

RESOLUTION NO. 15,138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 3 (SEABRIDGE AT MANDALAY BAY) OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO CONSIDER THE ADOPTION OF A MEASURE ENTITLED "ORDINANCE REDUCING SPECIAL TAX FOR OVERHEAD CHARGES IN COMMUNITY FACILITIES DISTRICT NO. 3 (SEABRIDGE AT MANDALAY BAY)," REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, on April 24, 2018, Robert Chatenever submitted to the City Clerk of the City of Oxnard (acting as the Clerk of Community Facilities District No. 3 (Seabridge at Mandalay Bay) of the City of Oxnard (hereafter, the "CFD")) a Notice of Intention to Circulate Initiative Petition entitled "Initiative Measure to be Submitted Directly to the Voters" that proposes to adopt an ordinance entitled "Ordinance Reducing Special Tax for Overhead Charges in Community Facilities District No. 3 (Seabridge at Mandalay Bay)," and a Proof of Publication of the Notice; and

WHEREAS, the initiative measure proposes to reduce the amount of special taxes used to pay overhead charges for developed properties within the boundaries of the CFD; and

WHEREAS, on May 22, 2018, the Ventura County Registrar of Voters verified that the number of valid signatures on the initiative petition is 79, which is sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council (acting as the legislative body of the CFD) 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 at the regular meeting at which the certification of the petition is presented; and

WHEREAS, California Elections Code Section 1405 provides that the election for a municipal or district initiative that qualifies pursuant to Elections Code Section 9215 or 9310 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 board of the CFD) 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 board of the CFD) as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of the CFD at the regular election to be held on November 6, 2018.

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 the CFD be consolidated with the statewide general election to be held on November 6, 2018, 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 the CFD on November 6, 2018.

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 A**, 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 6, 2018.

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 B**. 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 CFD.

SECTION 8. The ballot question shall be substantially as follows:

“Measure of Community Facilities District No. 3 (Seabridge at Mandalay Bay) of the City of Oxnard

Shall Attachment B to Resolution No. 12715 be amended to limit the amount of the special tax levied and used to pay overhead costs of employees of the City of Oxnard to \$5,000 annually?

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 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 board of the CFD) 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 CFD shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 16. 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 12th day of June, 2018, by the following vote:

AYES: Councilmembers Flynn, Ramirez, MacDonald, Perello and Madrigal.

NOES: None.

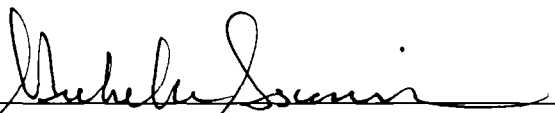
ABSENT: None.

ABSTAIN: None.



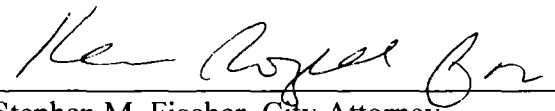
Tim Flynn, Mayor

ATTEST:



Michelle Ascencion, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

TO: **MARK A. LUNN**, Clerk-Recorder, Registrar of Voters

FROM: City of Oxnard _____
City, School District or Special District Name Signature of Authorization

ELECTION: Statewide General Election DATE: November 6, 2018
(For CFD-3 ballot measure)

SERVICES REQUESTED: Place a mark next to the desired services.

ITEM #1

PUBLICATIONS

A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Polling Places.

B. City/District will publish.

ITEM #2

COUNTY VOTER INFORMATION GUIDE PUBLICATION

A. Print Full Measure Text.

B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3

MEASURE/INITIATIVE PROPONENT FILINGS

A. Random sample of 500 signatures.

B. Full check of all signatures submitted.

ITEM #4

ELECTION NIGHT RESULTS

On-line results

E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

ELECTIONS DIVISION SERVICES PROVIDED:

SIGNATURE CHECKING – County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.

OFFICIAL FILING – County elections to serve as filing official for all measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL – Ventura County Elections Division to provide one master set for copying.

SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES – County elections official will arrange for all printing of arguments/analyses in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS – County elections official will handle all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

The undersigned requests the above election services to be performed by the County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of
School District: _____

Signature & Title: _____ Michelle Ascencion, City Clerk

Date: _____ June 12, 2018 _____

**ORDINANCE REDUCING SPECIAL TAX FOR OVERHEAD CHARGES IN
COMMUNITY FACILITIES DISTRICT NO. 3 (SEABRIDGE AT MANDALAY BAY)**

The people of Community Facilities District No. 3 (Seabridge at Mandalay Bay) do ordain as follows:

SECTION 1. LIMITATION OF OVERHEAD CHARGES

Attachment B, "Description of Public Improvements and Incidental Expenses to be financed by Community Facilities District No.3 (Seabridge at Mandalay Bay)" to Resolution No. 12715, adopted as Ordinance No. 2676 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 3 (Seabridge at Mandalay Bay), is hereby amended to read as follows:

(Text to be inserted into the Table is indicated in ***bold italics*** type. Text to be deleted is indicated in ~~strikethrough~~ type. Text in standard, bold or underlined type, which currently appears in that fashion in Resolution No. 12715, remains unchanged by this Initiative)

The incidental expenses to be paid from bond proceeds and/or special taxes (collectively, the "Incidental Expenses") include:

(a) all costs associated with the creation of Community Facilities District No. 3 (Seabridge at Mandalay Bay), the issuance of bonds, the determination of the amount of annual special taxes to be levied, the cost of levying and collecting the annual special taxes, costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District No.3 (Seabridge at Mandalay Bay), including legal, consultants, engineering, planning and designing costs and the cost of annual administration of Community Facilities District No.3 (Seabridge at Mandalay Bay), ***except that the special taxes levied and used to pay overhead costs of employees of the City of Oxnard shall be limited to \$5000 annually; and***

SECTION 2. GENERAL PROVISIONS

1. Section 3 of Article XIII C of the California Constitution provides that "the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge." Further, such power "to affect local taxes, assessments, fees and charges shall be applicable to all local governments," including special districts. (Id., see also Cal. Const. Art. XIII C, § 1(b) and (c).)
2. The purpose of this initiative is to exercise the power reserved to voters by Section 3 of Article XIII C of the California Constitution to limit the special tax currently imposed on the landowners in Community Facilities District No. 3 (Seabridge at Mandalay Bay).
3. This initiative is intended only to reduce the amount of special tax collected to pay for overhead costs of employees of the City of Oxnard, as set forth in Attachment B of Resolution 12715, which special taxes were originally levied by the City Council of the City of Oxnard, acting as the legislative body of Community Facilities District No. 3 (Seabridge at Mandalay Bay), by its adoption of Ordinance 2676, following approval by the then-landowner of the proposition proposing the special tax.