provide the ability to establish verbal communication.
Manufacturer Product Description: <i>"The RoboteX Avatar robot enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you have had a chance to assess the situation."</i>
Purpose/Authorized Uses: Provides officers the ability to visually inspect hazardous environments and make two-way communication from a safe distance without exposing officers to potential hazards. The robot can be used during high-risk tactical situations, such as barricaded subjects and hostage rescues. The robot may also be used to inspect hazardous materials, possible explosive devices, and other hazardous situations.
Fiscal Impacts: \$12,433.87 initial purchase
Legal/Procedural Rules Governing Use: Absent exigent circumstances, a search warrant must be obtained prior to the robot entering a private dwelling. All search and seizure laws shall be adhered to. Use is subject to Oxnard Police Department Policy Manual section 610.5.1.
Training Required: Only SWAT Team personnel are authorized to control the robot after completing operator training.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Government Code Section 7070(c)(3): *High mobility multipurpose wheeled vehicles (HMMWV), called Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles with a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision*

Equipment Name: Armored rescue vehicle – CA Govt. Code §7070(c)(2)
Make/Model: Lenco Bearcat
Quantity: 2
Lifespan: Approximately 20 years
Equipment Capabilities: Provides ballistic protection up to .50 caliber. Range: 100 miles.
Manufacturer Product Description: <i>“The Lenco Bearcat is a four-wheeled, five-speed automatic transmission, diesel engine-powered vehicle with ballistic resistant glass and armor rated to .50 caliber.”</i>
Purpose/Authorized Uses: Provides ballistic protection to accommodate the safe transport, security, and rescue of agency personnel and members of the public in high-risk incidents. Used to support tactical operations.
Fiscal Impacts: \$265,000 initial cost; \$1,100 estimated average annual maintenance cost per unit.
Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver’s license. Refer to Oxnard Police Department Policy Manual section 416.
Training Required: Annual briefing training.

Government Code Section 7070(c)(5): **Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.**

Equipment Name: Large mobile command vehicles – CA Govt. Code §7070(c)(5)
Make/Model: Mattman
Quantity: 1
Lifespan: 80k-100k miles
Equipment Capabilities: The vehicle is equipped with communications equipment, office equipment, workstations, dispatcher stations, and a small conference area.
Manufacturer Product Description: <i>“Mattman”</i>
Purpose/Authorized Uses: Provides incident managers the ability to coordinate and manage police resources during large-scale events or incidents.
Fiscal Impacts: \$750,000
Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class B driver’s license.
Training Required: Utilized by sworn personnel of the rank of Sergeant or higher. Does not require additional training.
Notes: These vehicles will be replaced and sold at auction during Fiscal Year 2024-25.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Large mobile command vehicle – CA Govt. Code §7070(c)(5)
Make/Model: Emergency Vehicles Inc.
Quantity: 1
Lifespan: 80k-100k miles
Equipment Capabilities: The vehicle is equipped with communications equipment, office equipment, workstations, dispatcher stations, and a small conference area.
Manufacturer Product Description: <i>“EVI custom Police Mobile Command Vehicle Posts can be custom designed and built for your specific departments’ needs. A custom Mobile Command Police Center can be dispatched to any situation to be utilized as meeting areas, radio command centers, WIFI hubs, communication capabilities, and much more. Some of the features incorporated into past EVI custom Mobile Command Vehicle builds include TV Satellites, antennas, slide outs to allow for more room, scene lights, outside compartments for storage, cabinets, generator, restrooms, awning, outside TV and workstations, light tower, portable lighting, easy roof access and storage, coffee and snack bars with sink, and much more.”</i>
Purpose/Authorized Uses: Provides incident managers the ability to coordinate and manage police resources during large-scale events or incidents.
Fiscal Impacts: \$750,000
Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class B driver’s license.
Training Required: Utilized by sworn personnel of the rank of Sergeant or higher. Does not require additional training.
Notes: The Oxnard City Council approved this purchase on February 7, 2023. The vehicle is being built and scheduled to be delivered mid to late 2024.

Equipment Name: Mid-sized mobile command vehicles – CA Govt. Code §7070(c)(5)
Make/Model: Mercedes Benz Sprinter Van
Quantity: 2
Lifespan: 80k-100k miles
Equipment Capabilities: The vehicle is equipped with communications equipment, office equipment, workstations, dispatcher stations, and a small conference area.
Manufacturer Product Description: <i>“Sprinter. The van that goes the extra mile. It’s the van that hauls cargo, stows gear and raises standards. It’s the van that’s ready for anything, wherever your work or your lifestyle takes you. It’s the van that’s more than a van, because it’s also a Mercedes-Benz.”</i>
Purpose/Authorized Uses: Both vans have been outfitted with communications equipment, computers, lighting, power, workstations, and secure storage cabinets. These vehicles provide a remote platform from which the Traffic Unit and Unmanned Aerial Services Unit can conduct operations.
Fiscal Impacts: \$126,000 purchase price for both vehicles, \$30,000 - \$40,000 to outfit each vehicle with the necessary equipment.
Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver’s license.
Training Required: Utilized by sworn personnel. Does not require additional training.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: DUI enforcement command trailer – CA Govt. Code §7070(c)(5)
Make/Model: Garrett Custom Trailers
Quantity: 1
Lifespan: Approximately 20 years
Equipment Capabilities: The vehicle is equipped with communications equipment, office equipment, workstations, lighting, and power.
Manufacturer Product Description: <i>Garrett Custom Trailers 30' box trailer</i>
Purpose/Authorized Uses: Utilized by the Traffic Unit during DUI/ drug enforcement operations and educational programs.
Fiscal Impacts: \$124,286.39 purchase and outfitting.
Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver's license.
Training Required: Drivers must attend training on hitching, driving, and backing the trailer.

Equipment Name: Small command vehicles – CA Govt. Code §7070(c)(5)
Make/Model: Ford Explorers
Quantity: 8
Lifespan: 80k-100k miles
Equipment Capabilities: Ford Explorer chassis patrol vehicle, equipped with additional radio, mobile data computer, dry erase boards, and storage cabinets. The vehicle has a range of approximately 300 miles.
Manufacturer Product Description: <i>"Mid-size modular forward command post designed to meet the most demanding operational needs of the mobile field commander."</i>
Purpose/Authorized Uses: Provides incident supervisors/managers the ability to coordinate and manage police resources during incidents.
Fiscal Impacts: The purchase price of the vehicle is \$38,000, and the cost to outfit the vehicle with equipment is \$3,374.19.
Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver's license.
Training Required: Utilized by sworn personnel of the rank of sergeant or higher. Does not require additional training.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Government Code Section 7070(c)(7): Battering rams, slugs, and breaching apparatuses that are explosive in nature.

Equipment Name: Frangible breaching shotgun – CA Govt. Code §7070(c)(7)
Make/Model: Royal Arms
Quantity: 2
Lifespan: Approximately 25 years
Equipment Capabilities: The modified 12 gauge Remington 870 shotgun is designed to fire a copper or clay compressed frangible (brittle, fragile) projectile through door locking mechanisms and hinges. After defeating a door's hardware, the projectile disintegrates, reducing the risk of potential injury to bystanders.
Manufacturer Product Description: <i>"Royal Arms is the original inventor, as well as oldest manufacturer of: Breaching Stand-Off Device, 12 Gauge Breaching Shotgun, Copper & Clay Frangible Breaching Rounds."</i>
Purpose/Authorized Uses: SWAT officers can quickly, safely, and effectively breach doors and gates during high-risk search warrant services and hostage rescues.
Fiscal Impacts: Approximately \$800 per unit initial purchase. The ongoing cost of ammunition varies.
Legal/Procedural Rules Governing Use: Absent exigent circumstances, a search warrant must be obtained prior to entering a private dwelling. All search and seizure laws shall be adhered to. Use is subject to Oxnard Police Department Policy Manual section 611 and the Oxnard Police Department SWAT Manual.
Training Required: SWAT Team personnel are authorized to use the breaching shotgun after receiving the required training and have demonstrated the ability to utilize the tool safely and competently. SWAT Team personnel must undergo annual recertification and qualification.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Government Code Section 7070(c)(10): Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

Equipment Name: Semi-Automatic Rifles and Ammunition (5.56mm/.223 caliber) – CA Govt. Code §7070(c)(10)
Make/Model: Colt
Quantity: 107
Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifle that fires a 5.56mm projectile.
Manufacturer Product Description: <i>“The Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle.”</i>
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: • Situations where the officer reasonably anticipates an armed encounter. • When an officer is faced with a situation that may require accurate and effective fire at long range. • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. • When an officer reasonably believes a suspect may be wearing body armor. • When authorized or requested by a supervisor.
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. Rifle maintenance was approximately \$1,200.
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force and Firearms, including Oxnard Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.
Training Required: Officers must successfully complete a CA POST-certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Semi-Automatic Rifles and Ammunition (5.56mm/.223 caliber) – CA Govt. Code §7070(c)(10)
Make/Model: Sionics
Quantity: 51
Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifle that fires a 5.56mm projectile.
Manufacturer Product Description: <i>“The Sionics SAR-15 Lothar Walther German Stainless Steel Precision Barrel will give you unmatched accuracy as well as incredible accuracy at distance.”</i>
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: ● Situations where the officer reasonably anticipates an armed encounter. When an officer is faced with a situation that may require accurate and effective fire at long range. ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes a suspect may be wearing body armor. ● When authorized or requested by a supervisor.
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. Rifle maintenance was approximately \$1,200
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force and Firearms, including Oxnard Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.
Training Required: Officers must successfully complete a CA POST-certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: .308 caliber bolt-action Rifle and Ammunition – CA Govt. Code §7070(c)(10)
Make/Model: Remington 700
Quantity: 5
Lifespan: Approximately 15 years
Equipment Capabilities: The Remington 700 Sniper Rifle fires a .308 caliber projectile at extended distances.
Manufacturer Product Description: <i>“The Remington 700 is the number one bolt-action of all time, proudly made in the U.S.A. For over 50 years, more Model 700s have been sold than any other bolt- action rifle before or since. The legendary strength of its 3-rings-of-steel receiver paired with a hammer- forged barrel, combine to yield the most popular bolt-action rifle in history.”</i>
Purpose/Authorized Uses: This rifle is exclusively authorized for use by a sniper-trained SWAT officer and may be deployed in circumstances where the officer can articulate a reasonable expectation that the rifle may be necessary. Examples of some general guidelines for deploying the rifle may include but are not limited to: ● Situations where the officer reasonably anticipates an armed encounter. ● When the officer is faced with a situation that may require accurate and effective fire at long range. ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes a suspect may be wearing body armor. ● When authorized or requested by a supervisor.
Fiscal Impacts: \$1,604.12 per rifle. .308 caliber rifle ammunition cost approximately \$16,587.
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force, including Oxnard Police Department Policy Manual sections 300, 305, 310, 312, 314.7.3, and the Oxnard Police Department SWAT Manual.
Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST-certified sniper course and regular SWAT Sniper training and qualifications as required by law and policy.
Notes: Now that the Department has 6 of the Accuracy International AT rifles the four (4) Remington .308 caliber rifles will be taken out of service and sold. One (1) rifle will be kept as a training/spare rifle.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: .308 caliber bolt-action Rifle and Ammunition – CA Govt. Code §7070(c)(10)
Make/Model: Accuracy International AT
Quantity: 6
Lifespan: Approximately 15 years
Equipment Capabilities: Accuracy International AT Law Enforcement fires a .308 caliber projectile at extended distances.
Manufacturer Product Description: <i>“The Accuracy International AT rifle series integrates the proven Accuracy International flat-bottomed, precision machined action that is epoxy bonded and bolted to a chassis with the best features of the AW and AE models to set a new standard of expectation for precision tactical rifles. The AT is a configurable, mission-adaptable, long-range tactical rifle system offered in .308/7.62 NATO.”</i>
Purpose/Authorized Uses: This rifle is authorized for use by a sniper-trained SWAT operator only and may be deployed in circumstances where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to: ● Situations where the officer reasonably anticipates an armed encounter. ● When the officer is faced with a situation that may require accurate and effective fire at long range. ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes a suspect may be wearing body armor. ● When authorized or requested by a supervisor.
Fiscal Impacts: \$6,651 per rifle. No other associated costs for these rifles, because they were purchased in 2023.
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force, including sections 300, 305, 310, 312, 314.7.3, and the Oxnard Police Department SWAT Manual.
Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST-certified sniper course and regular SWAT Sniper training and qualifications as required by law and policy.
Notes: These rifles are replacing the Remington 700 rifles in the Department’s inventory.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Government Code Section 7070(c)(12): “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

Equipment Name: “Flashbangs” – CA Govt. Code §7070(c)(12)
Make/Model: Combined Systems Inc.
Quantity: 164
Lifespan: 5 years
Equipment: Produces 6-8 million candela of light and 175 decibels of sound
Manufacturer Product Description: <i>“The Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces, the new 7290M is approximately 30% lighter than the 7290 but still has the same 175 decibel output of the 7290 and produces 6-8 million candela of light.” “The 7290-2 is a non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations.”</i>
Purpose/Authorized Uses: The light sound diversionary device (“flashbang”) is a less-lethal device used during high-risk search warrants, arrests of armed and violent suspects, and hostage rescues. An intense bright light and loud noise are created, temporarily overwhelming a suspect's senses which may potentially prevent a suspect from harming officers.
Fiscal Impacts: \$47.06 per unit (Model 7290M), \$81.94 per unit (Model 7290-2)
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual section 307. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel, K9 handlers, and former SWAT personnel assigned as patrol sergeants are authorized to carry light sound diversionary devices. All authorized personnel must attend a user's course taught by a POST-certified instructor and complete a qualification. Personnel must demonstrate proficiency and qualify annually.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Combined Systems Inc.
Quantity: 34
Lifespan: 5 years
Equipment Capabilities: A “less lethal” tool used to compel violent/armed and barricaded suspects to exit structures when the circumstances are too hazardous for officers to enter. It may also be used to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should proceed with its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.
Manufacturer Product Description: <i>“CTS 5230B - CS baffled canister grenade, pyrotechnic, low flame potential grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.”</i>
Purpose/Authorized Uses: Less lethal tool used to compel violent/armed and barricaded suspects from vehicles and structures when the circumstances are too hazardous for officers to enter. It may also be used to disperse large, violent, and riotous crowds. Verbal warnings should precede its use when feasible.
Fiscal Impacts: \$38.00 per unit. \$2,173 cost in 2023 for all gas replenishments.
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300, 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel who are responsible for formulating chemical agent deployment plans must attend California POST-certified chemical agent school and recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 10
Lifespan: 5 years
Equipment Capabilities: 40mm short-range CS chemical agent round with an effective range of 75 yards.
Manufacturer Product Description: <i>“Defense Technology 6322 40mm short-range CS chemical agent round is designed to deliver one dual-ported chemical canister from a 40mm launcher 75 yards to the intended target zone.”</i>
Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should proceed with its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.
Fiscal Impacts: \$34.55 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 10
Lifespan: 5 years
Equipment Capabilities: 40mm short-range OC chemical agent round with an effective range of 75 yards.
Manufacturer Product Description: <i>“Defense Technology 6320 40mm short-range OC chemical agent round is designed to deliver one dual-ported chemical canister from a 40mm launcher 75 yards to the intended target zone.”</i>
Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should proceed with its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.
Fiscal Impacts: \$34.55 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

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Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 12
Lifespan: 5 years
Equipment Capabilities: Capable of delivering CS chemical agents quickly over a large area.
Manufacturer Product Description: <i>“Defense Technology Triple Chaser CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart, allowing increased area coverage in a short period of time.”</i>
Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should precede its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.
Fiscal Impacts: \$41.55 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300, 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 16
Lifespan: 5 years
Equipment Capabilities: Capable of quickly delivering a large volume of CS chemical agent to disperse violent crowds.
Manufacturer Product Description: <i>“Defense Technology Spede-Heat CS is designed specifically for outdoor use in crowd control situations. The Riot Control Grenade is a high volume continuous burn canister that expels its payload in approximately 20 - 40 seconds.”</i>
Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should proceed with its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.
Fiscal Impacts: \$27.05 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Attachment

Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 18
Lifespan: 5 years
Equipment Capabilities: Non-burning munition used to introduce CS chemical agents through doors and windows.
Manufacturer Product Description: <i>“Defense Technology CS ferret is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial.”</i>
Purpose/Authorized Uses: Less lethal tool used to compel violent/armed and barricaded suspects to exit from structures when the circumstances are too hazardous for officers to enter. Verbal warnings should proceed with its use when feasible.
Fiscal Impacts: \$20.55 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 10
Lifespan: 5 years
Manufacturer Product Description: <i>“Defense Technology OC vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist.”</i>
Purpose/Authorized Uses: Less lethal tool used to compel violent/armed and barricaded suspects to exit from structures and vehicles when the circumstances are too hazardous for officers to enter. Verbal warnings should precede its use when feasible.
Fiscal Impacts: \$44.45 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Attachment

Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)
Make/Model: Defense Technology
Quantity: 12
Lifespan: 5 years
Equipment Capabilities: Capable of delivering OC and CS chemical agent in vapor form.
Manufacturer Product Description: <i>“Defense Technology OC/CS vapor is a unique grenade delivering an invisible vapor and rendering an intense respiratory effect. Provides best results when used indoors and requires no personal decontamination.”</i>
Purpose/Authorized Uses: Less lethal tool used to compel violent/armed and barricaded suspects from structures when the circumstances are too hazardous for officers to enter. Verbal warnings should precede its use when feasible.
Fiscal Impacts: \$53.10 per unit
Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use is under the purview of the SWAT Commander or Watch Commander.
Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Pepperball launcher/pepper balls – CA Govt. Code §7070(c)(12)
Make/Model: Pepperball
Quantity: 13
Lifespan: Approximately 15 years
Manufacturer Product Description: <i>“The need for non-lethal options in daily patrol, crowd management, corrections, and other situations has never been greater. PepperBall, as the leading non-lethal option, allows officers to maintain distance from crowds and individual assailants. This reduces risk while enhancing the capability of officers to limit or control escalation, to repel or temporarily incapacitate threats, and to keep themselves and the public safe while performing their duties.”</i>
Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the device's intended use should precede its application. The pepperball is a “less lethal” device that affords officers with force options that are intended to mitigate the likelihood of having to use lethal force.
Fiscal Impacts: \$499 per launcher. No associated costs with this item in 2023.
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force including sections 300 and 308.
Training Required: Initial orientation course, including qualifications, are provided by Department members who have attended a POST-certified instructor’s course; annual recertification, including qualifications are required by all operators.

Attachment

Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Government Code Section 7070(c)(14): The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

Equipment Name: 40mm Less Lethal Launchers and Kinetic Energy Munitions – CA Govt. Code §7070(c)(14)
Make/Model: Penn Arms
Quantity: 4
Lifespan: Approximately 15 years
Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, as well as chemical agents.
Manufacturer Product Description: <i>“Penn Arms 40MM launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum, and DuPont super tough glass-filled nylon. These launchers are lightweight, versatile, and used worldwide by police and corrections officers.”</i>
Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the device's intended use should precede its application. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a “less lethal” use of force option, which serves as an additional option to mitigate the possibility of using lethal force.
Fiscal Impacts: \$3,400 initial purchase per launcher, \$2,500 initial purchase of 40mm projectiles. No associated costs with this item in 2023.
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force, primarily Oxnard Police Department Policy Manual sections 300 and 308.
Training Required: Initial orientation course, including qualifications, are provided by Department members who have attended a POST-certified instructor’s course; annual recertification, including qualifications by demonstrated use in a training environment, are required of all operators.

Attachment

Oxnard Police Department Policy Manual 708.9

Inventory of Military Equipment

Equipment Name: Less Lethal Shotgun – CA Govt. Code §7070(c)(14)
Make/Model: Remington
Quantity: 22
Lifespan: Approximately 20 years
Equipment Capabilities: The Model 2581 Super-sock is a less-lethal impact munition fired from a standard 12 gauge shotgun. The super-sock projectile is a fabric bag filled with lead shot. The effective range is 75 feet.
Manufacturer Product Description: <i>“The Super-Sock is first in its class, providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. The effective range is 75 feet.”</i>
Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the device's intended use should precede its application. The pepperball is a “less lethal” device that affords officers with force options that are intended to mitigate the likelihood of having to use lethal force.
Fiscal Impacts: The 12 gauge shotguns used to deploy the Super-Sock impact munition are re-purposed Remington 870 shotguns taken from the Oxnard Police Department inventory. Approximately \$35.50 for a box of 5 Super-Sock projectiles. No associated costs with this item in 2023.
Legal/Procedural Rules Governing Use: All applicable State, Federal, and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force including sections 300 and 308.
Training Required: Initial orientation course, including qualifications, are provided by Department members who have attended a POST-certified instructor’s course; annual recertification, including qualifications, are required by all operators.

Oxnard City Council Meeting July 2, 2024

Oxnard Police Department “Military Equipment” Use Report for Calendar Year 2023

Commander Dan Whitmer

That the City Council:

1. Receive the Police Department's annual report concerning its inventory and use of military equipment, in accordance with Government Code sections 7070-7075.
2. Approve the renewal of City of Oxnard Ordinance 3014, which is codified in Oxnard City Code Section 2-112 as the City's "Military Equipment Policy" as required by Government Code section 7071 (e)(1).
3. Approve the continuing authorization for the funding, acquisition, and use of military equipment by the Oxnard Police Department's military equipment inventory as required by Government Code section 7071 (e)(2).
4. Approve the acquisition and use of the following military equipment items:
 - a. One (1) *Transcend* tactical Robotic device
 - b. Nineteen (19) 40mm projectile launchers
 - c. Twenty-two (22) .223 caliber rifles
 - d. Five hundred and sixty (560) 40mm projectile rounds and eight (8) sponge round training kits

Assembly Bill 481

- Signed by Governor Newsom September 30, 2021
 - Concern over the militarization of police departments in US
 - Concern over the use of surplus military equipment
 - Improved transparency
- Defines certain equipment as “military equipment”
- Codified in Government Code sections 7070- 7075
- Went into effect on January 1, 2022
- Law enforcement agencies must meet certain requirements to use equipment defined in these codes

- Defense Logistics Agency's *1033 Program*
- Formerly Defense Reutilization Marketing Office Program ("DRMO")



***OXNARD PD CEASED PROCURING EQUIPMENT
FROM THESE PROGRAMS***

- Although defined as “military equipment” it is not necessarily manufactured, intended for use, or used by the military
- Most of the equipment defined in these codes has been utilized by the Oxnard Police Department for decades
- Many of the items are not weapons
- The majority of the weapons are “less lethal” weapons

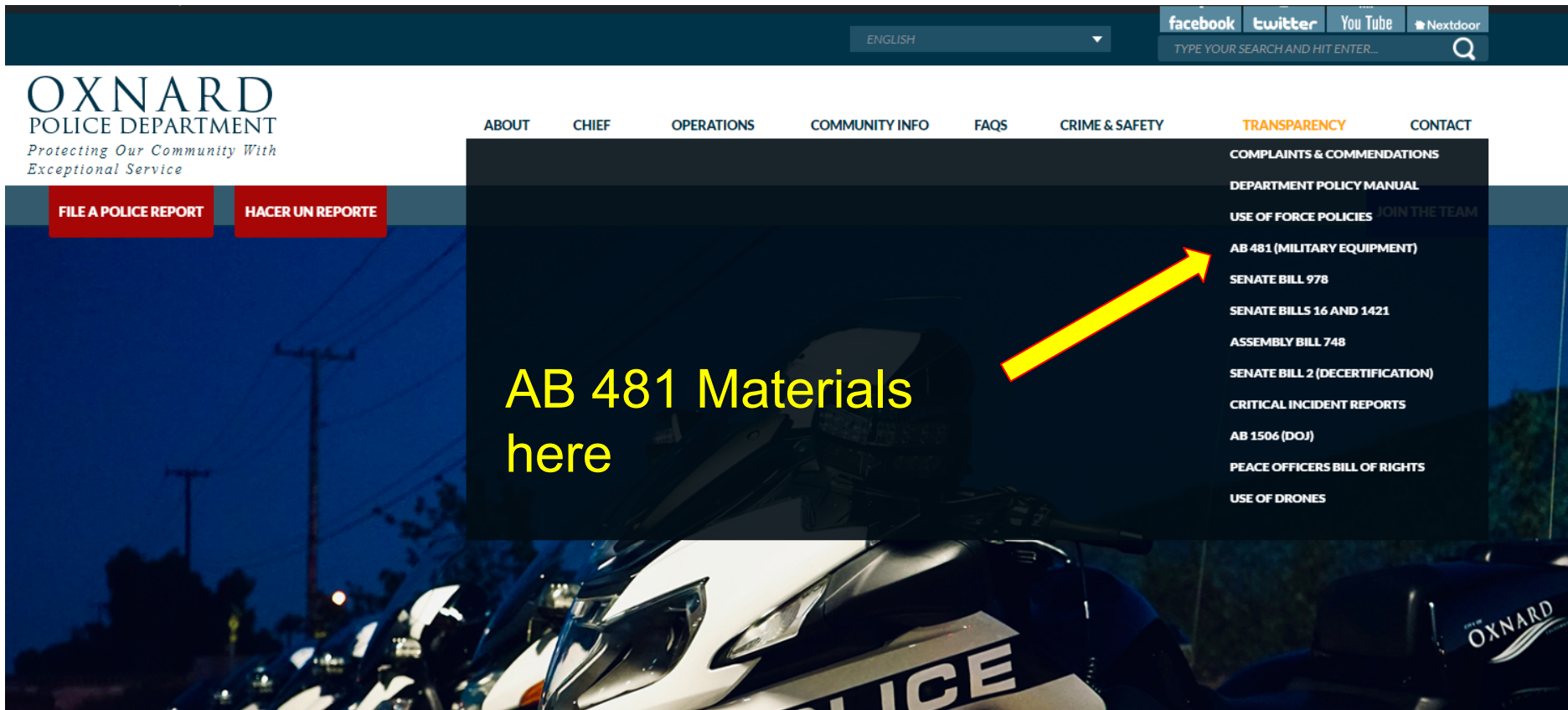
Examples of “Military Equipment” under AB 481

- Command vehicles
- Armored vehicles
- Unmanned aerial vehicles (“drones”)
- Less lethal shotguns
- 40mm less lethal impact weapons
- Chemical agents
- Patrol rifles

***This is not a comprehensive list*

- Law enforcement agencies must obtain approval from their applicable governing body (City Council) via the adoption of a “military equipment” use policy by ordinance before the law enforcement agency may fund, acquire, or use such equipment.
- A public meeting to discuss this policy was held 30 days prior to City Council approving
- On June 7, 2022, the Oxnard City Council adopted the Oxnard Police Department’s Military Use Policy (Policy Section 708)

- Policy went into effect July 6, 2022
- Policy must be available to the public
 - <https://sites.google.com/oxnardpd.org/departments-policy-manual/departments-policy-manual>
 - <https://sites.google.com/oxnardpd.org/ab-481/ab-481>
- Policy includes the department's military equipment inventory
- City Council must vote annually to re-approve this policy
- Department must provide an annual "military equipment use report"
- Department must have a community meeting



- <https://sites.google.com/oxnardpd.org/departments-policy-manual/departments-policy-manual>
- <https://sites.google.com/oxnardpd.org/ab-481/ab-481>

Military Equipment Report must contain the following information:

- A summary of how the military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning the military equipment.
- The results of any internal audits, information about violations of the military equipment use policy, and any actions taken in response.

- The total annual cost for each type of military equipment.
- The quantity possessed for each type of military equipment.
- If the law enforcement agency intends to acquire additional military equipment in the next year, and the quantity sought for each type of military equipment.

The report covers calendar year 2023

The following slides include highlights from the Oxnard Police Department's 2023 Military Equipment Use Report that was provided to City Council.

There were no complaints related to the military equipment in 2023, nor were there any violations of policy related to the equipment.

(Due to the amount of data included in the report, please hold your questions to the end of the presentation)

Unmanned, remotely piloted, powered aerial or ground vehicles

- OXPD has used unmanned aerial vehicles (UAV) since 2019
- These vehicles provide a wide range of defined missions
- All OXPD drone pilots are FAA certified
- UAV missions are documented in a “flight log”
- No complaints were received regarding the use of UAVS
- UAVs were used one hundred and fifteen (115) times during this reporting period



Breakdown of UAS Deployments in 2023

Field Operation Support (e.g., area searches)	25
Tactical Assists	42
Crime Scene Documentation	20
Special Event Support	12
Area Mapping	9
Training	7
Total	115

Unmanned, ground, robotic vehicles

- Small, battery operated, remote controlled vehicles
- SWAT Team possesses one (1) of these vehicles
- Has the ability to locate and communicate with suspects
- A search warrant must be obtained prior to using this vehicle to enter a residence
- Training to operate is provided by SWAT officers
- No ongoing costs associated with this item
- This equipment was not used during this reporting period



Mine-resistant ambush-protected vehicles or armored personnel carriers

- The Department owns two (2) Lenco Bearcat armored vehicles
- Provides ballistic protection during high-risk incidents
- No weapons
- Gives officers the ability to safely utilize de-escalation techniques
- Also used by Fire Department Tactical Emergency Medical Services (TEMS)
- Only ongoing costs are preventative maintenance and fuel (approximately \$1,100 per unit per year)
- Used on forty-one (41) occasions in 2023
 - 9 responses to armed subjects and assist patrol officers
 - 22 for search warrants
 - 10 for community engagement events
- No complaints were received during this reporting period



Oxnard Police Department Armored Rescue Vehicle (Lenco Bearcat)



Oxnard Police Department Armored Rescue Vehicle (Lenco Bearcat)

Tracked armored vehicles that provide ballistic protection and utilize a tracked system

- The Police Department does not own this type of vehicle
- The Ventura County Sheriff's Department owns a Rook
- Small ballistic Caterpillar
- Mitigates risks to SWAT officers while performing dangerous tasks during high-risk incidents
- The Sheriff's Department makes this equipment available to the Department
- Used on one (1) occasion this reporting period
- There are no costs to the City associated with its use
- No complaints were received

“The Rook”



Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units

- The Department currently owns thirteen (13)
 - Two (2) large command vehicle
 - Two (2) Sprinter vans
 - One (1) DUI enforcement trailer
 - Eight (8) Ford Explorer sport utility vehicles
- The Ford Explorers are used on a daily basis
- The large command vehicle was used ten (10) times in 2023
- The UAS van was used eighty five (85) times
- The traffic van was used twelve (12) times
- After the initial purchase cost, the only ongoing costs are fuel and maintenance (approximately \$63,400 for fuel and maintenance)
- No complaints regarding the use of these vehicles were received



Battering rams, slugs, and breaching apparatuses that are explosive in nature

- The SWAT Team has two (2) shotguns designed for breaching
- The shotguns were purchased approximately 20 years ago
- All required training is provided by Department personnel
- There are no ongoing costs associated with this equipment
- These items were not used during this reporting period outside of training



Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code

.223 caliber rifles

- Only officers who have received POST training may carry .223 caliber rifles
- Officers must qualify and re-qualify on an annual basis
- Rifles are only used when circumstances indicate the use of lethal force may become necessary
- The Department spent approximately \$17,787.50 on ammunition and maintenance

- Ongoing training and maintenance is provided by Department Range Safety Unit personnel
- These weapons were not fired at anyone during this reporting period
- California POST defines the intentional pointing of a firearm at a member of the public as a “reportable use of force”
- All reportable uses of force are investigated and tracked by the Professional Standards Unit
- During this reporting period rifles were “pointed” on sixty-five (65) occasions
- The Department did not receive any complaints regarding the use of rifles

Precision .308 caliber rifles

- In addition to .223 caliber rifles, the Police Department also possesses eleven (11) .308 caliber precision rifles,
 - Four (4) will be sold during 2024
- Used only by a few select officers assigned to the SWAT Team
- Officers assigned these rifles receive extensive training and qualify on a monthly basis
- These rifles were not fired other than during training
- The Police Department did not receive any complaints



“Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray

“Flashbangs” (Light Sound Diversionary Devices)

- The SWAT Team uses them
- Provides officers with a method to distract violent suspects
- Significantly reduces risks to officers when dealing with violent suspects
- Officers authorized to use these devices must attend a POST-certified course provided by Department personnel
- These devices were used sixteen (16) times in 2023
 - Gained suspect’s compliance on 13 of the 16 occasions, eliminating the necessity for any additional force tactics
- The Department did not receive any complaints



“Flashbangs” (Light Sound Diversionary Devices)

Tear gas

- The SWAT Team has chemical agents, more commonly known as “tear gas”
- Less lethal tool used to safely compel barricaded suspects out of vehicles or structures
- Used during high-risk incidents to mitigate risks to officers
- Training is provided by POST-certified SWAT personnel
- Used three (3) times during this reporting period
- The Department did not receive any complaints



CS Gas (not to scale)

Pepperball

- Less lethal weapon that deploys small spheres filled with a chemical irritant
- Used to overcome a resistant violent suspect without the need to use lethal force
- Officers are trained by POST-certified personnel
- The pepperball was used four (4) times during this reporting period
- The Department did not receive any complaints



Pepperball launcher and munitions (not to scale)

40mm projectile launchers, “bean bag”, rubber bullet, and specialty impact munition weapons

Bean bag shotgun/ 40mm extended range impact weapon

- The Police Department uses 12 gauge less lethal shotguns and 40mm impact devices
- This less lethal devices give officers the ability to address a violent suspect from a safe distance
- Increased distance provides for more opportunity to use de-escalation techniques
- The less lethal shotgun was used on one (1) occasion while the 40mm was not used
- Any deployment, whether or not it makes contact with a subject, is a reportable use of force and is reviewed by the Professional Standards Unit



40MM Launchers and Munitions

Bean Bag Shotgun and Munitions

Government Code 7070 requires the Police Department to:

- Disclose any equipment deemed military equipment under this statute that the Department intends to acquire
- Including the number and type sought, during the next reporting period.

Transcend Robotics Vantage Robot

- This device is used to enter structures to locate violent, often armed, subjects wanted for violent crimes.
- This equipment provides a safer option for officers to get a view into a building or structure through the robot's camera system, and decreases the likelihood of a lethal force encounter
- The total cost to purchase this robot is \$62,818
- Paid for using California Supplemental Law Enforcement Services Fund (SLESF)



40mm Projectile Launchers

Nineteen (19) additional 40mm projectile launchers

- Less lethal tools allow officers to engage violent, potentially armed suspects from a safe distance, allowing officers to attempt de-escalation techniques
- Often prevent officers from using lethal force
- The addition of these items is intended to increase the availability of this option when needed
- The total cost to purchase these 40mm launchers is approximately \$51,240 which will be paid using Asset Forfeiture Funds (AFF) and Supplemental Law Enforcement Services Fund (SLESF)



40mm rounds (training and live)

- The Department's inventory of 40mm rounds has become depleted over the last year due to expired rounds and use during previous years
- The addition of new 40mm projectile launchers also increases the need for training and live rounds
- The total cost to purchase these rounds are \$26,232.24 and will be paid using the General Fund





.223 Caliber Rifles

- Twenty-two (22) replacement .223 caliber rifles
- The rifles currently assigned to the SWAT team are over 20 years old, far exceeding their expected lifespan of five to seven years under SWAT team conditions
- Needed for increased firepower and accuracy in situations that require the ability to engage targets at longer distances, penetrate barriers, and effectively address threats, while minimizing risk to officers and members of the public
- Provide a tactical advantage in addressing high-risk scenarios such as active shooter situation or dealing with heavily armed suspects
- Total cost to purchase these rifles is \$57,920 and will be paid using Justice Administration Grant Funds



QUESTIONS



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. L.2

DATE: July 2, 2024

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: Introduction of Ordinance Prohibiting City Subsidy of Services Previously Funded by a Special District Under Specific Circumstances. (15 minutes)

RECOMMENDATION

That the City Council introduce and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE VIII TO CHAPTER 2 OF THE OXNARD CITY CODE TO PROHIBIT THE CITY FROM SUBSIDIZING SERVICES PREVIOUSLY FUNDED BY A COMMUNITY FACILITIES DISTRICT, LANDSCAPE MAINTENANCE DISTRICT OR WATERWAYS ASSESSMENT DISTRICT IF RESIDENTS OF THOSE SPECIAL DISTRICTS VOTE TO TERMINATE OR REDUCE SUCH FUNDING

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/jNfE0H16efQ>

BACKGROUND

Many newer developments within the City of Oxnard have substantially greater amenities than older neighborhoods. The newer developments contain these enhanced amenities because, before they were built, a Community Facilities District (CFD), Landscape Management District (LMD) or Waterways Assessment District (WAD) was formed to fund the maintenance of these enhanced amenities and – in some cases – enhanced services.

While property owners within these developments pay extra taxes or assessments imposed by the special districts, the residents enjoy enhanced amenities that do not exist in older neighborhoods that do not pay additional taxes or assessments. The City would not have approved these newer developments without a CFD, LMD or WAD to pay for these enhanced amenities that do not exist in other neighborhoods.

If residents of a newer development with a special district choose to eliminate or reduce their CFD, LMD or WAD taxes or assessments, then the maintenance of these enhanced amenities and (in some cases) services should not be funded by the residents of the City as a whole. If the residents of the City were to fund these enhanced amenities due to the elimination or reduction in specific CFD, LMD or WAD taxes or assessments, then this would require cutting existing citywide services.

The proposed ordinance would amend the Oxnard City Code to prohibit the use of funding from the General Fund or other City-controlled funding sources to make up for the loss of the CFD, LMD or WAD funding that resulted from the residents within that special district voting to terminate or reduce the special district's funding. Under the proposed regulations, the only exception to such prohibition would be when use of City funding is required to protect the public health, safety and welfare.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The financial impact of approving this item is unknown at this time.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Kenneth Rozell, Chief Assistant City Attorney, Jason Zaragoza, Deputy City Attorney

ATTACHMENTS

1. PowerPoint
2. Ordinance

Ordinance to Prohibit City Subsidy of Services Previously Funded by a Special District

City Council
July 2, 2024

Kenneth Rozell
Chief Assistant City Attorney

That the City Council introduce an ordinance by title only and waive any further reading of the ordinance titled:

“AN ORDINANCE OF THE CITY OF OXNARD ADDING ARTICLE VIII TO CHAPTER 2 OF THE OXNARD CITY CODE TO PROHIBIT THE CITY FROM SUBSIDIZING SERVICES PREVIOUSLY FUNDED BY A COMMUNITY FACILITIES DISTRICT, LANDSCAPE MAINTENANCE DISTRICT OR WATERWAYS ASSESSMENT DISTRICT IF RESIDENTS OF THOSE SPECIAL DISTRICTS VOTE TO TERMINATE OR REDUCE SUCH FUNDING”

- Many newer developments have substantially greater amenities than older neighborhoods. Newer developments contain these enhanced amenities because, before they were built, a Community Facilities District (CFD), Landscape Management District (LMD) or Waterways Assessment District (WAD) was formed to fund maintenance of these enhanced amenities and – in some cases – enhanced services.
- While property owners within these developments pay extra taxes or assessments imposed by the special districts, residents enjoy enhanced amenities that do not exist in older neighborhoods that do not pay additional taxes or assessments. The City would not have approved these newer developments without a CFD, LMD or WAD to pay for these enhanced amenities.

- If residents of a newer development with a special district choose to eliminate or reduce their CFD, LMD or WAD taxes or assessments, maintenance of these enhanced amenities and (in some cases) services should not be funded by residents of the City as a whole. If the City paid to fund these enhanced amenities due to elimination or reduction in CFD, LMD or WAD taxes or assessments, then this would require cutting existing citywide services.
- The proposed ordinance would amend the Oxnard City Code to prohibit the use of funding from the General Fund or other City-controlled funding sources to make up for the loss of the CFD, LMD or WAD funding that resulted from the residents within that special district voting to terminate or reduce the special district's funding. The only exception to such prohibition would be when specific City funding is required to be provided to protect the public health, safety and welfare.



QUESTIONS?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE VIII TO CHAPTER 2 OF THE OXNARD CITY CODE TO PROHIBIT THE CITY FROM SUBSIDIZING SERVICES PREVIOUSLY FUNDED BY A COMMUNITY FACILITIES DISTRICT, LANDSCAPE MAINTENANCE DISTRICT OR WATERWAYS ASSESSMENT DISTRICT IF RESIDENTS OF THOSE SPECIAL DISTRICTS VOTE TO TERMINATE OR SUBSTANTIALLY REDUCE FUNDING FOR SUCH SERVICES

WHEREAS, many newer developments within the City of Oxnard have substantially greater amenities than older neighborhoods within the City; and

WHEREAS, the newer developments contain these enhanced amenities because – before they were built – a Community Facilities District (CFD), Landscape Management District (LMD) or Waterways Assessment District (WAD) was formed to fund the maintenance of these enhanced amenities and – in some cases – services; and

WHEREAS, although the property owners of these developments pay the higher taxes or assessments imposed by the special districts, the residents of these developments enjoy enhanced amenities that do not exist in older neighborhoods that do not pay the additional taxes or assessments; and

WHEREAS, the City would not have approved these newer developments without a CFD, LMD or WAD paying for these enhanced amenities that do not exist in other neighborhoods; and

WHEREAS, if the residents of a newer development with a special district choose to eliminate or substantially reduce their CFD, LMD or WAD taxes or assessments, then the maintenance of these enhanced amenities and – in some cases – services should not be funded by the residents of the City as a whole; and

WHEREAS, if the residents of the City were to fund these enhanced amenities due to the elimination or substantial reduction in specific CFD, LMD or WAD taxes or assessments, then this would require cutting existing citywide services; and

WHEREAS, the City Council wishes to enact new regulations that would prohibit City subsidy of a special district's services that were previously funded by that special district unless such funding is necessary to protect the public health, safety and welfare.

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

Section 1. The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

Section 2. Article VIII is hereby added to Chapter 2 of the Oxnard City Code to read as follows:

“ARTICLE VIII. PROHIBITION OF CITY SUBSIDY OF COMMUNITY FACILITIES DISTRICT, LANDSCAPE MAINTENANCE DISTRICT AND WATERWAYS ASSESSMENT DISTRICT SERVICES

Section 2-255. PROHIBITION OF CITY SUBSIDY OF COMMUNITY FACILITIES DISTRICT, LANDSCAPE MAINTENANCE DISTRICT AND WATERWAYS ASSESSMENT DISTRICT SERVICES IN SPECIFIC CIRCUMSTANCES.

If residents within a Community Facilities District (CFD), Landscape Maintenance District (LMD) or Waterways Assessment District (WAD) vote to terminate or substantially reduce the funding for their CFD, LMD or WAD, then the City Council is prohibited from using money from General Fund or other City-controlled funding sources to make up for the loss of the CFD, LMD or WAD funding. The only exception to this prohibition is when specific services are required to be provided in order to protect the public health, safety and welfare.”

Section 3. Severability.

If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. 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.

Section 5. 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 _____, 2024, finally adopted on _____, 2024, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. L.3

DATE: July 2, 2024

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: Introduction of Ordinance Establishing a Tobacco Retailer Cap. (15 minutes)

RECOMMENDATION

That the City Council introduce and waive further reading of an ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 11-377 OF THE OXNARD CITY CODE BY ESTABLISHING A CAP ON THE NUMBER OF TOBACCO RETAILER PERMITS THAT MAY BE ISSUED BY THE CITY WITH CERTAIN EXCEPTIONS.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/O86ypGp-ARA>

BACKGROUND

There are 154 Tobacco Retailer permits issued in the City (population of 202,063.) Within Ventura County, in comparison to the existing 154 Tobacco Retailers in the City, Ventura has 113 Tobacco Retailers, Thousand Oaks has 66 Tobacco Retailers and Simi Valley has 99 Tobacco Retailers.

On May 19, 2024, staff received direction from the Community Services, Public Safety, Housing & Development Committee on the following three options:

Option 1: Establish a cap on the number of Tobacco Retailer permits issued in the City without exceptions;
Option 2: Establish a cap on the number of Tobacco Retailer permits issued in the City with certain exceptions; or
Option 3: Do not establish a cap on the number of Tobacco Retailer permits issued in the City.

The Committee recommended Option 2, establishing a Tobacco Retailer cap of 100 with certain exceptions.

DISCUSSION

Tobacco is the leading cause of preventable death in the United States and kills nearly 8 million people each year globally (World Health Organization 2019). According to the Centers for Disease Control and Prevention (CDC), more than 480,000 deaths in the United States each year are attributable to tobacco use, including one-third of all cancer deaths. In addition to the obvious adverse health impact, tobacco-related death and disease have an adverse economic impact. The CDC reports that tobacco use costs the United States billions of dollars each year. State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors. (California Penal Code section 308.) State law also prohibits public school students from smoking or using tobacco products while on campus, attending school-sponsored activities, or under the supervision or control of school district employees. (California Education Code section 48901(a).) In addition, state law prohibits smoking in enclosed places of employment (California Labor Code section 6404.5). Despite these restrictions, minors continue to obtain cigarettes and other Tobacco Products at alarming rates. 13.7% of California youth have

smoked an entire cigarette by 8th grade according to a 2022 survey conducted by the California Department of Public Health. The former United States Surgeon General Regina Benjamin at a February 2014 summit emphasized that the key factor in the fight against tobacco is preventing minors from becoming smokers. She noted, "for every smoker who dies, there are two so-called replacement smokers trying a cigarette for the first time and getting hooked."

Currently, there are 154 Tobacco Retailer permits issued by the City. The City has a substantial interest in promoting compliance with state laws prohibiting sales of cigarettes and tobacco products to minors, in promoting compliance with laws intended to discourage the purchase of tobacco products by minors, and in protecting children from illegally obtained tobacco.

If adopted, the ordinance before the City Council would amend Section 11-377 of the Oxnard City Code by establishing a cap on the total number of Tobacco Retailer permits (100 permits maximum) that may be issued by the City with certain exceptions. Those exceptions are as follows:

1. The adult child of a Tobacco Retailer permittee is eligible to acquire a Tobacco Retailer permit at the same location as the previously operated Tobacco Retail establishment without impacting the cap.
2. A Tobacco Retailer who must relocate to another location in the city to comply with a government order is eligible to acquire a Tobacco Retailer permit without impacting the cap.
3. A spouse or domestic partner may acquire ownership of the Tobacco Retailer establishment through the death of, or divorce from the permit holder, and be eligible to acquire a Tobacco Retailer permit without impacting the cap.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

On May 19, 2024, the Community Services, Public Safety, Housing & Development Committee recommended by a 3-0 vote that staff present the City Council with an ordinance establishing a tobacco retailer cap with certain exceptions.

Prepared by: Andrew Gonzalez, Deputy City Attorney, Jason Zaragoza, Deputy City Attorney

ATTACHMENTS

1. Tobacco Retailer Cap Ordinance
2. Tobacco Ordinance Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING SECTION 11-377 OF THE OXNARD CITY CODE BY ESTABLISHING
A CAP ON THE NUMBER OF TOBACCO RETAILER PERMITS THAT MAY BE
ISSUED BY THE CITY WITH CERTAIN EXCEPTIONS

WHEREAS, there are currently 154 Tobacco Retailer permits issued by the City of Oxnard (“City”); and

WHEREAS, within Ventura County, in comparison to the existing 154 Tobacco Retailers in the City, the City of Ventura has 113 Tobacco Retailers, the City of Thousand Oaks has 66 Tobacco Retailers and the City of Simi Valley has 99 Tobacco Retailers; and

WHEREAS, tobacco is the leading cause of preventable death in the United States and kills nearly 8 million people each year globally (World Health Organization 2019); and

WHEREAS, according to the Centers for Disease Control and Prevention (“CDC”), more than 480,000 deaths in the United States each year are attributable to tobacco use, including one-third of all cancer deaths; and

WHEREAS, state law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors; and

WHEREAS, state law also prohibits public school students from smoking or using tobacco products while on campus, attending school-sponsored activities, or under the supervision or control of school district employees; and

WHEREAS, despite these restrictions, minors continue to obtain cigarettes and other tobacco products at alarming rates -- 13.7% of California youth have smoked an entire cigarette by 8th grade according to a 2022 survey conducted by the California Department of Public Health.

WHEREAS, the City has a substantial interest in promoting compliance with state laws prohibiting sales of cigarettes and tobacco products to minors, in promoting compliance with laws intended to discourage the purchase of tobacco products by minors, and in protecting youth from illegally obtained tobacco; and

WHEREAS, the City Council desires to establish a cap on the number of Tobacco Retailer permits that may be issued by the City with certain exceptions: where a Tobacco Retail establishment is transferred to an adult child of the existing owner, where a Tobacco Retail establishment must relocate due to a government order, or where the

spouse of domestic partner of an existing owner acquires ownership of the establishment through death or divorce.

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

Section 1. The City Council finds the foregoing recitals and their findings to be true and correct, and hereby incorporates such recitals and their findings into this Ordinance.

Section 2. Section 11-377 of the Oxnard City Code is hereby amended to read as follows:

“SEC. 11-377 ISSUANCE OF PERMIT AND PERMIT CAP

(A) Upon receipt of a completed application for a tobacco retailer permit and the applicable permit fee, the collector shall issue a permit, after receiving input from appropriate city departments, unless substantial evidence demonstrates that one or more of the following bases for denial exists:

- (1) The information presented in the application is inaccurate or false.
- (2) The application seeks authorization for tobacco retailing at a location for which this article prohibits issuance of tobacco retailer permits.
- (3) The application seeks authorization for tobacco retailing for a proprietor to whom this article prohibits a permit to be issued.
- (4) The application seeks authorization for tobacco retailing that is prohibited pursuant to this article, that is unlawful pursuant to this code, or that is unlawful pursuant to any other law.

(B) The total number of tobacco retailer permits issued by the collector shall not exceed 100.

(C) In the event that the number of active tobacco retailer permits reaches the maximum limit of 100 as specified in subsection (B), no additional tobacco retailer permits shall be issued until such time as the total number of active tobacco retail permits falls below the maximum limit.

(D) Notwithstanding the cap on the total number of tobacco retailer permits as specified in subsections (B) and (C), the following exceptions shall apply:

- (1) Adult Child Exception: The adult child of a tobacco retailer who operated a tobacco retail establishment at a specific location shall be eligible to acquire a tobacco

retailer permit at the same location as the previously operated tobacco retail establishment without impacting the cap on the total number of permits.

(2) Relocation Due to Government Order: A tobacco retailer who is required to relocate to another location within the city due to a government order or regulatory action shall be eligible to acquire a tobacco retailer permit at a new location without impacting the cap on the total number of permits.

(3) Spouse or Domestic Partner Succession: Upon the death of or divorce from the permit holder, a spouse or domestic partner who acquires ownership of the tobacco retailer establishment shall be eligible to acquire a tobacco retailer permit without impacting the cap on the total number of permits.

(D) Any permit issued under the exceptions established in subsections (D) shall be subject to all other applicable provisions of the code governing tobacco retailer permits.”

Section 3. Severability.

If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. 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.

Section 5. 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 _____, 2024, finally adopted on _____, 2024, to become effective thirty (30) days thereafter.

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AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

City Council
July 2, 2024

**Ordinance Establishing a Tobacco
Retailer Cap.**

Andrew Gonzalez, Deputy City Attorney

Recommendation

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 11-377 OF THE OXNARD CITY CODE BY ESTABLISHING A CAP ON THE NUMBER OF TOBACCO RETAILER PERMITS THAT MAY BE ISSUED BY THE CITY WITH CERTAIN EXCEPTIONS

Background

There are 154 Tobacco Retailer permits issued in the City (population of 202,063.) Within Ventura County, in comparison to the existing 154 Tobacco Retailers in the City, Ventura has 113 Tobacco Retailers, Thousand Oaks has 66 Tobacco Retailers and Simi Valley has 99 Tobacco Retailers.

Background

On May 19, 2024, staff received direction from the Community Services, Public Safety, Housing & Development Committee on the following three options:

Option 1: Establish a cap on the number of Tobacco Retailer permits issued in the City without exceptions;

Option 2: Establish a cap on the number of Tobacco Retailer permits issued in the City with certain exceptions; or

Option 3: Do not establish a cap on the number of Tobacco Retailer permits issued in the City.

The Committee recommended Option 2, establishing a Tobacco Retailer cap of 100 with certain exceptions.

Discussion

Currently, there are 154 Tobacco Retailer permits issued by the City. The City has a substantial interest in promoting compliance with state laws prohibiting sales of cigarettes and tobacco products to minors, in promoting compliance with laws intended to discourage the purchase of tobacco products by minors, and in protecting children from illegally obtained tobacco.

Discussion

If adopted, the ordinance before the City Council would amend Section 11-377 of the Oxnard City Code by establishing a cap (100 permits) on the total number of Tobacco Retailer permits that may be issued by the City with certain exceptions. Those exceptions are as follows:

1. The adult child of a Tobacco Retailer permittee is eligible to acquire a Tobacco Retailer permit at the same location as the previously operated Tobacco Retail establishment without impacting the cap.
2. A Tobacco Retailer who must relocate to another location in the city to comply with a government order is eligible to acquire a Tobacco Retailer permit without impacting the cap.
3. A spouse or domestic partner may acquire ownership of the Tobacco Retailer establishment through the death of, or divorce from the permit holder, and be eligible to acquire a Tobacco Retailer permit without impacting the cap.

Questions?



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. L.4

DATE: July 2, 2024

TO: City Council

FROM: Javier Chagoyen-Lazaro, Chief Financial Officer, (805) 200-5400, javier.chagoyenlazaro@oxnard.org

SUBJECT: City of Oxnard Annual Investment Policy for the Fiscal Year 2024-25, and Annual Delegation of Investment Authority. (10 minutes)

RECOMMENDATION

That the City Council:

1. Adopt a resolution adopting FY 2024-25 investment policy for the City of Oxnard.
2. Adopt a resolution delegating investment authority to the City Chief Financial Officer.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/UGotl3jSinM>

BACKGROUND

California Government Code Section 53646 establishes that a treasurer or chief fiscal officer annually render an investment policy to be considered at a public meeting. The City of Oxnard's investment policy section 16.0 established that the investment policy shall be reviewed annually and adopted by City Council by resolution.

California Government Code Section 53607 establishes that the City Council may delegate its authority to invest or to reinvest City funds, for a one-year period to the City Treasurer.

During the annual audit, external auditors prepare a report on internal controls to the City Manager and City Council. The report has found instances of non-compliance with the City's Adopted Investment Policy. Additionally, staff has also identified certain California Government Code requirements that are not being followed in the periodic reporting provided by the City Treasurer.

The recent retirement of Assistant City Treasurer Eden Alomeri, who had closely monitored the City Treasurer's investment activities, makes it necessary to now address these issues to ensure compliance with the California Government Code and the City's Investment Policy by restructuring the Billing and Licensing department and recommending the delegation of investment authority to the City's Chief Financial Officer.

California Government Code Section 53060 allows the legislative body of any public or municipal corporation or district to contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

California Government Code Section 37103 allows the legislative body of the City to contract with any specially trained

and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

DISCUSSION

The City of Oxnard's Investment Policy FY 2024/25 outlines procedures and guidelines for managing surplus funds in a fiscally responsible manner. The Policy encompasses those funds over which the City exercises fiscal control, stipulates allowable and unallowable investment alternatives, establishes parameters for selecting broker/dealers and financial institutions with which the City may do business, and prioritizes the City's public funds management objectives of safety, liquidity, and yield. The Policy also mandates review and approval by the City Council annually or whenever significant changes occur.

The City of Oxnard Delegation of Investment Authority resolution delegates to the City Chief Financial Officer the authority to invest City surplus monies within the parameters of the City's Investment Policy. The Chief Financial Officer is a competent professional with multiple years of experience in treasury, investment and debt management in private and government entities.

The Delegation to the CFO will address the non-compliance instances with the City's adopted Investment Policy found during the annual audit. The reporting of investment activities to the Finance and Governance Committee and City Council will follow the requirements of California Government Code Section 53646(b)(1), ensure transparency in the decision-making process related to investments, along with the ongoing compliance with the City's adopted Investment Policy.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to reinforce, stabilize, improve, and strengthen the organizational foundation of the City in order to build a modern, high-functioning City government that effectively and efficiently supports the operating departments in providing high-quality services and programs for our residents and businesses.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Javier Chagoyen-Lazaro, Chief Financial Officer

ATTACHMENTS

1. Resolution - FY 24-25 Delegation of Investment Authority
2. Resolution - FY 24-25 Annual Investment Policy
3. City of Oxnard FY 2024-25 Investment Policy
4. City of Oxnard FY 2023-24 Investment Policy
5. Annual Investment Policy and Delegation of Investing Authority Presentation

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD DELEGATING INVESTMENT AUTHORITY TO THE
CITY'S CHIEF FINANCIAL OFFICER FOR A ONE-YEAR PERIOD**

WHEREAS, on September 15, 1992, the City Council adopted Resolution No. 10,455, delegating to the City Treasurer the authority to invest and reinvest City funds; and

WHEREAS, effective January 1, 1997, Government Code section 53607 was amended to provide the authority of the City Council to invest or to reinvest City funds, or to sell or exchange securities so purchased, may be delegated for a one-year period to the City Treasurer by the Council; and

WHEREAS, Government Code sections 37103 and 53060 authorize the City Council to contract with and employ any person specially trained, experienced and competent, for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters; and

WHEREAS, it is the intention of the City Council to delegate such authority to the City Chief Financial Officer.

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

1. The City Chief Financial Officer is hereby delegated the authority to invest and to reinvest City surplus funds, and to sell and exchange securities so purchased, for a one-year period, in accordance with the City's adopted Investment Policy.
2. Resolution No. 10,455 is hereby repealed.

PASS AND ADOPTED this 2nd day of July, 2024 by the following vote

AYES:

NOES:

ABSTAIN:

ABSENT:

John C. Zaragoza, Mayor

ATTEST

Rose Chaparro, City Clerk

APPROVED AS TO FORM

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD ADOPTING THE FY 2024-25 INVESTMENT POLICY**

WHEREAS, a "Statement of Investment Policy" is rendered to the City Council on an annual basis or whenever there are recommended changes, whichever occurs first; and

WHEREAS, Government Code Section 53646(a)(2) provides that the treasurer or chief fiscal officer may annually render to the City Council a statement of investment policy, which the City Council shall consider at a public meeting; and

WHEREAS, the existing policy has been reviewed and revised in order to provide for operational flexibility without sacrificing internal controls or increasing financial risk to the City.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to adopt the FY 2024-25 Investment Policy attached hereto as Exhibit A.

PASS AND ADOPTED 2nd day of July, 2024 by the following vote

AYES:

NOES:

ABSTAIN:

ABSENT:

John C. Zaragoza, Mayor

ATTEST

Rose Chaparro, City Clerk

APPROVED AS TO FORM

Stephen M. Fischer, City Attorney

**CITY OF
OXNARD
FISCAL YEAR
2024-25
INVESTMENT
POLICY**

City of Oxnard

INVESTMENT POLICY

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City of Oxnard

INVESTMENT POLICY

1.0 POLICY

The Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code (CGC) § 53600.6 and 53630.1 (CGC §53600.6 and §53630.1);

The City Council may invest surplus monies, not required for the immediate necessities of the local agency, in accordance with the provisions of CGC §5922 and CGC §53601 et seq.

The Chief Financial Officer of the City of Oxnard shall annually, or whenever there are recommended changes, whichever occurs first, prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the legislative body at a public meeting (CGC §53646(a)).

The policy of the City of Oxnard is to invest funds in a manner which will provide: (i) the maximum security; (ii) the funds necessary to meet the daily cash flow demands of the City; and (iii) the highest investment return while conforming to all statutes governing the investment of the City funds within the constraints of this Investment Policy.

This policy is intended to provide guidelines for the prudent investment of the City's funds and to enhance the economic status of the City while protecting its pooled cash. Funds will be invested in accordance with this policy and with applicable sections of the California Government Code.

2.0 SCOPE

This investment policy applies to the City's pooled investment fund, which includes the General Fund, special revenue funds, capital project funds, enterprise funds, trust and agency funds, and internal service funds

This policy does not include retirement, retiree health care savings/trust/plan(s), nor deferred compensation plans, nor proceeds of bonds, nor Successor Agency funds.

Pooling of funds

Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investments earnings and to increase efficiencies with regards to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

3.0 PRUDENCE

The standard of prudence to be used by designated investment signatories shall be the "prudent investor" standard (CGC §53600.3) and shall be applied in the context of managing an overall portfolio. Investments shall be made with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City.

Designated investment signatories, acting in accordance with written procedures, this Investment Policy,

and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

As specified in CGC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds; the primary objectives, in priority order, of the investment activities shall be:

A. *Safety*: Safety of principal is the foremost objective of the investment program.

Investments made by the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required to prevent any potential loss on any individual security or depository from exceeding the income generated from the remainder of the portfolio.

B. *Liquidity*: The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

C. *Return on Investments*: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, considering the investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low- risk securities in anticipation of earning a fair return relative to the risk being assumed.

5.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from CGC §53600, et seq., CGC §37103 and CGC § 53060. Management's responsibility for the investment program shall be delegated for a one-year period by the City Council via resolution, to the Chief Financial Officer (CFO) who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked by the City Council.

Subject to review, the City Council may renew the delegation of authority each year. The CFO shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Procedures should include reference to safekeeping, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons/positions responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Investment Policy and the procedures established by the CFO. The CFO shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates.

The CFO may authorize the Assistant City Treasurer to perform the CFO's functions and duties under this policy in the absence of the CFO. The CFO may authorize a manager in the Finance Department to execute transactions as prescribed by the CFO in the absence of the CFO and Assistant City Treasurer. When acting as the CFO's delegate as provided in this paragraph, the delegate shall be subject to the same limitations, obligations, and requirements as the CFO.

The CFO may engage the services of one or more external investment advisors to assist in the management of the City's investment portfolio in a manner consistent with this Investment Policy and the City's investment objectives and any written directions provided by the CFO. Furthermore, the advisors may not take possession of City's cash or securities. Such investment advisors must be registered under the Investment Advisers Act of 1940.

6.0 ETHICS AND CONFLICTS OF INTEREST

Officers, employees and financial advisors involved in the placement of investments shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

City staff shall disclose to the City Manager and on the annual Statement of Economic Interest Form any material financial interests in financial institutions that conduct business with the City, and they shall disclose any material personal financial/investment positions that could be related to the City's investment performance.

7.0 AUTHORIZED FINANCIAL INSTITUTIONS, BROKERS AND DEALERS

The CFO shall maintain a list of approved and authorized financial institutions selected based on creditworthiness, financial strength, experience, and capitalization.

To the extent the City Treasurer has entered into contract with depositories pursuant to statutory duty, the CFO shall utilize those depositories.

The CFO shall formally use authorized investment broker-dealers to provide investment services to the City. Investment brokers-dealers may be primary dealers or regional brokers with branch offices in the State of California performing the transactions with the City. Brokers/dealers must complete a broker-dealer statement of qualifications before being approved by the CFO, execute an annual certification of acknowledgment of the City's Investment Policy by broker-dealer employees and supervisory personnel, and be in good standing with the California Department of Securities (CDS), the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), or other applicable self-regulatory organizations. A periodic review of authorized brokers/dealers is essential to serve the City's investment needs.

The City may engage the support services of outside investment advisors in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of the City's financial resources. Investment advisors shall follow this policy, state law, and other such written instructions as provided by the CFO. Contracted investment advisors may use their own brokers. The CFO may conduct periodic reviews of contracted investment advisors, including review of FINRA reports.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The City's investments are governed by the California Government Code. Within the investments permitted by the Government Code, the City seeks to further restrict eligible investments to the investments listed below. In the event an apparent discrepancy is found between this Investment Policy and the Government Code, the more restrictive parameters will take precedence. Percentage holding limits listed in this section apply at the date an investment is purchased. Credit ratings, as shown, specify the minimum credit rating category required at the point of purchase.

- A.** United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest.
- B.** Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

- C. State Municipal Securities – Registered treasury notes or bonds issued by any of the 50 United States, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by a state or by a department, board, agency, or authority of any of the 50 states. Securities eligible for investment under this paragraph shall be rated in a rating category of "A" or its equivalent or better by a Nationally Recognized Statistical Rating Organization (NRSRO). Short-term municipal securities eligible for investment shall be rated at or above the following credit agencies investment grade ratings; Sp-1 by Standard & Poor's, F-1 by Fitch, and MIG-1 by Moody's. These ratings for short term municipal securities signify the issuer's strong capacity to pay principal and interest. Not more than 10 percent of the City's funds shall be invested in state and local municipal securities.
- D. California Local Agency Municipal Securities – Bonds, notes, warrants or other evidence of indebtedness of a local agency or municipality located within the State of California, including debt securities issued by the City. Given potential issues with arbitrage regulations, City's legal counsel shall review any potential purchase of City's own debt before the purchase. Securities eligible for investment under this paragraph shall be rated in a rating category of "A" or its equivalent or better by a NRSRO.
- E. Bank deposits, including demand deposit accounts, savings accounts, and market rate accounts, time deposits, and certificates of deposit in financial institutions located in California. Bank deposits are required to be collateralized as specified under Government Code § 53630 et. seq. Agreements allowing for the waiver of the collateral requirement for that amount of deposit covered by the Federal Deposit Insurance Corporation may be implemented provided the remainder of the deposit is secured by collateral as required by the Government Code.
- F. Negotiable Certificates of Deposit. Negotiable certificates of deposit (NCD) issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Purchases are limited to securities rated in a rating category of "A" (long-term) and/or "A-1" (short-term) or their equivalents or better by a NRSRO. NCD for which the full amount of the principal and the interest that may be accrued during the maximum term of each certificate is insured by federal deposit insurance are exempt from the rating requirements. A maximum of 30 percent of the portfolio may be invested in this category. The maximum investment maturity will be restricted to five years.
- G. Placement Service Deposits (PSD). Funds may be placed with a private sector entity that assists in the placement of deposit with eligible financial institutions located in the United States (CGC § 53601.8). The full amount of the principal and the interest that may be accrued during the maximum term of each PSD shall always be insured by federal deposit insurance. The maximum portfolio exposure to Placement Service Deposits is limited to 30 percent. The maximum investment maturity will be restricted to five years.
- H. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all the following conditions in either paragraph (1) or paragraph (2):
- (1) The entity meets the following criteria:
 - (a) Is organized and operating in the United States as a general corporation;
 - (b) Has total assets more than five hundred million dollars (\$500,000,000);
 - (c) Has debt other than commercial paper, if any, that is rated in category of "A" or its equivalent or better by a NRSRO.

(2) The entity meets the following criteria:

- (a) Is organized within the United States as a special purpose corporation, trust, or limited liability company;
- (b) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond;
- (c) Has commercial paper that is rated in a rating category of "A-1" or better, or the equivalent, by a NRSRO.

Eligible commercial paper shall have a maximum maturity of 270 days or less. A maximum of 25 percent of the portfolio may be invested in this category.

I. Local Agency Investment Fund (LAIF) investment pool is a voluntary program created by statute as an investment alternative for California's local governments and special districts and is under the administration of the State Governor of California. All securities purchased by LAIF are under the authority of Government Code §16429 and §16480.4. As part of the Pooled Money Investment Account (PMIA), LAIF has oversight by the Pooled Money Investment Board (PMIB), and an in- house Investment Committee. LAIF also has oversight by the Local Agency Investment Advisory Board and is audited by the Bureau of State Audits on an annual basis. Investment in California LAIF cannot exceed the maximum deposit per agency limit as set by the Local Agency Investment Fund.

J. Local Government Investment Pools (LGIP). Shares of beneficial interest issued by a joint powers authority organized pursuant to Government Code § 6509.7. To be eligible for purchase, the pool must meet the requirements of CGC § 53601(p).

Whenever the City has any funds invested in a LGIP, the CFO shall maintain on file a copy of the pools' current information statement to be reviewed on a periodic basis. Investment in LGIPs cannot exceed the maximum deposit limit as set by each LGIP.

K. Money Market Funds - Investing solely in U.S. Treasury securities and U.S. Government Agency securities, and repurchase agreements relating to the above obligations. To be eligible, these Money Market Funds must have met either of the following criteria: (A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs. (B) Retained an investment advisor with not less than five years of experience and registered or exempt from registration with the SEC, with assets under management more than five hundred million dollars (\$500,000,000). No more than 20 percent of the portfolio may be invested in Money Market Funds with no more than 10 percent invested in any one money market mutual fund.

L. Repurchase Agreements – The City may invest in repurchase agreements with banks and dealers with which the City has entered into a master repurchase agreement which specifies terms and conditions of repurchase agreements.

- 1) Transactions shall be limited to the primary dealers and banking institutions rated in a rating category of "A" or its equivalent or better by a NRSRO, or with a financially stable banking institution which the City has a substantial banking relationship. The maturity of repurchase agreements shall not exceed 90 days. The market value of securities used as collateral for repurchase agreements shall be monitored daily by the CFO and will not be allowed to fall below 102 percent of the value of the repurchase agreement plus the value of collateral more than the value of the repurchase agreement.

To conform with the Federal Bankruptcy Code which provides for the liquidation of securities held as collateral for repurchase agreements, the only securities acceptable as collateral shall be securities that are direct obligations of, or that are fully

guaranteed as to principal and interest by the United States or any agency of the United States.

- 2) Not more than 40 percent of the portfolio may be invested in repurchase agreements and a security interest satisfactory to the City shall always be maintained in the securities subject to a repurchase agreement.

M. Medium Term Notes (MTN): MTNs defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Purchases in this category shall not exceed 30 percent of the portfolio and must be rated in a rating category of "A" or its equivalent, or better by a NRSRO.

N. U.S. Instrumentalities (Supranational). United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Purchases are limited to securities that are rated in a rating category of "AA" or its equivalent or better by a NRSRO. A maximum of 20 percent of the portfolio may be invested in United States Instrumentalities.

Ineligible Investments: Investments not described herein, including but not limited to, reverse repurchase agreements and common stocks are prohibited from use in this portfolio. This Investment Policy further specifically disallows investments in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity. The City may invest in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates. The City may hold these instruments until their maturity dates.

City Interfund Loans – Funds may be invested in loans to provide specific funding to City Programs, provided no loan shall violate any limitations prescribed by California law. Interfund loans shall be approved by City Council through the corresponding promissory note, including at a minimum, the description of the loan, the rate of interest assigned to the loan and the date on which the loan will be repaid.

9.0 COLLATERALIZATION

Collateralization is required on two types of investments: uninsured bank deposits and repurchase agreements.

Uninsured bank deposits may only be invested with financial institutions which participate in the California Local Agency Security Program (LASP) administered by the California Department of Business Oversight. LASP provides for collateral requirements, oversight and monitoring, and reporting by financial institutions.

Collateral is also required for repurchase agreements. The market value of securities that underlie a

repurchase agreement shall not be allowed to fall below 102% of the value of the repurchase agreement and the value shall be adjusted no less than quarterly. Securities that can be pledged for collateral shall consist only of securities permitted in this policy. Collateral shall be held by an independent third party with whom the City has established a custodial agreement.

10.0 INVESTMENT POOLS

Investment pools include LAIF, county pooled investment funds, shares of beneficial interest (mutual funds and money market funds), and joint powers authority pools. A thorough investigation of any pool or fund is required prior to the City's investment and on a periodic basis while funds are invested. The investigation will include review of the following items:

- Eligible investments;
- Investment policy and/or investment objectives;
- Security safeguarding, settlement process, pricing;
- Allowable deposits and withdrawals;
- Interest calculation, distribution, and treatment of gains/losses;
- Schedule for receiving statements and portfolio listings;
- Fees.
- Retained earnings
- Eligibility for bond proceeds

11.0 AUTHORIZED INVESTMENTS FOR BOND PROCEEDS

Bond proceeds shall be invested in the securities permitted pursuant to City Council approved bond documents. If the bond documents are silent as to the permitted investments, bond proceeds will be invested in the securities permitted by this policy. Notwithstanding the other provisions of this Investment Policy, the dollar portfolio, percentage, and term limitations listed elsewhere in the Investment Policy do not apply to bond proceeds. In addition to the securities listed in Section 8.0 above, bond proceeds may be invested in a structured investment product if approved by the CFO.

12.0 SAFEKEEPING AND CUSTODY

As required by CGC §53601 all security transactions entered by the City shall be conducted on Delivery versus Payment basis. Delivery versus Payment or DVP basis means all securities purchased or acquired shall be delivered to the City by book entry, physical delivery, or third-party custodial agreement. Investments in the state pool, local government investment pools, or money market funds are undeliverable, and therefore, not subject to the delivery or third-party safe keeping requirements.

13.0 DIVERSIFICATION

The City Council recognizes that investment risks can result from issuer defaults, market price changes, or various technical complications leading to temporary illiquidity. Portfolio diversification is employed to minimize these risks. Investment signatories are expected to display prudence in the selection and/or approval of securities, to minimize the risks present in the investment portfolio. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. To promote diversification, no more than 5 percent of the portfolio may be invested in the securities of any one issuer, regardless of security type; except for U.S. Treasuries, federal agencies, supranational, and pooled investments such as LAIF, money market funds, and local government investment pools.

The City Council acknowledges that from time to time certain situations may arise during which strict adherence to an inflexible investment policy may be overly restrictive. On a case by case basis, the City Council may consider any pertinent information of such situations and may, by minute action, modify or waive, within the constraints of CGC §53601 et seq., any of the provisions and/or restrictions of this Investment Policy.

The CFO shall periodically establish diversification guidelines, within the context of this policy, and strategies to control any risks of default, market price changes, and illiquidity.

14.0 TRADING OF SECURITIES

A trade is the movement from one security to another and may be done for a variety of reasons, such as to increase yield, lengthen or shorten maturities, to take a profit, or to increase investment quality. The purchase and sale transaction and the sale transaction must each be recorded separately and any losses or gains on the sale must be recorded.

The CFO may obtain competitive bids from at least two brokers or financial institutions on all purchases based on investment analysis recommended by staff about the investment policy guidelines. Competitive bids can be also obtained by other communication channels when necessary.

If the City has contracted with an investment advisor to provide investment service, the trading of the funds managed by the investment advisor will be performed by the investment advisor based on their established policies and procedure to evaluate and monitor the firms' credit worthiness, as well as their ability to perform the duties necessary for efficient trade execution. All trading activity conducted by the investment advisor shall be made in accordance with this Investment Policy and any written directions provided by the CFO.

15.0 MAXIMUM MATURITIES

Where no maturity limit is stated for an investment under Section 8.0, no investment shall be made in any security that at the time of the investment, has a remaining term to maturity of more than five years unless the City Council has granted express authority to make that investment either specifically or as part of a previous investment program, no less than three (3) months prior to the investment. Any investment currently held at the time the investment policy is adopted which does not meet the new policy guidelines may be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation such funds shall be reinvested only as provided in the most current policy.

16.0 PORTFOLIO MATURITY LIMITATION

The weighted average maturity of the entire portfolio shall not exceed three (3) years.

17.0 MONITORING CREDIT RATINGS

The CFO or the investment advisor shall monitor the ratings of all investments in their portfolios on a continuous basis. If an existing investment's rating drops below the minimum credit rating required for new investments made pursuant to this Investment Policy, the CFO will make a decision as to whether this security should be held or sold prior to maturity and will report to the City Council.

18.0 REPORTING

Within 45 days of the end of each month, the CFO shall submit to the City Council a monthly investment report. At the end of each quarter, the report is presented at the Finance and Governance Committee meeting. This report will include the elements of the quarterly report as recommended by CGC §53646, to include:

- a. Type of investment
- b. Name of institution
- c. Date of maturity
- d. Amount of deposit or cost of the security and the par value
- e. Current market value of all securities
- f. Rate of interest/earnings (yield)
- g. A monthly list of transactions

CGC §53646(b)(2), (3) recommends that the investment report must include a statement that (i) all investment actions executed since the last investment report have been made in full compliance with the Investment Policy or a City Council's minute action (waiver) and, that (ii) the City will meet its expenditure obligations for the next six months. The CFO shall maintain a complete and timely record of all investment transactions in support of the above statement.

19.0 INTERNAL CONTROLS

The CFO is responsible for establishing and maintaining a control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation and benefits require estimates and judgments by management.

An annual independent review, or as needed to address recommended changes, by an external auditor to assure compliance with policies and procedures will be performed as part of the City's annual audit.

20.0 PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. To determine whether market rate of return is being achieved, the CFO shall identify comparable benchmark(s) to the portfolio investment duration, (e.g., 90-day US Treasury Bill, 6-month US Treasury Bill, average LAIF yield rate).

If the City has contracted with an investment advisor to provide investment service, the investment performance of the managed funds shall be evaluated and compared to an appropriate benchmark to assess the success of the investment program relative to the City's safety, liquidity, and return objectives. This comparative analysis is included in the investment report presented to the City Council quarterly.

21.0 POLICY REVIEW

This Investment Policy shall be reviewed regularly to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return and its relevance to current law and financial and economic trends. The City Council shall be responsible for maintaining guidance over this Investment Policy to ensure that the City can adapt readily to changing market conditions and approve any modification to the Investment Policy prior to implementation.

22.0 STATE LAW

It is the policy of the City to comply with the State laws governing its investments.

23.0 INVESTMENT POLICY ADOPTION

The Investment Policy shall be adopted by resolution of the City Council of the City of Oxnard. Moreover, the Policy shall be reviewed whenever there are recommended changes or annually, whichever occurs first, and modifications must be approved by the City Council.

APPENDIX: GLOSSARY OF CASH MANAGEMENT & INVESTMENT TERMS

BOND PROCEEDS:

The money paid to the issuer by the purchaser or underwriter of a new issue of municipal securities. These monies are used to finance the project or purpose for which the securities were issued and to pay certain costs of issuance as may be provided in the bond contract.

BROKER:

A broker acts as an intermediary between a buyer and seller for a commission and does not trade for his/her own risk and account or inventory.

CERTIFICATE OF DEPOSIT (CD):

A time deposit with a specific maturity evidenced by a certificate.

CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SYSTEM (CDARS):

A private CD placement service that allows local agencies to purchase more than \$250,000 in CDs from a single financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage. CDARS is currently the only entity providing this service. CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than \$250,000 each, so that FDIC coverage is maintained.

COLLATERAL:

Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMMERCIAL PAPER:

A short-term, unsecured, promissory note with a fixed maturity of no more than 270 days. By statute, these issues are exempt from registration with the U.S. Securities and Exchange Commission.

CREDIT RISK:

The risk to an investor that an issuer will default in the payment of interest and/or principal on a security and a loss will result.

CUSTODIAN:

A bank or other financial institution that keeps custody of stock certificates and other assets.

DEALER:

A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own risk and account or inventory.

DELIVERY OF SECURITIES:

There are two methods of delivery of securities; *Delivery versus Payment* and *Delivery versus Receipt*. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of signed receipt for the securities.

DIVERSIFICATION:

Dividing investment funds among a variety of securities offering independent returns.

DURATION:

A measure of the timing of the cash flows to be received from a given-fixed income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC):

A federal agency that insures bank deposits.

FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA):

The Financial Industry Regulatory Authority (FINRA) is the largest independent regulator for all securities firms doing business in the United States. All told, FINRA oversees over 4,200 brokerage firms, about 162,000 branch offices and approximately 634,000 registered securities representatives.

INTEREST ONLY STRIPS:

The interest portion of a Treasury note or bond that has been stripped of its principal component through the commercial book-entry system.

INTEREST RATE RISK:

The risk of gain or loss in market values of securities due to changes in interest-rate levels. For example, rising interest rates will cause the market value of portfolio securities to decline.

INVERSE FLOATER:

Fixed income instruments whose coupon or interest rate is periodically reset according to a short-term rate index such as LIBOR, or prime rate. Unlike the traditional floating rate instrument, however, the inverse floater's rate is set equal to a fixed rate minus the short-term rate index.

INVESTMENT POLICY:

A clear and concise statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

INVESTMENT PORTFOLIO:

A collection of securities held by a bank, individual, institution, or government agency for investment purposes.

LIQUIDITY:

The measure of an asset's ability to be converted easily and rapidly into cash with minimum risk on principal.

LOCAL AGENCY INVESTMENT FUND (LAIF):

An investment pool managed by the California State Treasurer. Local government units, with consent of the governing body of that agency, may voluntarily deposit surplus funds for investment. Interest earned is distributed by the State Controller to the participating governmental agencies on a quarterly basis.

MARKET VALUE:

The price at which a security is currently being sold in the market. See FAIR VALUE.

MASTER REPURCHASE AGREEMENT:

A written contract covering all future transactions between the parties to repurchase agreements and reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY:

The date that the principal or stated value of a debt instrument becomes due and payable.

MEDIUM-TERM NOTES (MTNs):

Corporate notes, having any or of the features of corporate bonds and ranging in maturity from nine months out to thirty years. The difference between corporate bonds and MTNs is that corporate bonds are underwritten.

NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION (NRSRO):

A rating organization designated by the SEC as being nationally recognized, such as Moody's Investor Service, Inc. (Moody's), Standard & Poor's (S&P), and Fitch Ratings (Fitch).

NEGOTIABLE CERTIFICATES OF DEPOSIT:

Time deposits issued by Federal Deposit Insurance Corporation (FDIC) insured banks and are underwritten by the Financial Industry Regulatory Authority (FINRA) registered Broker/Dealers. Also known as "DTC Eligible CDs" or "Brokered Deposits", this type of deposit is offered to investors by issuing institutions looking to raise liquidity and funding through the wholesale and institutional markets.

PAR VALUE:

The amount of principal that must be paid at maturity. Also referred to as the face amount of a bond, normally quoted in increments of \$1,000 per bond.

PRIMARY DEALER:

A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker/dealers, banks and a few unregulated firms.

PRINCIPAL:

The face or par value of a debt instrument or the amount of capital invested in a security.

PRUDENT INVESTMENT STANDARD:

The way a prudent person of discretion and intelligence would be expected to manage the investment program in seeking a reasonable income and preservation of capital.

RANGE NOTES:

Securities that accrue interest during an interest period at a fixed or variable rate if a specified index is within a specified range during a designated period or at a point in time. A Range Note may not bear interest if the specified index is outside the specified range.

RATE OF RETURN:

- 1) The yield which can be attained on a security based on its purchase price or its current market price.
- 2) Income earned on an investment, expressed as a percentage of the cost of the investment.

REPURCHASE AGREEMENT (RP OR REPO):

A holder of securities (e.g. investment dealer) sells these securities to an investor (e.g. the City) with an agreement to repurchase them at a fixed date. The security "buyer" (e.g. the City) in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate the "buyer" for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is increasing bank reserves.

REVERSE REPURCHASE AGREEMENT (REVERSE REPO):

A counter party (e.g. investment dealer) buys the securities from the holder of securities (e.g. the City) with an agreement to sell them back at a fixed date. The counter party in effect lends the seller (e.g. the City) money for the period of the agreement with terms of the agreement structured to compensate the buyer.

SAFEKEEPING:

A service banks offer to clients for a fee, where physical securities are held in the bank's vault for protection and book-entry securities are on record with the Federal Reserve Bank or Depository Trust Company in the bank's name for the benefit of the client. As agent for the client, the safekeeping bank settles securities transactions, collects coupon payments, and redeems securities at maturity or, if called, on the call date.

SECURITIES:

Investment instruments such as notes, bonds, stocks, money market instruments and other instruments of indebtedness of equity.

SECURITIES AND EXCHANGE COMMISSION (SEC):

Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SECONDARY MARKET:

A market for the repurchase and resale of outstanding issues following the initial distribution.

SUPRANATIONALS:

International organizations whereby member states transcend national boundaries or interests to share in the decision-making process and vote on issues pertaining to the wider grouping.

TOTAL RETURN:

Total return, when measuring performance, is the actual rate of return of an investment or a pool of investments over a given evaluation period. Total return includes interest, capital gains, dividends and distributions realized over a given period.

TREASURY SECURITIES:

Securities issued as direct obligations of the U.S. Government and backed by the full faith and credit of the federal government.

WEIGHTED AVERAGE MATURITY (WAM):

The average maturity of all the securities that comprise a portfolio, typically expressed in days of years.

YIELD:

The annual rate of return on an investment expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security.

City of Oxnard
OFFICE OF THE CHIEF FINANCIAL OFFICER
INVESTMENT ADVISOR

- NONE

**City of Oxnard
OFFICE OF THE CHIEF FINANCIAL OFFICER
Authorized Brokers/Dealers**

The following Broker/Dealers are authorized in accordance with the City's Investment Policy:

1. Alamo Capital
2. Multi-Bank Securities
3. Piper Sandler
4. Robert Baird
5. Stifel
6. Union Banc
7. Wells Fargo
8. Falcon Square
9. Federated Homes
10. Mischler Financial Group
11. Zion
12. Great Pacific Securities
13. Oppenheimer



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. N.1

DATE: December 19, 2023

TO: City Council

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

SUBJECT: City Treasurer's annual investment policy for the period ending July 2024. (10 minutes)

RECOMMENDATION

That the City Council adopt a resolution adopting the FY 2023-24 investment policy for the City of Oxnard.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://youtu.be/SoqZj8taW9c>

BACKGROUND

DISCUSSION

This annual investment Policy is intended to provide directions for the prudent investment of surplus funds of the City of Oxnard and to outline the policies for maximizing the efficiency of the City's cash management system. To do so requires the timely cash flow statements from the Finance Department.

It is the policy of the City to invest public funds in a manner that will provide high investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all State, statutes governing the investment of public funds, and proper accounting as defined in GASB (Government Accounting Standards Board) Nos. 30 and 41. The references to the City Treasurer shall include his or her designee. This policy does not include retirement, retiree health care savings/trust/plan(s), nor deferred compensation plans, nor proceeds of bonds, nor Successor Agency funds.

This investment policy applies to the City's pooled investment fund, which includes the General Fund, special revenue funds, capital project funds, enterprise funds, trust and agency funds, and internal service funds. While this policy is generally applicable to bond proceeds with consideration given to specific provisions, the City Attorney has determined bond proceeds of each issuance are invested by another city staff and not the elected City Treasurer. Reports of the investment of bond proceeds are issued monthly by the trustee.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Phillip Molina, City Treasurer

ATTACHMENTS

1. 2022-2023 Investment Policy
2. City of Oxnard 2022-23 Investment Policy
3. California 2023-24 Investment Policy
4. City of Oxnard California 2023-24 Investment Policy
5. Treasurer investment Policy FY 23-24 Resolution
6. Presentation

City of Oxnard, California
2022-23 Investment Policy
Adopted December 2023

This annual investment Policy is intended to provide directions for the prudent investment of surplus funds of the City of Oxnard and to outline the policies for maximizing the efficiency of the City's cash management system. To do so requires the timely cash flow statements from the Finance Department.

It is the policy of the City to invest public funds in a manner that will provide high investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all State, statutes governing the investment of public funds, and proper accounting as defined in GASB (Government Accounting Standards Board) Nos. 30 and 41. The references to the City Treasurer shall include his or her deputy. This policy does not include retirement, retiree health care savings/trust/plan(s), nor deferred compensation plans, nor proceeds of bonds, nor Successor Agency funds.

This investment policy applies to the City's pooled investment fund, which includes the General Fund, special revenue funds, capital project funds, enterprise funds, trust and agency funds, and internal service funds. While this policy is generally applicable to bond proceeds with consideration given to specific provisions, the City Attorney has determined bond proceeds of each issuance are invested by another city staff and not the elected City Treasurer. Reports of the investment of bond proceeds are separately issued monthly by the trustee.

This statement is intended to provide guidelines for the prudent investment of surplus funds of the City of Oxnard and to outline the policies for maximizing the efficiency of the City's cash management system. It is the policy of the City to invest public funds in a manner that will provide high investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all State and local statutes governing the investment of public funds. The references to the City Treasurer shall include his or her designee. This policy does not include retirement, retiree health care savings/trust/plan(s) or deferred compensation plans.

3.0 PRUDENCE-Reference Ca. Govt. Code 53600.3 Investments shall be made with judgment and care – under circumstances then prevailing – which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for the investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by City officials responsible for the investment of public funds shall be the “prudent investor” standard and shall be applied in the context of managing the overall City portfolio of funds. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual's security risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 INVESTMENT OBJECTIVES The City's cash management system is designed to accurately monitor and forecast revenues and expenditures thus enabling the City Treasurer to invest funds to the fullest extent possible. The City Treasurer maintains a diversified investment portfolio to accomplish the primary objectives of safety, liquidity, and yield (in that order of priority).

Safety – The safety or risk associated with an investment refers to the potential loss of principal, accrued interest, or a combination of these. The City seeks to mitigate credit risk by prequalifying and continuously monitoring financial institutions with which it will do business and by scrutiny of the credit worthiness of the investment instruments as well as the institutions. Such resources as FDIC bank ratings, Sheshunoff, Fitch, Moody's and Standard and Poor's rating services may be utilized for this review. The City seeks to mitigate interest rate risk through diversification of instruments as well as maturities.

Liquidity – The City investment portfolio will be structured with sufficient liquidity to allow the City to meet its anticipated cash requirements. This will be accomplished through diversity of instruments to include those with active secondary markets, those which match maturities to expected cash needs and the State Local Agency Investment Fund (LAIF) with immediate withdrawal provisions.

Yield – A competitive market rate of return is the third objective of the City investment program after the fundamental requirements of safety and liquidity have been met.

5.0 DELEGATION OF AUTHORITY California Government Code Section 53607 provides the authority for the legislative body of the local agency to invest the funds of the local agency or to delegate that authority to the treasurer of the local agency. Effective January 1, 1997, such delegation is to be reviewed annually and may be renewed by the City Council (Appendix 3, Section 53607).

City Council – Under City of Oxnard Resolution No. 10455, the City Council has authorized the City Treasurer to invest City funds in accordance with California Government Code Section 53600, et. seq. The City Treasurer will include review of the delegation of authority in the annual presentation of the investment policy to the City Council.

City Treasurer – The execution of investment transactions on a daily basis will be conducted by the City Treasurer. The Assistant City Treasurer will execute transactions only as directed by the City Treasurer in the absence of the City Treasurer. The City Treasurer has established a system of controls and a segregation of responsibilities of investment functions to assure maintenance of internal control over the investment function. The City Treasurer may propose amendments to the City's investment policy, guidelines, and procedures at any time to carry out the duties as chief investment officer for the City. Such amendments shall be reviewed by the City's Investment Review Committee and considered by the City Council at a public meeting.

6.0 ETHICS AND AVOIDANCE OF CONFLICTS OF INTEREST Investment officials shall refrain from personal business activity that could conflict with proper execution and management of the policy and the investment program, or which could impair their ability to make impartial decisions. Investment officials must provide a public disclosure document by February 1 of each year or when material interest in financial institutions or personal investment position(s) require it. Furthermore, investment officials must refrain from undertaking personal investment transactions with the same individual(s) employed by the financial institution with whom business is conducted on behalf of the City. The City Treasurer is governed by the Political Reform Act of 1974 regarding disclosure of material financial interests.

7.0 CA Govt. Code 53601.5 The City Treasurer shall transact business only with the banks, savings and loan and properly registered securities dealers.

Authorization – The City may conduct business with major registered securities broker-dealers and with dealers designated “Primary” by the Federal Reserve provided all the following criteria are met. The Treasurer or his or her designee will maintain a list of approved financial institutions authorized to provide investment services to the public agency in the State of California. These may include “primary” dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). Broker-dealers must:

- a. Have offices located within the State of California;
- b. Be adequately capitalized;
- c. Make markets in securities appropriate to the City’s needs;
- d. Agree to abide by the conditions set forth in the City’s investment policy;

The City Treasurer shall investigate all institutions which wish to do business with the City and shall require that each financial institution complete and return the appropriate questionnaire and required documentation. An annual review of the financial condition and registration of qualified bidders will be conducted by the City Treasurer.

No public deposit shall be made except in a qualified public depository as established by the established State laws. All financial institutions and broker/dealers who desire to conduct investment transactions with the public agency must supply the Treasurer (or Chief Financial Officer) with the following: audited financial statements, proof of NASD certification, trading resolution, proof of State of California registration, completed broker/dealer questionnaire, certification of having read the Public Agency’s investment policy and depository contracts.

Ratings – With the exception of the Local Agency Investment Fund (LAIF) and U.S. Treasury and Government Agency issues, investments shall be placed only in those instruments and institutions rated favorably as determined by the City Treasurer with the assistance of bank rating services and nationally recognized rating services (FDIC, Fitch’s, Moody’s, Standard & Poor’s, Sheshunoff performance rating, etc.).

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

California Government Code Section 53601 (Appendix 3) defines eligible securities for the investment of surplus funds by local agencies. Surplus funds of the City of Oxnard are invested in compliance with this statute and as further limited in this Investment Policy.

U.S. Government - United States Treasury Bills, Notes, and Bonds are backed by the full faith and credit of the United States Government. There shall be no limitation as to the percentage of the portfolio invested in this category. Maturities are limited to a maximum of five years.

U.S. Agencies - The purchase of instruments of, or issued by, a federal agency or a United States government-sponsored enterprise will be limited to a maximum maturity of five years. Such agencies include, but are not limited to, the Federal Farm Credit Bank, Federal Home Loan Bank, Federal Home

Loan Mortgage Corporation, Student Loan Marketing Association, Tennessee Valley Authority, and the Federal National Mortgage Corporation.

Municipal Bonds, Notes or Evidences of Indebtedness - Bonds issued by the local agency, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency or by a department, board, agency, or authority of the local agency. Registered State warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue producing property owned, controlled, or operated by the State or by a department, board, agency, or authority of the State.

Bonds, notes, warrants, or other evidences of indebtedness of any local agency within this State include bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. A maximum of 15 percent of the portfolio may be so invested.

Bankers' Acceptances - Bills of exchange or time drafts drawn on and accepted by commercial banks which are eligible for purchase by the Federal Reserve System are known as bankers' acceptances. Purchases of these instruments may not exceed 180 days to maturity or 40 percent of an agency's surplus funds. A maximum of 30 percent may be invested in the bankers' acceptances of any one commercial bank.

Commercial Paper - This short-term unsecured promissory note is issued to finance short term credit needs. Eligible paper is that which is ranked "PI" by Moody's Investor Services or "A1" by Standard & Poor's or Fitch's, issued by a domestic corporation having assets in excess of \$500,000,000, and having an "A" or better rating on issuer's debt. Purchases of commercial paper may not exceed 270 days or represent more than 10 percent of the outstanding paper of an issuing corporation. Commercial paper purchases will be limited to 15 percent of the City's portfolio.

Negotiable Certificates of Deposit (NCDs) - Allowable NCDs are issued by a nationally or State-chartered bank or a State or federal association or by a State-licensed branch of a foreign bank. The City Treasurer may invest up to 30 percent of surplus funds in NCDs limited to institutions rated "Aa" or better by Moody's or "AA-" or better by Standard & Poor's CD Rating Services. A rating equivalent to FDIC rating of "One" or "Two" or a Sheshunoff performance rating of A or better is required for those institutions not rated by Moody's, Fitch's or Standard & Poor's. NCDs are considered liquid, trading actively in the secondary market.

Certificates of Deposit (CDs) - Certificates of deposit or "time deposits" of up to \$250,000 are federally insured. Beyond that amount, these CDs must be collateralized with the collateral held separately from the issuing institution. The value of the investment must have collateral of at least 110 percent if government securities, or collateral of at least 150 percent if mortgage-backed securities. Statute does not limit CDs, however, this Investment Policy shall limit such investments to a maximum of 30 percent of the portfolio (GC 53601(i)). In addition, time deposits shall be placed in institutions meeting all capital requirements and which maintain a rating equivalent to FDIC rating of "One" or "Two" or a Sheshunoff performance rating of A or better.

Repurchase Agreements - The City may invest in repurchase agreements with banks and dealers of primary dealer status recognized by the Federal Reserve with which the City has entered into a master repurchase contract which specifies terms and conditions of repurchase agreements. The maturity of

repurchase agreements shall not exceed 90 days. The market value of securities used as collateral for repurchase agreements shall be monitored by the City Treasurer's office and will not be allowed to fall below 102 percent of the value of the repurchase agreement. To conform with provisions of the Federal Bankruptcy Code, which provide for the liquidation of securities held as collateral for repurchase agreements, the only securities acceptable as collateral shall be eligible negotiable certificates of deposit, bankers' acceptances, commercial paper, or securities that are direct obligations of or that are fully guaranteed by the United States or any agency of the United States. These eligible securities are further defined by California Government Code Section 53651.

Medium Term Notes - A maximum of 30 percent of the City's portfolio may be invested in medium-term notes issued by corporations organized and operating within the United States. Note maturities may not exceed five years. Securities eligible for investment must be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service (i.e., Moody's or Standard & Poor's).

Mutual Funds - Shares of beneficial interest (mutual funds) issued by diversified management companies investing in securities/obligations authorized by California Government Code Section 53600, et. seq., and complying with Section 53601, are permitted investments. Section 53601(I) further defines requirements. A maximum of 20 percent of the portfolio may be so invested.

Local, State, or County Agency Investment Fund - The Local Agency Investment Fund (LAIF) has been established by the State Treasurer for the benefit of local agencies. The City may invest up to the maximum permitted by LAIF and the Ventura County Investment Pool operated under the control of the County Treasurer, and CALTRUST consistent with California Government Code Section 53635.

Ineligible Investments - Investments not described herein, including but not limited to common stocks and financial futures contracts and options, are prohibited in this fund.

City Inter-fund Loans - Funds may be invested in loans to provide specific funding to City programs, provided no loan shall violate any limitations prescribed by California law. Legal requirements shall include but not be limited to those listed in Government Code section 66006(b)(1)(G) for development impact fees and in Government Code section 66013(d)(5) for water connection, sewer connection and capacity charge fees.

9.0 COLLATERAL The issue of collateral requirements is addressed in California Government Code Section 53652. All active and inactive deposits must be secured at all times with eligible securities in securities pools pursuant to Sections 53656 and 53657. Eligible securities held as collateral shall have a market value in excess of the total amount of all deposits of a depository as follows:

Government securities, at least 10 percent in excess
mortgage-backed securities, at least 50 percent in excess
letters of credit, at least 5 percent in excess.

FDIC coverage as the Official Custodian of a public unit is insured up to \$250,000 per bank and all active and inactive deposits above the FDIC insured amount must be collateralized to be secured.

10.0 INVESTMENT POOLS/MUTUAL FUNDS

A thorough investigation of the pool/fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed which will answer the following general questions:

a) A description of eligible investment securities, and a written statement of investment policy and objectives. b) A description of interest calculations and how it is distributed, and how gains and losses are treated. c) A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited. d) A description of who may invest in the program, how often, what size deposit and withdrawal are allowed. e) A schedule for receiving statements and portfolio listings. f) Are reserves, retained earnings, etc. utilized by the pool/fund? g) A fee schedule, and when and how is it assessed. h) Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

11.0 DIVERSIFICATION

The City's portfolio will be suitably diversified by type and institution to reduce portfolio risk while attaining market average rates.

Security Type and Institution - U.S. Treasury securities and authorized pools, and any portfolio or institutional limits shall comply with California Government Code. Investments are further limited by specific language relating to each investment type as stated in Section 8 of this Policy.

Maximum Maturities - To the extent possible, the City Treasurer will attempt to match investments with anticipated cash flow requirements. The City's portfolio will not be directly invested in securities which mature more than five years from the date of purchase. Reserve funds may be invested in securities exceeding the five years as allowed by California Law (maturity of such investments should coincide as nearly as practicable with expected use of funds).

12.0 INTERNAL CONTROLS

A system of internal controls will be maintained to assure compliance with Federal and State regulations, City Council direction, and prudent cash management procedures.

Investment Review Committee - The City Treasurer and/or the Mayor shall form the investment committee, whose members may include the Mayor, Councilmembers, City Manager, and Finance Director, or their designated alternates plus members of the public whose interest and knowledge can provide sound advice to the Investment Review Committee tasked with quarterly review of procedures and adherence to this Investment Policy.

Investment Portfolio Guidelines - Guidelines (Appendix No. 2) have been established for procedures within the City Treasurer's Office to assure internal investment controls and a segregation of responsibilities of investment functions.

Annual Audit - The City's portfolio is included in the annual review of the City's financial management performed by an independent (as defined by FASB and GASB) outside audit firm.

13.0 PERFORMANCE STANDARDS

The investment portfolio will be designed to attain at least a market-average rate of return during budgetary and economic cycles. Whenever possible, and consistent with risk limitations as defined herein and prudent investment principles, the Treasurer shall seek to augment returns above the market average rate of return as shown on the average CMT (Constant Maturity Treasury) whose maturity most closely matches the average maturity of the portfolio. In addition, the City portfolio will

be compared with LAIF and the goal is to maintain a higher positive annual yield than LAIF's annual yield.

14.0 REPORTING-Reference: CA Govt. Code 53646(b)

The City Treasurer shall provide investment information to City Council.

Periodic Reports - The City Treasurer will provide detailed reports of the investments in the pooled investment fund portfolio on a monthly basis to the City Council, City Manager, Chief Financial Officer, and City Clerk. Within thirty days of the end of each quarter, these reports will be provided with additional information such as market pricing. This report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, that are under the management of contracted parties, including lending programs. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report, and shall include the source of this same valuation.

Annual Report - This Investment Policy will be presented annually following the close of the fiscal year, to the City Council for approval. Financial Statements per GASB #31 - City Treasurer will provide the portfolio's market value gains/losses to Finance to be incorporated in the fiscal year-end balance sheet. Financial Statements per GASB #40 - Effective June 30, 2005, additional disclosure is required. City Treasurer will provide detailed maturity and rating information to Finance to be incorporated in the Comprehensive Annual Financial Report (CAFR).

15.0 SAFEKEEPING AND CUSTODY –Reference: CA Govt. Code 53608

All security transactions, including collateral for repurchase agreements, entered into by the City Treasurer shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third-party custodian designated by the Treasurer and evidenced by safekeeping receipts.

16.0 INVESTMENT POLICY ADOPTION –Reference: CA Govt. Code 53646

The City of Oxnard's investment policy shall be adopted by resolution of the City Council. The policy shall be reviewed annually by the City Council and any modifications made thereto by the City Treasurer must be presented to the City Council. The City Treasurer shall establish written investment policy procedures for the operation of the investment program consistent with this policy. The procedures should include reference to: safekeeping, master repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person, or officer may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City of Oxnard.

APPENDIX

- a) No. 1 Glossary
- b) No. 2 Investment Portfolio Guidelines

- c) No. 3 California Government Code Sections related to Investment of Public Funds City of Oxnard,

City of Oxnard, California
2022-23 Investment Policy
Adopted November 30, 2024

APPENDIX NO. 2: OXNARD CITY TREASURER INVESTMENT PORTFOLIO GUIDELINES

A. INTRODUCTION. These guidelines are established to direct and control investment activities in such a manner to assure that the goals established in the Investment Policy are attained. B. GENERAL FACTORS. Several factors must be considered in preparation for effective portfolio management.

1. Cash Forecast. The cash flow of the City shall be updated daily with an analysis of cash receipts and expenditures. A close working relationship with City Departments having a significant impact on cash flow is maintained to maximize the efficiency of the City's cash management system.

2. Pooled Cash. Whenever practical, the City's cash should be consolidated into one bank account and invested on a pooled concept basis. Interest earnings are allocated according to specific general ledger cash balances. No City bank account may be opened without the knowledge and consent of the City Treasurer.

3. Authorized Institutions. A list of institutions, which meet the criteria of the Investment Policy and have been authorized by the City Treasurer to do business with the City, will be maintained and regularly updated. Investment transactions will be executed only with approved broker/dealers, banks, and savings and loans.

4. Preservation of Portfolio Value. Yield standards are in place in an effort to maintain earnings consistent with the market average rate of return.

5. Golden Rule of Portfolio Management. Investment instrument characteristics should be known and understood before a purchase of the investment instrument. And recognizing that there are no firm and steadfast rules (strategies) for portfolio management because investor expectations change by the day, hour, and minute, and because of this market instability, prudent principles of fiscal management must be applied.

C. STRATEGY: Strategy refers to the plan of action for managing financial resources in the most advantageous manner. The City Treasurer uses the following elements in developing strategy.

1. Economic Forecasts. Economic forecast information developed by economists and financial experts, obtained through bankers and brokers, is used to assist the City Treasurer with the formulation of an investment strategy for the City.

2. Investment Implementation. Investment transactions will be executed in conformance with anticipated cash flow requirements, economic conditions, and interest rate trends and must be consistent with the established Investment Policy.

3. Yield Enhancement. Investment techniques will be utilized which increase yield and maintain a fully invested position.

D. INVESTMENT PROCEDURES. The City Treasurer has developed internal investment procedures to provide for effective cash management. Segregation of responsibilities is maintained to assure an adequate system of internal control over the investment function.

1. Diversification. The fund should consist of a mix of various types of securities, issuers, and maturities.
2. Competitive Bids. Purchase and sale of securities shall be made on the basis of competitive bids and offers with a minimum of two quotes being obtained, when practical.
3. Investment Transactions. Investment transactions will be authorized by the City Treasurer. In his/her absence, the Assistant City Treasurer will execute transactions as prescribed by the City Treasurer prior to his/her absence. In the event of unexpected absence and unavailability by the City Treasurer, the Assistant City Treasurer will transact within established guidelines.
4. Electronic Transactions. Whenever possible, the City will use preformatted wire transfers and ACH debits to restrict the transfer of funds to preauthorized accounts only. All electronic transactions require an initiator plus an approval by an authorized employee. Authenticity is verified on next business day for each electronic transaction.
5. Safekeeping. Securities purchased from broker/dealers (on which maturity is greater than 30 days) shall be held in third party safekeeping with the Trust Department of Union Bank of California acting as third-party trustee. All such purchases will be on a delivery versus-payment basis. Evidence of account for certificates of deposit will be issued in the City's name and held in City Treasurer's vault.

E. INVESTMENT CRITERIA. All investments will be made in compliance with Federal, State, and Local laws governing the investment of City funds, and in accordance with the City Treasurer's Investment Policy. 1. Maturity of Investment. Investments longer than one year may be made if consistent with the City's cash flow needs, related intent to hold until maturity, unless market conditions demand otherwise. Securities may be sold prior to maturity for cash flow purposes or to otherwise enhance the portfolio. If the rating of any depository declines to an unacceptable level prior to the maturity of an investment of City funds, the investment will be matured at the earliest possible opportunity. If the rating drops below the allowable level of any one of the rating services, the investment will be sold if no significant loss of principal is involved. Such sales will be determined by the City Treasurer. 2. Certificate of Deposit Evaluation. (a) Time Certificates of Deposit shall be evaluated in terms of FDIC coverage. For deposits more than the insured maximum of \$250,000, approved collateral shall be required at the percentage above market value as specified by California Government Code Section 53652 and/or 53651. (b) Negotiable Certificates of Deposit shall be evaluated in terms of the credit worthiness of the issuer as these deposits are uninsured and uncollateralized promissory notes.

F. PRIMARY GOALS. As set forth in the Investment Policy, the primary goals for the City of Oxnard are safety, liquidity, and yield, in that priority order. 1. Safety. The safety/risk associated with an investment refers to the potential loss of principal, accrued interest, or a combination of these. The City of Oxnard employs investment instruments considered to be safe. The primary duty of the City Treasurer is to protect the cash and investments placed in her trust on behalf of the citizens of the community. 2. Liquidity. Liquidity refers to the ability to convert investment holdings to cash immediately with no loss of principal or accrued interest. This quality of investment is important should an unexpected need for funds occur. 3. Yield. Yield is the dollar earnings the investment provides. Yield becomes important only after the fundamental requirements of safety and liquidity have been met.

G. INTERNAL CONTROL OF INVESTMENTS. Investment transactions are controlled through distribution of responsibilities within the Treasurer's Office by the following procedures:

1. The Treasurer initiates each investment transaction.

2. Details of the investment are recorded on a trade slip and given to the account clerk responsible for encoding the trade details into the electronic investment system. The same account clerk produces a verification letter mailed to the institution receiving the investment. A copy of the letter is forwarded to the transferring bank.
3. The transaction record is then delivered to a designee who enters the transaction on the cash balance spread sheet.
4. At month end the balances on the spreadsheet, maintained by a designee, must balance with the portfolio balance maintained independently by the electronic system clerk.
5. Each business day, the Treasurer's Office receives an electronic report from the City's bank. This report contains checking account balances, a listing of debits and credits, overnight investments, and a record of wired funds. This information is incorporated into the monthly checking account statement which provides a cross reference.
6. The Treasurer's Office forwards copies of all investment and transfer letters to General Accounting daily. General Accounting also receives copies of all bank statements, daily print-outs, bank reconciliations, credit/debit memorandums, journal vouchers, and tapes coordinating Treasurer's Receipts with deposits.
7. The Treasurer's report of balances and summary of investments and earnings is compiled monthly and distributed to the City Council, City Manager, City Clerk and Chief Financial Officer. A report, including market values, will be provided on a quarterly basis within 30 days of the close of the last month of each quarter. A report of portfolio gains/losses will be provided to the Chief Financial Officer at fiscal year-end for inclusion in year-end balance sheet reporting. These Guidelines are provided to all staff members of the City Treasurer's Office being involved with the investment procedures in any way. It is intended that these guidelines define the details of current practice set forth by the Investment Policy.

**California 2023-24
Investment Policy
Adopted December 2023**

APPENDIX NO. 1: GLOSSARY AGENCIES:

Federal agency securities.

BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BASIS POINT: One one-hundredth of a percent (i.e., 0.01 %)

BROKER: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in inter-dealer markets.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (also called free). Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DISCOUNT: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is at a discount.

DISCOUNT SECURITIES: Non-interest-bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&Ls, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL FUNDS RATE: The rate of interest at which Federal funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing & Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loans associations and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term "pass-throughs" is often used to describe Ginnie Mae investment instruments.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL AGENCY INVESTMENT FUND (LAIF): Funds from local governmental units may be remitted to the California State Treasurer for deposit in this special fund for the purpose of investment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold at a specific date.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase and reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable. **MONEY MARKET:** The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

PORTFOLIO: Collection of securities held by an investor. **PRIMARY DEALER:** A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks, and a few unregulated firms.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return. **RATING**

AGENCIES: S&P Probably the best known of the Big Three rating agencies, Standard and Poor's (S&P) is a company providing financial publishing, information and media to the world's capital markets. It is owned by the McGraw-Hill Companies. S&P also publishes stock market indices, the most well-known of which is the S&P 500. S&P's ratings from the best quality borrowers to the lowest are: AAA, AA, A, BBB, BB, B, CCC, CC, C, and D. Investment grade is BBB and above. S&P uses plus and minus to add intermediate designations to these ratings. Moody's Moody's started in 1909 as a publishing company, issuing railroad bond guides called Moody's Manuals. It later expanded its coverage to municipal and commercial bonds, and is now called Moody's Investment Services. Moody's uses the following ratings: Aaa, Aa, A, Baa, Ba, B, Caa, Ca, and C. Numbers are added for intermediate designations, such as Baa1, Baa2, etc. Investment grade is considered to be Baa and above; anything below is considered speculative, or junk. Fitch Owned by a French Holding Company, Fimalac SA, Fitch operates internationally and offers financial research as well as credit rating services. The smallest of the Big Three, Fitch uses the same ratings scale as S&P. Conflicts of Interest of rating agencies Credit ratings agencies receive fees from the issuers of the securities they rate. In the time leading up to the 2008 financial crisis, S&P, Moody's and Fitch all gave consistently high ratings to mortgage-backed securities created by the investment banks who were paying them. This overrating of risky debt instruments contributed to the financial bubble and subsequent decline. Congress has proposed new regulation of these agencies to increase competition and ensure independence in this market

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Federal Reserve Bank is said to be doing RP, it is lending money that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the banks' vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SPREAD: a) The yield or price difference between the bid and offer on an issue; b) The yield or price difference between different issues.

TREASURY BILLS: A non-interest-bearing security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year. **TREASURY BONDS:** Long-term U.S. Treasury securities having initial maturities of more than ten years. **TREASURY NOTES:** Intermediate term coupon bearing U.S. Treasury securities having initial maturities of from one to ten years.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**City of Oxnard,
California 2023-24 Investment Policy
Adopted December 2023**

APPENDIX NO. 3: STATE OF CALIFORNIA GOVERNMENT CODE INVESTMENT PROVISIONS

53600.

As used in this article, “local agency” means county, City, City and county, including a chartered City or county, school district, community college district, public district, county board of education, county superintendent of schools, or any public or municipal corporation. (Amended by Stats. 1987, Ch. 887, Sec. 2.)

53600.3.

Except as provided in subdivision (a) of Section 27000.3, all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law. (Amended by Stats. 1996, Ch. 749, Sec. 4. Effective January 1, 1997.)

53600.5.

When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, the primary objective of a trustee shall be to safeguard the principal of the funds under its control. The secondary objective shall be to meet the liquidity needs of the depositor. The third objective shall be to achieve a return on the funds under its control. (Amended by Stats. 1996, Ch. 749, Sec. 5. Effective January 1, 1997.)

53600.6.

The Legislature hereby finds that the solvency and creditworthiness of each individual local agency can impact the solvency and creditworthiness of the state and other local agencies within the state. Therefore, to protect the solvency and creditworthiness of the state and all its political subdivisions, the Legislature hereby declares that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern. (Added by Stats. 1995, Ch. 784, Sec. 13. Effective January 1, 1996.)

53601.

This section shall apply to a local agency that is a city, a district, or other local agency that does not pool money in deposits or investments with other local agencies, other than local agencies that have the same governing body. However, Section 53635 shall apply to all local agencies that pool money in

deposits or investments with other local agencies that have separate governing bodies. The legislative body of a local agency having moneys in a sinking fund or moneys in its treasury not required for the immediate needs of the local agency may invest any portion of the moneys that it deems wise or expedient in those investments set forth below. A local agency purchasing or obtaining any securities prescribed in this section, in a negotiable, bearer, registered, or nonregistered format, shall require delivery of the securities to the local agency, including those purchased for the agency by financial advisers, consultants, or managers using the agency's funds, by book entry, physical delivery, or by third-party custodial agreement. The transfer of securities to the counterparty bank's customer book entry account may be used for book entry delivery. For purposes of this section, "counterparty" means the other party to the transaction. A counterparty bank's trust department or separate safekeeping department may be used for the physical delivery of the security if the security is held in the name of the local agency. Where this section specifies a percentage limitation for a particular category of investment, that percentage is applicable only at the date of purchase. Where this section does not specify a limitation on the term or remaining maturity at the time of the investment, no investment shall be made in any security, other than a security underlying a repurchase or reverse repurchase agreement or securities lending agreement authorized by this section, that at the time of the investment has a term remaining to maturity in excess of five years, unless the legislative body has granted express authority to make that investment either specifically or as a part of an investment program approved by the legislative body no less than three months prior to the investment: (a) Bonds issued by the local agency, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency or by a department, board, agency, or authority of the local agency. (b) United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. (c) Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state. (d) Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California. (e) Bonds, notes, warrants, or other evidences of indebtedness of a local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. (f) Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. (g) Bankers' acceptances otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchases of bankers' acceptances shall not exceed 180 days' maturity or 40 percent of the agency's moneys that may be invested pursuant to this section. However, no more than 30 percent of the agency's moneys may be invested in the bankers' acceptances of any one commercial bank pursuant to this section. This subdivision does not preclude a municipal utility district from investing moneys in its treasury in a manner authorized by the Municipal Utility District Act (Division 6 (commencing with Section 11501) of the Public Utilities Code). (h) Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical rating organization (NRSRO). The entity that issues the commercial paper shall meet all the following conditions in either paragraph (1) or (2): (1) The entity meets the following criteria: (A) Is organized and operating in the United States as a general corporation.

(B) Has total assets more than five hundred million dollars (\$500,000,000). (C) Has debt other than commercial paper, if any, that is rated in a rating category of “A” or its equivalent or higher by an NRSRO.

(2) The entity meets the following criteria: (A) Is organized within the United States as a special purpose corporation, trust, or limited liability company. (B) Has program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond. (C) Has commercial paper that is rated “A-1” or higher, or the equivalent, by an NRSRO. Eligible commercial paper shall have a maximum maturity of 270 days or less. Local agencies, other than counties or a city and county, that have less than one hundred million dollars (\$100,000,000) of investment assets under management, may invest no more than 25 percent of their moneys in eligible commercial paper. Local agencies, other than counties or a city and county, that have one hundred million dollars (\$100,000,000) or more of investment assets under management may invest no more than 40 percent of their moneys in eligible commercial paper. A local agency, other than a county or a city and a county, may invest no more than 10 percent of its total investment assets in the commercial paper and the medium-term notes of any single issuer. Counties or a city and county may invest in commercial paper pursuant to the concentration limits in subdivision (a) of Section 53635. (i) Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association, or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed 30 percent of the agency’s moneys that may be invested pursuant to this section. For purposes of this section, negotiable certificates of deposit do not come within Article 2 (commencing with Section 53630), except that the amount so invested shall be subject to the limitations of Section 53638. The legislative body of a local agency and the treasurer or other official of the local agency having legal custody of the moneys are prohibited from investing local agency funds, or funds in the custody of the local agency, in negotiable certificates of deposit issued by a state or federal credit union if a member of the legislative body of the local agency, or a person with investment decision making authority in the administrative office manager’s office, budget office, auditor-controller’s office, or treasurer’s office of the local agency also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit. (j) (1) Investments in repurchase agreements or reverse repurchase agreements or securities lending agreements of securities authorized by this section, as long as the agreements are subject to this subdivision, including the delivery requirements specified in this section. (2) Investments in repurchase agreements may be made, on an investment authorized in this section, when the term of the agreement does not exceed one year. The market value of securities that underlie a repurchase agreement shall be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be adjusted no less than quarterly. Since the market value of the underlying securities is subject to daily market fluctuations, the investments in repurchase agreements shall be in compliance if the value of the underlying securities is brought back up to 102 percent no later than the next business day. (3) Reverse repurchase agreements or securities lending agreements may be utilized only when all the following conditions are met: (A) The security to be sold using a reverse repurchase agreement or securities lending agreement has been owned and fully paid for by the local agency for a minimum of 30 days prior to sale. (B) The total of all reverse repurchase agreements and securities lending agreements on investments owned by the local agency does not exceed 20 percent of the base value of the portfolio. (C) The agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity date of the same

security. (D) Funds obtained or funds within the pool of an equivalent amount to that obtained from selling a security to a counterparty using a reverse repurchase agreement or securities lending agreement shall not be used to purchase another security with a maturity longer than 92 days from the initial settlement date of the reverse repurchase agreement or securities lending agreement, unless the reverse repurchase agreement or securities lending agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity date of the same security.

(4) (A) Investments in reverse repurchase agreements, securities lending agreements, or similar investments in which the local agency sells securities prior to purchase with a simultaneous agreement to repurchase the security may be made only upon prior approval of the governing body of the local agency and shall be made only with primary dealers of the Federal Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with a local agency. (B) For purposes of this chapter, "significant banking relationship" means any of the following activities of a bank: (i) Involvement in the creation, sale, purchase, or retirement of a local agency's bonds, warrants, notes, or other evidence of indebtedness. (ii) Financing of a local agency's activities. (iii) Acceptance of a local agency's securities or funds as deposits. (5) (A) "Repurchase agreement" means a purchase of securities by the local agency pursuant to an agreement by which the counterparty seller will repurchase the securities on or before a specified date and for a specified amount and the counterparty will deliver the underlying securities to the local agency by book entry, physical delivery, or by third-party custodial agreement. The transfer of underlying securities to the counterparty bank's customer book-entry account may be used for book-entry delivery. (B) "Securities," for purposes of repurchase under this subdivision, means securities of the same issuer, description, issue date, and maturity. (C) "Reverse repurchase agreement" means a sale of securities by the local agency pursuant to an agreement by which the local agency will repurchase the securities on or before a specified date and includes other comparable agreements. (D) "Securities lending agreement" means an agreement under which a local agency agrees to transfer securities to a borrower who, in turn, agrees to provide collateral to the local agency. During the term of the agreement, both the securities and the collateral are held by a third party. At the conclusion of the agreement, the securities are transferred back to the local agency in return for the collateral. (E) For purposes of this section, the base value of the local agency's pool portfolio shall be that dollar amount obtained by totaling all cash balances placed in the pool by all pool participants, excluding any amounts obtained through selling securities by way of reverse repurchase agreements, securities lending agreements, or other similar borrowing methods. (F) For purposes of this section, the spread is the difference between the cost of funds obtained using the reverse repurchase agreement and the earnings obtained on the reinvestment of the funds. (k) Medium-term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by an NRSRO. Purchases of medium-term notes shall not include other instruments authorized by this section and shall not exceed 30 percent of the agency's moneys that may be invested pursuant to this section. A local agency, other than a county or a city and a county, may invest no more than 10 percent of its total investment assets in the commercial paper and the medium-term notes of any single issuer. (l) (1) Shares of beneficial interest issued by diversified management companies that invest in the securities and obligations as authorized by subdivisions (a) to (k), inclusive, and subdivisions (m) to (q), inclusive, and that comply with the investment restrictions of this article and Article 2 (commencing with

Section 53630). However, notwithstanding these restrictions, a counterparty to a reverse repurchase agreement or securities lending agreement is not required to be a primary dealer of the Federal Reserve Bank of New York if the company's board of directors finds that the counterparty presents a minimal risk of default, and the value of the securities underlying a repurchase agreement or securities lending agreement may be 100 percent of the sales price if the securities are marked to market daily. (2) Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.). (3) If investment is in shares issued pursuant to paragraph (1), the company shall have met either of the following criteria: (A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs. (B) Retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by subdivisions (a) to (k), inclusive, and subdivisions (m) to (q), inclusive, and with assets under management more than five hundred million dollars (\$500,000,000). (4) If investment is in shares issued pursuant to paragraph (2), the company shall have met either of the following criteria: (A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs. (B) Retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management more than five hundred million dollars (\$500,000,000). (5) The purchase price of shares of beneficial interest purchased pursuant to this subdivision shall not include commission that the companies may charge and shall not exceed 20 percent of the agency's moneys that may be invested pursuant to this section. However, no more than 10 percent of the agency's funds may be invested in shares of beneficial interest of any one mutual fund pursuant to paragraph (1). (m) Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance. (n) Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank that is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted. (o) A mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other paythrough bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed bond. Securities eligible for investment under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO and have a maximum remaining maturity of five years or less. Purchase of securities authorized by this subdivision shall not exceed 20 percent of the agency's surplus moneys that may be invested pursuant to this section. (p) Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (r), inclusive. Each share shall represent an equal proportional interest in the

underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria: (1) The adviser is registered or exempt from registration with the Securities and Exchange Commission. (2) The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive. (3) The adviser has assets under management more than five hundred million dollars (\$500,000,000). (q) United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO and shall not exceed 30 percent of the agency's moneys that may be invested pursuant to this section. (r) Commercial paper, debt securities, or other obligations of a public bank, as defined in Section 57600. This section shall remain in effect only until January 1, 2026, and as of that date is repealed. (Amended by Stats. 2020, Ch. 235, Sec. 2. (SB 998) Effective January 1, 2021. Repealed as of January 1, 2026, by its own provisions. See later operative version added by Sec. 3 of Stats. 2020, Ch. 235.)

53601.1.

The authority of a local agency to invest funds pursuant to Section 53601 includes, in addition thereto, authority to invest in financial futures or financial option contracts in any of the investment categories enumerated in that section. (Added by Stats. 1983, Ch. 534, Sec. 3.)

53601.2.

As used in this article, "corporation" includes a limited liability company. (Added by Stats. 2004, Ch. 118, Sec. 18. Effective January 1, 2005.)

53601.5.

The purchase by a local agency of any investment authorized pursuant to Section 53601 or 53601.1, not purchased directly from the issuer, shall be purchased either from an institution licensed by the state as a broker-dealer, as defined in Section 25004 of the Corporations Code, or from a member of a federally regulated securities exchange, from a national or state-chartered bank, from a savings association or federal association (as defined by Section 5102 of the Financial Code) or from a brokerage firm designated as a primary government dealer by the Federal Reserve bank. (Amended by Stats. 2001, Ch. 57, Sec. 2. Effective January 1, 2002.)

53601.6.

(a) A local agency shall not invest any funds pursuant to this article or pursuant to Article 2 (commencing with Section 53630) in inverse floaters, range notes, or mortgage-derived, interest-only strips. (b) (1) Except as provided in paragraph (2), a local agency shall not invest any funds pursuant to this article or pursuant to Article 2 (commencing with Section 53630) in any security that could result in zerointerest accrual if held to maturity. However, a local agency may hold prohibited instruments until their maturity dates. The limitation in this subdivision shall not apply to local agency investments in shares of beneficial interest issued by diversified management companies registered under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.) that are authorized for investment pursuant to subdivision (l) of Section 53601. (2) Notwithstanding the prohibition in paragraph (1), a local agency may invest in

securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates. A local agency may hold these instruments until their maturity dates. (c) This section shall remain in effect only until January 1, 2026, and as of that date is repealed. (Amended by Stats. 2020, Ch. 235, Sec. 4. (SB 998) Effective January 1, 2021. Repealed as of January 1, 2026, by its own provisions. See later operative version added by Sec. 5 of Stats. 2020, Ch. 235.)

53601.8.

Notwithstanding any other provision of this code, a local agency that has the authority under law to invest funds, at its discretion, may invest a portion of its surplus funds in deposits at a commercial bank, savings bank, savings and loan association, or credit union that uses a private sector entity that assists in the placement of deposits. The following conditions shall apply: (a) The local agency shall choose a nationally or state-chartered commercial bank, savings bank, savings and loan association, or credit union in this state to invest the funds, which shall be known as the "selected" depository institution. (b) The selected depository institution may use a private sector entity to help place local agency deposits with one or more commercial banks, savings banks, savings and loan associations, or credit unions that are in the United States and are within the network used by the private sector entity for this purpose. (c) The selected depository institution shall request that the local agency inform it of depository institutions at which the local agency has other deposits, and the selected depository institution shall provide that information to the private sector entity. (d) Any private sector entity used by a selected depository institution to help place its local agency deposits shall maintain policies and procedures requiring all the following: (1) The full amount of each deposit placed pursuant to subdivision (b) and the interest that may accrue on each such deposit shall always be insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. (2) Every depository institution where funds are placed shall be capitalized at a level that is sufficient, and be otherwise eligible, to receive such deposits pursuant to regulations of the Federal Deposit Insurance Corporation or the National Credit Union Administration, as applicable. (3) At the time of the local agency's investment with a selected depository institution and no less than monthly thereafter, the private sector entity shall ensure that the local agency is provided with an inventory of all depository institutions in which deposits have been placed on the local agency's behalf, that are within the private sector entity's network. (4) Within its network, the private sector entity shall ensure that it does not place additional deposits from a particular local agency with any depository institution identified pursuant to subdivision (c) as holding that local agency's deposits if those additional deposits would result in that local agency's total amount on deposit at that depository institution exceeding the Federal Deposit Insurance Corporation or the National Credit Union Administration insurance limit. (e) If a selected depository uses two or more private sector entities to assist in the placement of a local agency's deposits, the selected depository shall ensure that it does not place additional deposits from a particular local agency with a depository institution if those additional deposits would result in that local agency's total amount on deposit at that depository institution exceeding the Federal Deposit Insurance Corporation or the National Credit Union Administration insurance limit. (f) The selected depository institution shall serve as a custodian for each such deposit. (g) On the same date that the local agency's funds are placed pursuant to subdivision (b) by the private sector entity, the selected depository institution shall receive an amount of insured deposits from other financial institutions that, in total, are equal to, or greater than, the full amount of the principal that the local agency initially deposited through the selected depository institution pursuant to subdivision (b). (h) Notwithstanding subdivisions (a) to (g), inclusive, a credit union shall not act as a selected depository

institution under this section unless both of the following conditions are satisfied: (1) The credit union offers federal depository insurance through the National Credit Union Administration. (2) The credit union is in possession of written guidance or other written communication from the National Credit Union Administration authorizing participation of federally insured credit unions in one or more deposit placement services and affirming that the moneys held by those credit unions while participating in a deposit placement service will at all times be insured by the federal government. (i) It is the intent of the Legislature that this section shall not restrict competition among private sector entities that provide placement services pursuant to this section. (j) The deposits placed pursuant to this section shall be subject to Section 53638 and shall not, in total, exceed 50 percent of the agency's funds that may be invested for this purpose. (k) This section shall remain in effect until January 1, 2026, and as of that date is repealed. (Amended (as amended by Stats. 2015, Ch. 181, Sec. 1) by Stats. 2019, Ch. 619, Sec. 1. (AB 945) Effective January 1, 2020. Repealed as of January 1, 2026, by its own provisions. See later operative version, as amended by Sec. 3 of Stats. 2019, Ch. 619.)

53602.

The legislative body shall invest only in notes, bonds, bills, certificates of indebtedness, warrants, or registered warrants which are legal investments for savings banks in the State, provided, that the board of supervisors of a county may, by a four-fifths vote thereof, invest in notes, warrants or other evidences of indebtedness of public districts wholly or partly within the county, whether or not such notes, warrants, or other evidences of indebtedness are legal investments for savings banks. (Amended by Stats. 1954, 1st Ex. Sess., Ch. 10.)

53603.

The legislative body may make the investment by direct purchase of any issue of eligible securities at their original sale or after they have been issued. (Amended by Stats. 1953, Ch. 537.)

53604.

The legislative body may sell, or exchange for other eligible securities, and reinvest the proceeds of, the securities purchased. (Amended by Stats. 1953, Ch. 537.)

53605.

From time to time, the legislative body shall sell the securities so that the proceeds may be applied to the purposes for which the original purchase money was placed in the sinking fund or the treasury of the local agency. (Amended by Stats. 1953, Ch. 537.)

53606.

The bonds purchased, which were issued by the purchaser, may be canceled either in satisfaction or sinking fund obligations or otherwise. When canceled, they are no longer outstanding, unless in its discretion, the legislative body holds them uncanceled. While held uncanceled, the bonds may be resold. (Added by Stats. 1949, Ch. 81.)

53607.

The authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated for a one-year period by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for those transactions until the

delegation of authority is revoked or expires, and shall make a monthly report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year. (Amended by Stats. 1996, Ch. 749, Sec. 6. Effective January 1, 1997.)

53608.

The legislative body of a local agency may deposit for safekeeping with a federal or state association (as defined by Section 5102 of the Financial Code), a trust company or a state or national bank located within this state or with the Federal Reserve Bank of San Francisco or any branch thereof within this state, or with any Federal Reserve bank or with any state or national bank located in any City designated as a reserve City by the Board of Governors of the Federal Reserve System, the bonds, notes, bills, debentures, obligations, certificates of indebtedness, warrants, or other evidences of indebtedness in which the money of the local agency is invested pursuant to this article or pursuant to other legislative authority. The local agency shall take from such financial institution a receipt for securities so deposited. The authority of the legislative body to deposit for safekeeping may be delegated by the legislative body to the treasurer of the local agency; the treasurer shall not be responsible for securities delivered to and receipted for by a financial institution until they are withdrawn from the financial institution by the treasurer. (Amended by Stats. 1985, Ch. 983, Sec. 17. Effective September 26, 1985.) 53635. (a) This section shall apply to a local agency that is a county, a city and county, or other local agency that pools money in deposits or investments with other local agencies, including local agencies that have the same governing body. However, Section 53601 shall apply to all local agencies that pool money in deposits or investments exclusively with local agencies that have the same governing body. This section shall be interpreted in a manner that recognizes the distinct characteristics of investment pools and the distinct administrative burdens on managing and investing funds on a pooled basis pursuant to Article 6 (commencing with Section 27130) of Chapter 5 of Division 2 of Title 3. A local agency that is a county, a city and county, or other local agency that pools money in deposits or investments with other agencies may invest in commercial paper pursuant to subdivision (h) of Section 53601, except that the local agency shall be subject to the following concentration limits: (1) No more than 40 percent of the local agency's money may be invested in eligible commercial paper. (2) No more than 10 percent of the total assets of the investments held by a local agency may be invested in any one issuer's commercial paper. (b) Notwithstanding Section 53601, the City of Los Angeles shall be subject to the concentration limits of this section for counties and for cities and counties with regard to the investment of money in eligible commercial paper. (c) A local agency subject to this section may invest in commercial paper, debt securities, or other obligations of a public bank, as defined in Section 57600. (Amended by Stats. 2019, Ch. 442, Sec. 12. (AB 857) Effective January 1, 2020.)

53656.

(a) At the time the treasurer enters a contract with the depository pursuant to Section 53649, he or she shall authorize the agent of depository designated by the depository, but including the trust department of the depository only when acceptable to both the treasurer and the depository, to hold securities of the depository in accordance with this article to secure the deposit of the local agency. (b) Only those trust companies and trust departments, or the Federal Home Loan Bank of San Francisco, which have been authorized by the administrator pursuant to Section 53657 shall be authorized by treasurers to act as agents of depository. (c) The securities are subject to order of the depository in accordance with Section 53654 except when the provisions of subdivision (i) of Section 53661 and Section 53665 are in effect. (d) An agent of depository shall not release any security held to secure a local agency deposit in a

depository unless the administrator issues an order authorizing the release where either of the following occurs: (1) A state or federal regulatory agency has taken possession of the depository. (2) A conservator, receiver, or other legal custodian has been appointed for the depository. (Amended by Stats. 1998, Ch. 1035, Sec. 10. Effective September 30, 1998.)

53657.

(a) No person shall act as an agent of depository unless that person is a trust company located in this state, the trust department of a bank located in this state, or the Federal Home Loan Bank of San Francisco, and is authorized by the administrator to act as an agent of depository. (b) (1) An application for authorization shall be in such form, shall contain such information, shall be signed in such manner, and shall (if the administrator so requires) be verified in such manner, as the administrator may prescribe. (2) The fee for filing an application for authorization with the administrator shall be five hundred dollars (\$500). (3) If the administrator finds, with respect to an application for authorization, that the applicant is competent to act as an agent of depository and that it is reasonable to believe the applicant will comply with all applicable provisions of this article and of any regulation or order issued under this article, the administrator shall approve the application. If the administrator finds otherwise, the administrator shall deny the application. (4) When an application for authorization has been approved, the applicant shall file with the administrator an agreement to comply with all applicable provisions of this article and of any regulation or order issued under this article. The agreement shall be in such form, shall contain such provisions, and shall be signed in such manner as the administrator may prescribe. (5) When an application for authorization has been approved, the applicant has complied with paragraph (4), and all conditions precedent to authorizing the applicant to act as agent of depository have been fulfilled, the administrator shall authorize the applicant to act as agent of depository. (Amended by Stats. 1996, Ch. 1063, Sec. 82. Effective January 1, 1997.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING THE FY 2023-24 INVESTMENT POLICY

WHEREAS, Government Code Section 53646 provides that the City Treasurer may annually render to the City Council a statement of investment policy, which the City Council shall consider at a public meeting.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to adopt the FY 2023-24 Investment Policy attached hereto as Exhibit A.

PASSED AND ADOPTED THIS 19th day of December 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



Oxnard City Treasurer's Investment policy for fiscal Year 2023-2024

This investment policy describes the parameters for investing government funds and identifies the investment objectives, preferences or tolerance for risk, constraints on the investment portfolio, and how the investment program will be managed and monitored.

This policy includes guidelines on selecting investment types, investment advisors, interest rate risk, maturities, and credit quality, along with collateralization requirements.

Consistent with Best Practice, I included guidelines to enhance the separation of duties and reduce the risk of fraud.

This means no other city official is authorized to make the final decision about what instrument to invest in except for an elected official, but requires the city staff to perform the administrative duties to complete purchases.

I established a process for creating a list of financial institutions, depositories, and broker/dealers that will provide the primary services necessary for executing the investment program.

There are currently over 12 authorized
brokers including:
Multi-Bank Securities,
Piper Jaffray,
Stifel, Nicolaus & Company,
Union Bank,
Wells Fargo Bank,
Alamo Capital, and
Baird...

This investment policy was first written in 2017. We received notification from the CMTA (California Municipal Treasurers Association) that they identified that policy as among the best for the year.

Therefore, that policy has remained the same except for legal updates when required.

Government Code recommends monthly reporting, but the Council limited the number of times the investment report is presented in the council agenda to quarterly reports.

Consequently, I prepare and submit to the City Clerk, individual Mayor and Councilmembers a report on a monthly basis.



Phillip Molina, City Treasurer

City of Oxnard Annual Investment Policy and Annual Delegation of Investment Authority July 2, 2024

**Presented by:
Javier Chagoyen-Lazaro, City of Oxnard
Chief Financial Officer**

That The City Council:

1. Adopt a resolution adopting FY 2024-25 Investment Policy for the City of Oxnard, and
2. Adopt a resolution delegating investment authority to the City Chief Financial Officer.

- California Government Code Section 53646 and the City's adopted Investment Policy call for annual review and adoption of investment policy by the City Council.
- California Government Code Section 53607 establishes that the City Council **may** delegate its authority to invest City funds for a one-year period to the City Treasurer.
- The City Council has historically delegated the investment authority to the City Treasurer.

- External auditors have reported instances of non-compliance with the City's adopted investment policy.
- Staff has identified California Government Code reporting requirements not included in the periodic investment reports provided to City Council.
- The recent retirement of the Assistant City Treasurer makes it necessary to address these issues to ensure compliance with the California Government Code and the City's Investment Policy.

- City's Investment Policy provides the guidelines for the prudent investment of the City's funds
- Major changes in the proposed Investment Policy:
 - Delegation of investment authority to the City Chief Financial Officer
 - Adding the option to engage investment advisor if beneficial to the City
 - Adding the option to invest in other Local Government Investment Pools aside of LAIF or Ventura County Pool
 - Adding "Supranational" securities as eligible investments to bring the current portfolio in compliance with the Investment Policy

- Delegation of investment Authority to the City Chief Financial Officer
 - Regular monitoring of portfolio compliance with Investment Policy
 - Comply with reporting requirements of the California Government Code
 - Provide transparency on investment activities

That The City Council:

1. Adopt a resolution adopting FY 2024-25 Investment Policy for the City of Oxnard, and
2. Adopt a resolution delegating investment authority to the City Chief Financial Officer.



Questions / Discussion