

# Oxnard Permit Simplicity Act

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

## SECTION 1. Findings and Declarations.

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

(A) Any permit system people find too frustrating to navigate only encourages unlawful circumvention, and ultimately becomes an invitation to construction that is both unsafe and noncompliant with existing building codes;

**Commented [AS1]:** A permit system can only promote safety if people actually use it.

(B) The delays caused by the City's outdated permitting process discourage existing employers from expanding business here and prospective employers from locating here and bringing higher paying jobs to our community;

(C) Residents seeking to remodel or upgrade their homes frequently experience bureaucratic, time consuming and costly delays in acquiring necessary permits from the City;

(D) The City's permit system has become a roadblock to economic success for local and prospective businesses and families;

(E) Other cities and counties, such as Phoenix, Arizona and Elk Grove, Rancho Cordova, Sacramento County and Yolo County, California have adopted streamlined permitting systems worth emulating.

**Commented [AS2]:** The permitting system in Phoenix, Arizona is the inspiration for this measure. It has been in use for ten years.

## SECTION 2. Purposes and Intent.

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

(A) To remove arbitrary and subjective standards in the issuance of permits;

(B) To reduce permitting costs and delays;

(C) To ensure fair and reasonable permit standards;

(D) To provide an expedited and streamlined permitting process, for projects big or small, whether for the replacement of a water heater or the construction of a multi-story structure;

(E) To implement peer review and audits to further ensure public health and safety;

(F) To reform the City's permitting process so it becomes a positive financial incentive for local job creation, job retention and economic prosperity; and,

(G) To brand Oxnard as an economic hub by adopting and improving upon successful, simplified permitting systems enacted elsewhere.

## SECTION 3. Oxnard Permit Simplicity Act.

Chapter 26 is hereby added to the Oxnard City Code to read as follows:

CHAPTER 26. OXNARD PERMIT SIMPLICITY ACT

ARTICLE I. GENERAL PROVISIONS

SEC. 26-1. TITLE.

This chapter shall be known and may be cited as the "Oxnard Permit Simplicity Act."

SEC. 26-2. DEFINITIONS.

For the purposes of this chapter, the following words shall have the following meanings:

- (A) "Auditor" means any person designated by the Building Official to perform an audit.
- (B) "Building Official" means the official designated to enforce and interpret the City's building codes, and other applicable laws pertaining to public health and safety.
- (C) "Department" refers to the department responsible for conducting plan review, inspections, and permit services.
- (D) "Building Board of Appeals" refers to the board designated to hear appeals of decisions made by the Building Official in Administration of the Permit Simplicity Program.
- (E) "Electronic submittal" means the utilization of one or more of the following: e-mail; the Internet; facsimile.
- (F) "Owner/Tenant" means either the owner of the building or property, or a tenant who has an interest in the building or property via a lease, sublease or some other legally binding agreement.
- (G) "Prepared" or "prepared by or under the direct supervision of" means: (1) personally prepared by the Permit Simplicity Certified Professional submitting the project, or (2) prepared under the direct supervision and control of such Permit Simplicity Certified Professional.
- (H) "Project" means the work identified in a permit application and any accompanying plans.
- (I) "Registration number" or "permit simplicity registration number" means the registration number issued upon successful completion of the permit simplicity certification training class. A registration number is separate and distinct from the professional license issued by the State of California.
- (J) "Reviewed by" or "Reviewed and sealed by" means: (1) the sealed plans were reviewed by the Permit Simplicity Certified Professional for compliance, or (2) the plans were drawn by others and were personally and directly reviewed for compliance and sealed by the Permit Simplicity Certified Professional.
- (K) "Permit Simplicity certified" means a signed, personal verification that is submitted to the Department by a Permit Simplicity Certified Professional that accompanies plans filed with the Department whereby the Permit Simplicity Certified Professional certifies that: (1) he or she is the Permit Simplicity Certified Professional identified in the permit application; and (2) the plans do not contain any false information; and (3) the plans are in compliance with the requirements of the City's building codes, and other applicable laws pertaining to public health and safety; and (4) attests that such

plans were prepared by, prepared under the direct supervision of, or were reviewed and stamped by the Permit Simplicity Certified Professional identified in the permit application.

(L) "Permit Simplicity Certified Professional" means a licensed professional who has met the requirements necessary to participate in the Permit Simplicity Program.

(M) "Permit Simplicity Program" shall mean the program set forth in this chapter.

(N) "Structural Peer Reviewer" means a reviewer who is on an approved list expressly for the purpose of providing structural peer reviews for the Permit Simplicity Certification Program. The City shall have the sole discretion to determine who shall be included on the list, and all structural peer reviewers must: (1) be a licensed structural engineer in the state of California, and (2) have attended either the Permit Simplicity Certification training class or another class approved by the City. Individuals who meet these criteria are eligible to be placed on the approved list.

**Commented [AS3]:** The City chooses the licensed structural engineers who are authorized to perform structural reviews.

#### SEC. 26-3. INTERPRETATION.

With respect to eligible projects, where the provisions of this chapter impose different requirements than are imposed or required by other chapters of this code, or other pertinent rules and regulations, the provisions of this chapter shall control.

With respect to projects that fail to comply with this chapter, the requirements imposed or required by the other chapters of this code, or other pertinent rules and regulations, shall control.

### ARTICLE II. PERMIT SIMPLICITY ELIGIBILITY

#### SEC. 26-10. ELIGIBLE PROJECTS.

Any Project, other than those set forth in Section 26-11, are eligible to seek approval through this chapter.

#### SEC. 26-11. DISCRETIONARY PROJECTS.

A Project undertaken in response to a code enforcement issue may be eligible to seek approval through this chapter, in the discretion of the Department.

### ARTICLE III. PERMIT SIMPLICITY CERTIFIED PROFESSIONALS

#### SEC. 26-20. PROFESSIONALS ELIGIBLE FOR CERTIFICATION.

To be eligible for certification as a Permit Simplicity Certified Professional, an individual shall:

(A) Be any one of the following:

(1) A professional architect or civil engineer;

(2) A professional landscape architect, who may submit projects related to or intensive in the individual's discipline;

(3) A professional soils engineer, geotechnical engineer or geologist, who may submit projects related to or intensive in the individual's discipline;

(4) A mechanical, fire protection or electrical engineer, who may submit projects related to or intensive in the individual's discipline; or

(5) A licensed professional, such as a contractor or certified interior designer, who may submit projects related to or intensive in the individual's discipline, as defined by the City.

(B) Be licensed and in good standing with the State of California at the time of application, and continuously for the five years prior to application; and

(C) Successfully complete a training program approved by the City; be certified by an outside organization approved by the City in a discipline relevant to the projects to be submitted; be certified by the International Codes Council in a discipline relevant to the projects to be submitted, such as a Commercial Building Inspector, Residential Building Inspector, Building Plans Examiner, Commercial Electrical Inspector, Commercial Plumbing Inspector, Commercial Mechanical Inspector, Residential Electrical Inspector, Residential Plumbing Inspector or Residential Mechanical Inspector, Soils Special Inspector; or successfully complete the Economic Growth Institute's Permit Simplicity Training Program.

**Commented [A54]:** One must be a currently licensed professional to be a Permit Simplicity Certified Professional.

**Commented [A55]:** Requires completion of a city-authorized training program to participate.

#### SEC. 26-21. PERMIT SIMPLICITY TRAINING.

(A) The city shall facilitate a training class as part of the Permit Simplicity Certified Professionals program. The class shall provide instructions about:

(1) The Permit Simplicity Certification permit process;

(2) Examining plans for compliance with the City's building codes, and other applicable laws pertaining to public health and safety; and

(3) The administrative aspects of permit processing for which the Permit Simplicity Certified Professional is responsible when certifying plans.

(B) Training shall be offered at times and in locations selected by the city, but at least twice per year. Information about registering for the training class shall be posted on the City's website.

(C) The city may charge a fee not to exceed the city's administrative costs for facilitating the training.

(D) Upon successful completion of the training, an applicant shall receive a certificate and registration number, which enable the applicant to certify projects and to otherwise participate in the Permit Simplicity Certified Program.

(E) A Permit Simplicity Certified Professional shall be required to participate in a training once every building code cycle to maintain eligibility. The City may require additional training for any updates to the building and development code in the interim.

**Commented [A56]:** Requires repeat training to keep up with changes in the building code, which is typically every three years.

#### ARTICLE IV. PERMIT SIMPLICITY PROJECT APPLICATION AND SUBMITTAL

##### SEC. 26-30. PERMIT SIMPLICITY PROJECT APPLICATION.

Every application for a Permit Simplicity Project shall be submitted on a form prepared by the Department containing all of the following:

(A) The name, address and license number of the general contractor and any other contractors for the Project;

(B) The Project address;

(C) Project scope of work;

(D) Project Plans.

(1) A cover sheet shall be attached to each set of plans. Each cover sheet shall:

(a) be signed and stamped by the Permit Simplicity Certified Professional responsible for preparing the plans;

(b) contain an Index of Drawings, where applicable; and

(c) contain the following certification statement, which shall be wet-inked in black or plotted to the cover sheet: "I hereby certify that any and all included drawings are prepared by me, under my supervision, or reviewed by me and to the best of my professional knowledge conform to the City's building codes, and other applicable laws pertaining to public health and safety." Such certification statement shall be signed by the Permit Simplicity Certified Professional who prepared or reviewed the plans.

(2) Each set of plans must be:

(a) sealed by the Permit Simplicity Certified Professional certifying the plans;

(b) prepared by, under the direct supervision of, or reviewed by the Permit Simplicity Certified Professional certifying the plans; and

(c) attached to a cover sheet conforming to subsection (1) of section (D) of this section.

(3) Each page of each set of plans shall contain the following:

(a) the text "Permit Simplicity Certified by (name of Permit Simplicity Certified Professional)" and the date; and

(b) the date the Building Official or his or her designee reviewed the plans and the name of the reviewer.

(E) The Owner/Builder who is responsible for the work identified in the permit application must sign the permit application. If the project identified in the permit application is a build-out in an existing building, the work covered by the permit application must be limited to work for a single tenant only. Both the permit application and accompanying plans must be stamped by the Permit Simplicity Certified Professional who prepared or reviewed the plans and is submitting the plans for Permit Simplicity Certification under the Permit Simplicity Certified Program.

SEC. 26-31. PERMIT SIMPLICITY PROJECT APPLICATION ATTACHMENTS.

**Commented [A57]:** Requires the approval of a licensed professional.

Every application for a Permit Simplicity Project shall include all of the following attachments:

(A) Evidence of all necessary approvals that are a condition precedent to issuance of a permit;

(B) Proof of Insurance. The Permit Simplicity Certified Professional shall submit proof of insurance which satisfies all of the following:

**Commented [AS8]:** Requires professional to be insured.

(1) The Permit Simplicity Certified Professional shall furnish to the Department a certificate of professional liability insurance and necessary endorsements, issued by an insurer authorized to do business in California, with a Bests' rating of no less than A:VIII. The insurance required by this section shall have a limit of not less than one million dollars (\$1,000,000) per claim and one million dollars (\$1,000,000) in the aggregate for all claims made during the policy period covering the Permit Simplicity Certified Professional's errors and omissions.

(2) The endorsement shall state that coverage shall not be suspended, voided or cancelled by the Permit Simplicity Certified Professional, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by hand delivery or certified mail, return receipt requested, to the Department.

(3) The Permit Simplicity Certified Professional shall maintain insurance, at his or her own cost, for at least five (5) years after the Project is complete. If the Permit Simplicity Certified Professional fails to maintain this required insurance coverage, the Department reserves the right to revoke the Permit Simplicity Certified Professional's eligibility to participate in the Permit Simplicity Program and to revoke the permit for any Project pending at the time of the non-compliant insurance.

**Commented [AS9]:** Requires maintaining that insurance for at least five years after the project is complete.

(C) Professional of Record Certification Statement. The Permit Simplicity Certified Professional shall submit, on a form prepared by the Department, a Professional of Record Certification Statement certifying as to all of the following:

(1) The Permit Simplicity Certified Professional satisfies the requirements of section 26-20 of this chapter.

(2) Within the previous five years, the Permit Simplicity Certified Professional has not been convicted, found liable of, or determined by the Building Official to have committed any of the following:

(a) knowingly making a false statement of material fact on or in connection with any permit application;

(b) knowingly submitting in support of a permit application any document containing false or fraudulent information;

(c) knowingly affixing a false signature to any permit application.

(3) The application and every page of the accompanying plan(s) stamped by the Permit Simplicity Certified Professional:

(a) were prepared by, under the direct supervision of, or reviewed by the Permit Simplicity Certified Professional;

(b) are complete; and

(c) are, as of the date of submission, in accordance with the requirements of the Department's building construction code and all other applicable laws pertaining to public health and safety.

(4) The application and all technical submissions made by the Permit Simplicity Certified Professional in connection with the Permit Simplicity Certified Project were prepared in accordance with and meet the standard of care required of the Permit Simplicity Certified Professional's profession.

(5) All information and assertions made by the Permit Simplicity Certified Professional in the permit application and documents submitted in support of such permit application are true and correct to the best of the individual's knowledge.

(6) If the Permit Simplicity Certified Professional becomes aware of any false or inaccurate statement in the permit application, accompanying plans or any document submitted in support of such permit application, regardless of whether such false or inaccurate statement was made by such Permit Simplicity Certified Professional or by his or her agent, employee, or other person, the Permit Simplicity Certified Professional shall immediately take all measures necessary to correct the false or inaccurate statement and notify the Department.

(7) The Permit Simplicity Certified Professional understands that the Building Official will rely upon the truth and accuracy of the certifications contained in the Professional of Record Permit Simplicity Certification Statement as the basis for issuing a permit under the Permit Simplicity Certification Permit Program.

(8) The Permit Simplicity Certified Professional understands that the Permit Simplicity Certified project identified in the permit application is being approved for a permit subject to audit and/or field inspection by the Department and the permit is subject to revocation by the Building Official if necessary or appropriate to protect public health or safety.

(9) If the Department determines that the submitted plans do not conform to the requirements of the City's building codes, or other applicable laws pertaining to public health and safety, the Permit Simplicity Certified Professional agrees to submit revised plans to the Department in a timely manner and to take all remedial measures within the Permit Simplicity Certified Professional's control to bring the submitted plans, and any construction which has occurred in reliance on those plans, into conformity with those requirements.

(10) The Permit Simplicity Certified Professional understands that the failure to submit any required plan revisions to the Department in a timely manner will result in automatic suspension of the Permit Simplicity Certified Professional's eligibility to participate in the Permit Simplicity Certification Program, until such time that a plan revision is submitted to the Department and/or the matter is resolved to the satisfaction of the Department.

(11) The Permit Simplicity Certified Professional understands that failure to take all remedial measures within his or her control to bring the submitted plans and any construction thereunder into compliance with the City's building construction codes, or other applicable laws pertaining to public health and safety shall result in revocation of the Permit Simplicity Certified Professional's eligibility to participate in the Permit Simplicity Certification Program and may result in notification of such fact to the appropriate state agencies.

(12) The Permit Simplicity Certified Professional understands the City retains all authority over the enforcement and administration of the City's building codes, and other applicable laws pertaining to public health and safety, and the City does not delegate this authority to the Permit Simplicity Certified Professional by his or her participation in the Permit Simplicity Program. The City retains the right to refuse to issue a permit under the Permit Simplicity Program for any Project that does not meet the requirements of the Program.

(D) Owner/Tenant Certification Statement. The Permit Simplicity Certified Professional shall submit, on a form prepared by the Department, an Owner/Tenant Certification Statement. The Owner, and Tenant if applicable, shall each sign and date the Owner/Tenant Certification Statement, certifying that the Owner, and Tenant if applicable:

(1) Authorizes the work of all professionals and consultants named in the permit application and accompanying plans;

(2) Agrees to take all measures necessary to correct any misrepresentation or falsification of facts made knowingly or negligently in the permit application or in any document submitted in support of such application by the owner or tenant, as applicable, or by such owner's or tenant's agents, contractors or employees;

(3) Understands that submitting a permit application as part of the Permit Simplicity Program means that City Officials are relying on certification by the Permit Simplicity Certified Professional that the project conforms with the City's building codes, and other applicable laws pertaining to public health and safety;

(4) Understands that the Permit Simplicity Certified project is being approved for a permit subject to audit and field inspection by the Department;

(5) Agrees to take all remedial measures necessary to bring the plans and all construction completed under the permit for the project into conformity with requirements of the City's building codes, and other applicable laws pertaining to public health and safety;

(6) Understands that the City retains the right to refuse to issue a permit under the Permit Simplicity Program for any Project that does not meet the requirements of the Program; and

(7) Understands that the Building Official, or his or her designee, may revoke any permit issued under the Permit Simplicity Certification Program at any time if the Building Official, or his or her designee, believes that the permitted project or any portion thereof poses a threat to public health or safety.

(E) Hold Harmless Letters. The Permit Simplicity Certified Professional is required to submit to the Department, on a form provided by the Department, two Hold Harmless Letters. One letter shall be signed and dated by the Owner/Tenant, and the second letter shall be signed and dated by the Permit Simplicity Certified Professional. By signing the letter the signatory certifies that:

(1) The signatory agrees to protect, defend, with counsel acceptable to the City, indemnify and hold harmless the City and its officers, representatives, managers and employees against any and all claims, liabilities, judgments, costs, expenses, delays, demands or injuries arising out of or in any way

**Commented [A510]:** Building officials are able to revoke permits.



connected with the design, construction, code compliance review or issuance of a permit for the project identified in the permit application;

(2) If construction is contrary to the City's building codes, other applicable laws pertaining to public health and safety, or to any permit issued under the Permit Simplicity Certified Program, the signatory shall, without undue delay, remove or modify, at the signatory's own cost and expense, any component of such construction that does not conform to those requirements;

(3) Nothing in this letter should be construed to negate, waive or otherwise reduce any other right or obligation of indemnity that may exist in the favor of the City; and

(4) The signatory acknowledges that the Project may be subject to enforcement citations even if construction is in accordance with the plans approved as part of a Project submitted under the Permit Simplicity Program.

(F) Reasonable Hardship Plan for Americans with Disabilities Act compliance and the accessibility requirements of the California Building Code.

#### SEC. 26-32. PERMIT SIMPLICITY PROJECT SUBMISSION.

(A) A checklist and required permitting documentation for a Project shall be made available on a publicly accessible city website.

(B) Assistance with pre-submittal requirements may be obtained from the Department. Staff will determine if any variances, code modifications, use permits, or other approvals are required.

(C) The Department shall establish the system for receiving applications, plans, forms, letters and other documents in connection with the Permit Simplicity Program. Electronic submittal of the required permit application and documents may be made available. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature. This requirement notwithstanding, wet signatures shall be required for engineering calculations and plans in accordance with state law.

(D) No application shall be processed until all required documents are received and complete.

(E) Applicants shall be permitted to request project intake meetings through the Permit Simplicity program database.

#### SEC. 26-33. FIELD REVISIONS.

There are different procedures that must be followed for making field revisions. The procedure that must be followed is dependent on whether it is a voluntary change due to a change in construction material, design or in response to field conditions; or a mandatory change due to an inspector identifying a code violation or plans missing critical information.

(A) Voluntary field revisions. The Permit Simplicity Certified Professional shall submit a revised application in accordance with the procedures set forth in this chapter for an initial application.

(B) Mandatory field revisions.

**Commented [AS11]:** Permit Simplicity Certified Professional and applicant are both obligated to defend the City against all claims.

**Commented [AS12]:** Permit Simplicity Certified Professional and applicant are both obligated to correct defective construction at their own expense.

(1) When a Department inspector determines that the Permit Simplicity Certified plans contain code violations or are missing critical information, the inspector shall get a second opinion from his or her supervisor prior to requiring changes to the Project.

(2) If the item is confirmed to be a code violation or the Department requires more information critical to ensuring that the project meets the building codes, or other applicable laws pertaining to public health and safety, the inspector will inform the contractor and the Permit Simplicity Certified Professional in writing (e-mail is sufficient). Corrections and/or additional information will be required to reach a resolution.

(3) If plan revisions are required, the Permit Simplicity Certified Professional will be directed to submit the revisions within a reasonable time period. Failure to submit plan revisions as directed will result in revocation of the Permit Simplicity Certified Professional's certification.

(4) Regardless of the method used to resolve the violation, all violations will be tracked by the Inspection Supervisor. The violations will be scored in accordance with the Department's Permit Simplicity Certified Audit Procedures, and any project that accumulates a cumulative score of five (5) or greater will be subject to a mandatory Audit.

#### SEC. 26-34. BUILDING OFFICIAL DUTIES.

(A) Upon receipt of a Permit Simplicity Project application, the Building Official or his or her designee shall do all of the following:

(1) Verify that all applicable agency approvals, applications, forms, letters and other documents listed on the Building Department's relevant Permit Simplicity Certification Checklists and required by this Chapter have been submitted and completed in full by the appropriate parties;

(2) Verify that the Project meets the Permit Simplicity Certification Program criteria;

(3) Verify that all necessary pre-approvals have been obtained;

(4) Verify all plan sheets and files are in accordance with this Chapter;

(5) Verify Certificate of Approval from a Structural Peer Reviewer for projects requiring a civil engineer;

(6) Screen plans for apparent compliance with the requirements of the City's building codes, and other applicable laws pertaining to public health and safety.

(B) If the Building Official, or his or her designee, determines that all Permit Simplicity Certification Program requirements have been met, he or she shall accept the Project for admission to the Permit Simplicity Certified Program and shall notify the Permit Simplicity Certified Professional and the applicant within 1 business day.

(C) If the Building Official, or his or her designee, determines that the plans submitted by the Permit Simplicity Certified Professional require minor corrections to bring the plans into compliance with the City's building codes, and other applicable laws pertaining to public health and safety, he or she shall notify the Permit Simplicity Certified Professional and the applicant within 1 business day.

**Commented [AS13]:** Failure to submit revised plans in the event of a code violation will result in revocation of the Professional's certification.

**Commented [AS14]:** A licensed structural engineer CHOSEN BY THE CITY is required to independently review and approve plans that require a civil engineer.

(D) If the Building Official, or his or her designee, determines that any of the Permit Simplicity Certification Program requirements have not been met, he or she shall reject the Project for submittal to the Permit Simplicity Certified Program and shall notify the Permit Simplicity Certified Professional and the applicant within 1 business day. A Project that is rejected from the Permit Simplicity Program may be submitted through the City's normal permit application process. Rejection from the Permit Simplicity Certification Program may be appealed to the Building Board of Appeals.

(E) Upon a determination that all requirements have been met, the Building Official, or his or her designee, shall issue a permit for the Project. The permit shall be stamped by the Department with an indication that it is a "Permit Simplicity Certified Project."

#### ARTICLE V. PERMIT SIMPLICITY PROGRAM AUDIT AND SUSPENSION OF CERTIFICATION

##### SEC. 26-40. SELECTION FOR AUDIT.

All Permit Simplicity Certified plans are subject to audit by the Department to determine whether the plans and/or projects are in compliance with the requirements of the City's building codes, and other applicable laws pertaining to public health and safety. The selection criteria are as follows:

(A) The first four projects submitted by the Permit Simplicity Certified Professional are automatically selected for audit.

**Commented [AS15]:** All new participants to the program are automatically selected for audit.

(B) Any project submitted where the Permit Simplicity Certified Professional has not been previously audited in the past twelve months shall be automatically selected for audit.

**Commented [AS16]:** Professionals are audited at least once per year.

(C) Any project submitted by a Permit Simplicity Certified Professional that failed an audit twice shall automatically be selected for audit during the following twelve months.

(D) Any project submitted by a Permit Simplicity Certified Professional during the twelve months after having been reinstated following a suspension from the program shall automatically be selected for audit during the following twelve months.

(E) Any project over 100,000 square feet or greater than three stories shall be automatically selected for audit.

**Commented [AS17]:** All larger projects are audited.

(F) A random sample of between 10% and 20% of remaining Permit Simplicity Certified Projects shall be selected for audit.

##### SEC. 26-41. AUDIT CRITERIA.

Each Permit Simplicity Certified project selected for audit will be audited for compliance during construction with the City's building codes, and other applicable laws pertaining to public health and safety. The Auditor for each discipline will complete the review in accordance with the scoring system described in the "Permit Simplicity Certification Program Auditing and Appeal Procedures" developed by the Department and available on the Department's website.

##### SEC. 26-42. AUDIT RESULTS.

The Department shall notify the Permit Simplicity Certified Professional and the Owner of Record in writing of the results of any audit conducted. The notification shall provide a summary of the audit results and shall direct the Permit Simplicity Certified Professional to address all violations found in the audit. Failure to submit required corrections by the date identified in the notification will result in suspension or revocation of the Permit Simplicity Certified Professional's privileges.

SEC. 26-43. SUSPENSION AND REVOCATION OF PERMIT SIMPLICITY CERTIFICATION

(A) A Permit Simplicity Certified Professional shall be subject to the following suspensions and revocations:

(1) Upon first audit failure, the Department shall issue a written warning, and possible temporary suspension of status based on the severity of the audit result.

(2) Upon second audit failure, the Permit Simplicity Certified Professional shall be subject to mandatory audit for subsequent Projects for following 12 months.

(3) Upon third audit failure, the Permit Simplicity Certified Professional shall be suspended from the program for 12 months, and upon reinstatement shall be subject to mandatory audit for subsequent Projects for following 12 months.

(4) Upon fourth audit failure, the Permit Simplicity Certified Professional shall have certification revoked and shall not be eligible to reapply for a period of 36 months.

(5) A Permit Simplicity Certified Professional's certification shall be permanently revoked if the Professional is convicted or found liable of any of the following:

(a) knowingly making a false statement of material fact on or in connection with any permit application;

(b) knowingly submitting in support of a permit application any document containing false or fraudulent information; or

(c) knowingly affixing a false signature to any permit application.

(B) A dated notice of suspension or revocation shall be sent by certified mail, return receipt requested, to the Permit Simplicity Certified Professional's address of record with the Department. The dated notice shall inform the Permit Simplicity Certified Professional of all of the following:

(1) The reason for the suspension or revocation;

(2) The effective date of the suspension or revocation, which shall be 10 days after the date on the notice;

(3) The duration of the suspension or revocation;

(4) Steps which may be taken, if any, to mitigate or reduce the suspension or revocation.

SEC. 26-44. APPEAL.

**Commented [AS18]:** Professionals can be disciplined and ejected from the program for failing audits.

Adverse audit results, suspensions or revocations of Permit Simplicity Certified Professional status are subject to appeal to the Building Board of Appeals. If the Permit simplicity Certified Professional has reason to believe that adverse audit results, or the suspension or revocation of Permit simplicity Certification privileges is not warranted, the Permit simplicity Certified Professional has the right to request in writing, within ten (10) business days of the date on which notice is mailed, a hearing before the Building Board of Appeals. A hearing before the Building Board of Appeals is solely to determine whether adverse audit results, or the suspension or revocation of Permit Simplicity Certification privileges is warranted. If a hearing under this rule is requested in a timely manner, such hearing shall be commenced within forty-five (45) business days of receipt of such request. If no hearing under this rule is requested in a timely manner, or if a hearing is requested in a timely manner but the Permit Simplicity Certified Professional fails to appear at such hearing, the Permit Simplicity Certified Professional shall be deemed to have waived the right to such hearing and such privileges shall be deemed, by operation of law, to have been revoked by the Building Official on the date stated on the notice of revocation required by this rule. Conversely, if the Permit Simplicity Certified Professional submits a written request for a hearing, but fails to appear at such hearing, the Building Official may, upon a showing of good cause, reschedule the hearing. The Permit Simplicity Certified Professional may appeal, within fifteen (15) business days of the date on which the decision is mailed, an adverse ruling by the Building Board of Appeals to the City Council.

**Commented [AS19]:** There is a system of appeals in place in case a building official makes an incorrect decision. That appeal is first made to the Building Board of Appeals. An adverse ruling can then be appealed to the City Council.

#### **SECTION 4. Broad Construction.**

(A) The provisions of this act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of allowing an applicant to obtain a permit in one business day.

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

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

**Commented [AS20]:** The City Council can make changes to the program, so long as it furthers this act's purposes and intent. See Section 2 Purposes and intent.

#### **SECTION 5. Conflicting Ballot Measures.**

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

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

**SECTION 6. Proponent Standing.**

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

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

**SECTION 7. Severability.**

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