

# Keeping the Promise for Oxnard Streets Act

## **SECTION 1. Title.**

This measure shall be known and may be cited as the "Keeping the Promise for Oxnard Streets Act."

## **SECTION 2. Findings and Declarations.**

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

- a) In 2008, the City Council of the City of Oxnard adopted Ordinance No. 2779, also known as the "City of Oxnard Vital Services Transactions (Sales) and Use Tax Ordinance," requesting that voters adopt a one-half per cent increase in the local sales and use tax "to protect, maintain, and enhance vital city services," such as "increasing street paving and sidewalk/pothole repair to improve traffic flow." Voters approved Ordinance No. 2779 as Measure O at the November 4, 2008 election.
- b) Based on the language of the ordinance and the marketing campaign promoting it, voters were persuaded to adopt Measure O, making Oxnard's rate of sales tax the highest in the county at the time, and generating in excess of \$10 million each year in extra tax revenue at a great cost to poor and middle-class families.
- c) Since the adoption of this measure, however, many residents question whether there has been any significant enhancement in vital city services.
- d) In the case of maintaining streets and alleys, one of the more basic city services, the City of Oxnard's lack of performance is particularly evident, as measured by the city's Pavement Condition Index (PCI), a numerical index between 0 and 100 used to indicate the general condition of pavement. This standard is widely used in transportation civil engineering, and the surveying processes and calculation methods used have been standardized by ASTM International. Prior to the increase in the local sales and use tax, Oxnard had a PCI score of 61 for its network of streets and alleys. Unfortunately, Oxnard's PCI has not seen meaningful improvement since the tax increase, and residents continue to endure poorly maintained streets and alleys, some of which have been neglected for years.
- e) Because it is far less expensive to keep a road in good condition than to repair it once it has deteriorated, the City's inattention to routine maintenance of roads and alleys is poor stewardship of taxpayer funds, and the long-term impact of this neglect is to deprive residents of other important services, such as those promoting public safety.

## **SECTION 3. Purposes and Intent.**

The people of the City of Oxnard hereby declare their purposes and intent in enacting the "Keeping the Promise for Oxnard Streets Act" to be as follows:

- a) To fulfill the promise of better streets by focusing City Hall attention on repairs and maintenance of city streets and alleys.
- b) To ensure local officials do not take for granted the additional sales and use tax money we pay.
- c) To require the City of Oxnard to justify the extra half-cent sales tax by providing a corresponding level of service.
- d) To deny the City the additional tax if they fail to deliver these services at an acceptable level.
- e) To authorize the City Council to extend the tax in five-year increments provided that the city streets and alleys are maintained at an acceptable level.

## **SECTION 4. Keeping the Promise for Oxnard Streets Act.**

Part 4 of Measure O (Uncodified Ordinance 2779, adopted by voters on November 4, 2008) is hereby amended to read as follows (existing text not amended by this act is shown in regular type; text to be deleted by this act is shown in ~~strikethrough~~ type; text to be added by this act is shown in underline type):

Part 4.

A. ~~TWENTY-YEAR-SUNSET~~. The authority to levy the tax imposed by this ordinance shall expire ~~twenty years from the operative date of this ordinance~~ on March 31, 2029, unless extended by the voters.

B. Notwithstanding subdivision A of this Part, unless an outside civil engineering consultant with expertise in developing and updating pavement management systems finds that the Pavement Condition Index of the city-owned street and alley network is:

(1) at least 65 on or before September 30, 2022, this ordinance shall expire March 31, 2023;

(2) at least 70 on or before September 30, 2024, this ordinance shall expire March 31, 2025;

(3) at least 75 on or before September 30, 2026, this ordinance shall expire March 31, 2027; and

(4) at least 80 on or before September 30, 2028, this ordinance shall expire March 31, 2029.

C. Notwithstanding subdivision A of this Part, commencing April 1, 2028 the City Council shall have the authority to extend the expiration date by twenty calendar quarters, provided that between 110 and 365 days before each expiration date an outside civil engineering consultant with expertise in developing and updating pavement management systems finds that the Pavement Condition Index of the city-owned street and alley network is at least 80.

**Commented [AS1]:** Causes Measure O half-cent sales tax to sunset earlier than current expiration date if the City fails to improve the roads.

**Commented [AS2]:** If the City successfully improves and maintains the roads, the City Council is empowered to extend the expiration date in five-year increments.

**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 allowing the continuation of the additional one-half per cent sales and use tax for general City purposes, provided that the City improves and maintains to an acceptable level the condition of city-owned streets and alleys, without respect to the source of funding available or used by the City for such services.

b) This act is not intended to convert the existing general sale and use tax to a special tax, and does not require that the City dedicate the funds from the additional one-half per cent sales and use tax specifically for maintenance and improvement of city-owned streets and alleys. Instead, this act authorizes the continuation of the additional one-half per cent sale and use tax in accordance with Section 4 of this measure.

**SECTION 6. Conflicting Ballot Measures.**

a) In the event that this measure and another measure or measures relating to local sales and use tax 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 7. 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 8. Severability.**

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.