

FOR IMMEDIATE RELEASE: October 14, 2020

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**Court of Appeal Rules in City's Favor to Overturn Aaron Starr's
Measure M Wastewater Rate Ordinance Repeal**

OXNARD, Calif. – The Second District Court of Appeal ruled on October 13, 2020, that Aaron Starr's Measure M ballot initiative, a repeal of the City's wastewater rate ordinance in 2016, would negatively affect the public's health and safety. The Court opinion stated that: "Common decency and the law require that [the City's wastewater system] be placed and kept in good repair and working order. Measure M did not allow that."

In overturning Starr's 2016 ballot initiative, the justices listed the many shortcomings of Measure M, which include 1) creating rates that were insufficient to operate and maintain the City's wastewater facility, 2) not allowing the City to operate the facility economically, and 3) preventing the City from keeping the wastewater plant in good repair and fully operating.

According to the Court's opinion, "Any one of those deficiencies is sufficient to invalidate Measure M. Measure M suffers from all three."

City ratepayers paid more than \$500,000 in legal fees and costs in the Measure M litigation. City Manager Alex Nguyen added, "Measure M drained a half-million of taxpayer dollars because the City had to fight Mr. Starr over the public's right to be able to safely flush their toilets."

Measure M was a ballot initiative launched by Aaron Starr, who disagreed with the City's ordinance raising its utility rates. The rate increase was vital to the City's operations of its wastewater treatment facility, which treats, recycles, and discharges up to 19 million gallons of treated wastewater each day for more than 230,000 users. If the City did not increase the rates in order to properly maintain the sewer plant, the facility's operations would eventually fail, disrupting service and causing possible sewage leaks in the City and discharge of raw or undertreated wastewater into the ocean.

When Measure M passed, it triggered a Standard & Poor's credit watch that would have downgraded the City's BBB credit rating to nearly junk bond status if the measure had been implemented. In this series of events, the City would have immediately owed more than \$20 million to its creditors. The City Council voted to pursue litigation against Measure M in defense of the City's ability to provide essential services to the community.

The Court's order reverses Measure M and awards litigation costs, such as filing and court reporter fees, to the City, but not the City's attorney fees.

City Attorney Stephen Fischer said, "I'm pleased that the Court has completely validated the positions taken years ago by the City at the beginning of this lengthy legal process. I'd like to acknowledge the hard work of Holly Whatley and the attorneys at Colantuono Highsmith & Whatley, who so effectively advocated on behalf of the City's residents, and thank the League of California Cities, which filed a friend of the court brief in support of the City."

The full Court of Appeal Opinion in the case of *City of Oxnard v. Aaron Starr* can be viewed at <https://www.courts.ca.gov/opinions/nonpub/B295252.DOC>.

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