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City Manager Alex Nguyen's Statement About Aaron Starr's 2017 Lawsuit Against Oxnard

On December 28, 2020 the Ventura County Superior Court issued a tentative ruling on the lawsuit Mr. Aaron Starr filed against the City of Oxnard in 2017. Mr. Starr claims that the City had “illegally” charged the City’s three utilities an infrastructure use fee, or IUF, during the period of 2014 to 2017. Starr claims the City had been “skimming” the funds, and asked the Court to do away with the IUF altogether.

The Court’s ruling, available [here](#), explains that the City’s action was not illegal but rather the City implemented the IUF wrongly and improperly, therefore the City must return the \$34.5M IUF funds to the utilities. The ruling makes it clear that the City can in fact implement the IUF if done so correctly.

This ruling is easy to understand. In it the Court also found against Mr. Starr on his specific claims that the IUF is unconstitutional under the California Vehicle Code, and that the Court should rescind a duly enacted municipal ordinance allowing for the IUF. Again, the Court ruled that the IUF is legal, but that Oxnard implemented it incorrectly.

What does this mean for the City, and more importantly, for our residents and businesses? The bottom line is that the City’s general fund would have to transfer \$34.5M to the three utilities, which means there will be \$34.5M less in work, services, and programs for the residents and businesses in Oxnard.

I hope our community understands that Mr. Starr does not have our best interests at heart in his various actions. In this case, rather than correcting how the IUF was implemented, which I agree with, he sought to throw the baby out with the bath water, to meet his political objectives to the detriment of our community. This action will also result in halting the payments the utilities currently contribute to the streets maintenance fund, further hampering our ability to keep up with road maintenance throughout the City. Yet Mr. Starr recently convinced voters to pass his Measure N which promises to provide better streets but in the fine print it actually risks losing all of Measure O funding for Police, Fire, recreation and senior services, and streets!

And remember that in Mr. Starr’s lawsuit over the prior Measure M where he attempted to dictate the City’s sewer safety standards, the Court stated that he went against “common decency”.

This City has much to recover from and improve, and we have been making very good, steady progress. I believe we are on a good path to making Oxnard a better place for all. I welcome critique and ideas for improvement at City Hall. But I am very skeptical of people like Mr. Starr who purport to help the community while actually undermining the City’s ability to provide the programs and services that Oxnard residents and businesses need and deserve. This City has indeed made mistakes. Mr. Starr takes advantage of them, not to make things better, but to achieve his political ideology to shrink government and end taxes, regardless of how it impacts our community. While I agree with some of Mr. Starr’s criticisms, I simply do not trust his motives.

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