

RESOLUTION NO. 15,349

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS, ESTABLISHING CITY OF OXNARD COMMUNITY FACILITIES DISTRICT NO. 8 (SAKIOKA FARMS BUSINESS PARK), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID DISTRICT, AND APPROVING THE DESIGNATION OF FUTURE ANNEXATION AREA

WHEREAS, the City Council (the "City Council") of the City of Oxnard (the "City") has received a petition signed by the owner of certain property (the "Owner") requesting the establishment of City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the "Act"), to finance certain public services, including fire protection services (the "Fire Protection Services"), and, but only if such services are not funded and provided through private parties or organizations, the maintenance of landscaping within public rights of way, the maintenance of drainage facilities, including the water quality components of the drainage facilities, and weed control related to development of the Property ("Contingent Services," and together with the Fire Protection Services, the "Services"), and the designation of certain other property as future annexation to the District (the "Future Annexation Area"); and

WHEREAS, the City Council has heretofore adopted Resolution No. 15,326 ("Resolution of Intention") stating its intention to form the District and a copy of the Resolution of Intention is on file with the City Clerk and incorporated herein by reference; and

WHEREAS, pursuant to the Act and in accordance with applicable laws in all material respects, this City Council held a public hearing on the formation of the District and the designation of the Future Annexation Area, and all other matters referenced in the Resolution of Intention; and

WHEREAS, prior to the commencement of the public hearing, there was filed with the City Council a Community Facilities District Report prepared by NBS (the "CFD Report") containing a boundary map, and a description and an estimate of the services and incidental expense to be financed by the District, and the CFD Report has been reviewed by the City Council and is incorporated herein and made a part of the record of the public hearing; and

WHEREAS, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the formation of the District were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to the City Council on said matters before it, and this City Council at the conclusion of said hearing is fully advised in the premises.

NOW, THEREFORE, the City Council of the City of Oxnard, does resolve as follows:

PART 1. Pursuant to Section 53325.1(b) of the Act, the City Council finds and determines that the proceedings prior hereto were valid and in conformity with the requirements of the Act in all material respects.

PART 2. Written protests against the establishment of the District, or against the furnishing of specified services or the levying of a specified special tax within the District, have not been filed by fifty percent (50%) or more of the registered voters or property owners of one-half (1/2) or more of the area of land within the District.

PART 3. Written protests against the future annexation of the Future Annexation Area, or against the furnishing of specified services or facilities or the levying of a specified special tax within such Future Annexation Area, have not been filed by fifty percent (50%) or more of the registered voters or property owners of one-half (1/2) or more of the area of land within the District.

PART 4. A community facilities district to be designated “City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Parks)” is hereby established pursuant to the Act.

PART 5. The description and map of the boundaries of the District as shown on the map entitled “Map of Proposed Boundaries, City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park)” on file in the City Clerk’s office and as described in the Resolution of Intention and incorporated herein by reference, shall be the boundaries of the District. The map of the proposed boundaries of the District has been recorded in the Office of the County Recorder of Ventura County, California (Book 20 of Maps of Assessment and Community Facilities Districts at page 25).

PART 6. The description and map of the boundaries of the Future Annexation Area on file in the City Clerk’s office and as described in the Resolution of Intention and incorporated herein by reference, shall be the boundaries of the Future Annexation Area. The map of the boundaries of the Future Annexation Area has been recorded in the Office of the County Recorder of Ventura County as part of that certain map described in Part 5 above.

PART 7. The types of services to be provided for, and financed by, the District, and in the future when annexed, the Future Annexation Area, include fire protection labor and personnel services, including, but not limited to, salary, medical, benefits, pension expenses (the “Fire Protection Services”), and, but only if such services are not funded and provided through private parties or organizations, the maintenance of landscaping within public rights of way, the maintenance of drainage facilities, including the water quality components of the drainage facilities, and weed control related to development of the Property (“Contingent Services,” and together with the Fire Protection Services, the “Services”), directly or indirectly relating to the development of the territory within the District, which Services are in addition to and do not supplant those services already provided in the territory within the District prior to the establishment of the District. The Services are more fully described in the CFD Report.

PART 8. Except where funds are otherwise available, it is the intention of the City Council to levy annually, in perpetuity, in accordance with procedures contained in the Act, a special tax (the “Special Tax”) sufficient to finance the cost of providing the Services, the costs of administering the levy and collection of the Special Tax and all other costs of the levy of the Special Tax, including any foreclosure proceedings, legal, fiscal, and financial consultant fees, election costs, and all other administrative costs of the tax levy. The Special Tax will be secured by the recordation of a continuing lien against all taxable and nonexempt real property in the District.

The rate and method of apportionment (the “RMA”) and manner of collection of the Special Tax to be levied on parcels of taxable property within the District shall be as described in detail and set forth in Exhibit “A” attached hereto and by this reference made a part hereof. The RMA provides sufficient detail to allow each owner of nonexempt real property within the District to estimate the maximum amount that such person will have to pay for the Services. The Special Tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act and as described in the RMA and such Special Tax is not levied on or based upon the value or ownership of real property.

Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the Special Taxes shall attach to all nonexempt real property in the District, and, when annexed, the proposed Future Annexation Area, and that lien shall continue in force and effect until collection of the Special Taxes ceases.

PART 9. The City Council finds that the proposed public services are necessary to meet the increased demand put upon the City as a result of the development within the District, and, when annexed, the Future Annexation Area.

PART 10. The CFD Report is ordered to be kept on file with the minutes of these proceedings and open for public inspection.

PART 11. Pursuant to and in compliance with the provisions of California Government Code Section 50075.1, the City Council hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax:

- (a) Such Special Tax shall be levied for the specific purposes set forth herein.
- (b) The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth herein.
- (c) The District shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.

(d) The Finance Director, or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to California Government Code Section 50075.3.

PART 12. Pursuant to Section 53339.7(a) of the Act, the City Council provides for the annexation of all or a portion of the Future Annexation Area to the District upon the unanimous written approval of the owner or owners of each parcel or parcels requesting annexation within the Future Annexation Area at the time of such request and a resolution of annexation, without additional public hearings or proceedings.

PART 13. The Finance Director, 300 West Third Street, Oxnard, CA 93030, or his or her designee, is designated to be responsible for preparing or causing to be prepared annually a current roll of Special Tax levy obligations by assessor's parcel number and for estimating future Special Tax levies pursuant to Section 53340.1 of the California Government Code.

PART 14. The City Clerk is directed to certify and attest to this Resolution and to take any and all necessary acts to call, hold, canvass and certify an election or elections on the levy of the special tax, and the establishment of the appropriation limit. The voting procedure with respect to the imposition of the Special Tax and establishing an appropriations limit of the District shall be by hand delivered or mailed ballot election as provided in the Resolution of Intention.

PART 15. This Resolution shall take effect upon its adoption.

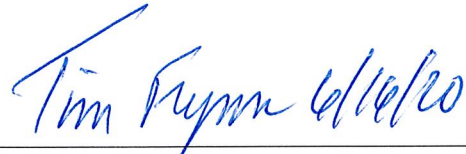
The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 16th day of June 2020, by the following vote: _____

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

NOES: None.

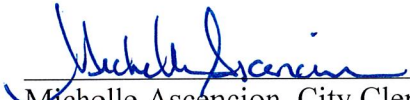
ABSTAIN: None.

ABSENT: None.



Tim Flynn, Mayor

ATTEST:



Michelle Ascencion, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

Resolution No. 15,349
[CFD No. 8 (Sakioka Farms Business Park)]
June 16, 2020
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EXHIBIT A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT A

**CITY OF OXNARD
Community Facilities District No. 8
(Sakioka Farms Business Park)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied and collected in City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park) (the "District") each fiscal year, in an amount determined by the application of the procedures described below. All of the Taxable Property (as defined below) in the District, unless exempted by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

I. DEFINITIONS

The terms used herein shall have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map or in the Assessor's Data for each Assessor's Parcel. In the event the Assessor's Parcel Map or Assessor's Data shows no acreage, the Acreage for any Assessor's parcel shall be determined by the District Administrator based upon the applicable final map, parcel map, condominium plan, or other recorded County parcel map or calculated using available spatial data and GIS. The square footage of an Assessor's Parcel is equal to the Acreage of such parcel multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Act of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of the District: the costs of computing the Annual Special Tax Requirement and the annual Special Tax and of preparing the annual Special Tax collection schedules; the costs of collecting the Special Taxes, including any charges levied by the County Auditor's Office, Tax Collector's Office or Treasurer's Office; the costs of the City or designee in complying with the disclosure requirements of the California Government Code (including the Act), including public inquiries regarding the Special Taxes; the costs of the City or designee related to an appeal of the Special Tax; and the costs of commencing and pursuing to completion any foreclosure action arising from delinquent Special Taxes in the District. Administrative Expenses shall also include costs related to the formation of the District and of annexing territory to the District as well as any amounts advanced by the City for any administrative purposes of the District and an allocable share of the salaries of City staff and an allocable portion of City overhead costs relating to the foregoing, or costs of the City in any way related to the establishment or administration of the District.

"Annual Services Costs" means the amounts required to fund Fire Protection Services authorized to be funded by the District, which amount for Fiscal Year 2020/21 is equal to \$300,000 and is subject to the Tax Escalation Factor for each Fiscal Year thereafter.

“Annual Special Tax Requirement” means that amount with respect to each Tax Zone determined by the Council or designee as required in any Fiscal Year to pay: (1) the Administrative Expenses, (2) the Annual Services Costs, (3) the Contingent Special Tax Requirement, (4) any amount required to establish or replenish any reserve or replacement fund established in connection with the District until the funds held in reserve equal the Expected Special Tax Revenue for that Fiscal Year, (5) reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year, and (6) less any amount collected for anticipated delinquencies in the previous Fiscal Year that were not utilized to fund delinquent Special Taxes.

“Assessor’s Data” means Acreage or other Parcel information contained in the records of the County Assessor.

“Assessor’s Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

“Backup Contingent Special Tax” means the Backup Contingent Special Tax applicable to each Assessor’s Parcel of Taxable Property, as determined in accordance with Section III below.

“Backup Special Tax” means the Backup Special Tax applicable to each Assessor’s Parcel of Taxable Property, as determined in accordance with Section III below.

“Building Permit” means a permit for new construction of a Non-Residential structure.

“City” means the City of Oxnard, County of Ventura.

“Contingent Services” means maintenance of the landscaping within public rights of way, the maintenance of drainage facilities, including the water quality components of the drainage facilities, and weed control related to development of the property.

“Contingent Special Tax” means that amount levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Contingent Special Tax Requirement.

“Contingent Special Tax Requirement” means that amount with respect to each Tax Zone as required in any Fiscal Year if the POA is unable to pay the costs of Contingent Services incurred or otherwise payable.

“Council” means the City Council of the City, acting as the legislative body of the District.

“County” means the County of Ventura, California.

“District” means the City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park).

“District Administrator” means an official of the City, or designee or agent or consultant, responsible for determining the Annual Special Tax Requirement and providing for the levy and collection of Special Taxes each Fiscal Year.

“Exempt Property” means all property located within the boundaries of the District that is exempt from the Special Tax pursuant to Section V below.

“Expected Contingent Special Tax Revenue” means the total expected Contingent Special Tax Revenue, as increased annually by the Tax Escalation Factor, expected within the Tax Zone, as shown in Table 2.

“Expected Special Tax Revenue” means the total expected Annual Special Tax Revenue, as increased annually by the Tax Escalation Factor, expected within the Tax Zone, as shown in Table 1.

“Finance Director” means the official of the City who is the chief financial officer or other comparable officer of the City or designee thereof.

“Fire Protection Services” means fire protection labor and personnel services, including, but not limited to, salary, medical, benefits, pension expenses, as more fully described in the resolution of intention of the District.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Future Annexation Area” means the area designated for future annexation to the District as shown in the District boundary map, as may be amended from time to time.

“GIS” means a geographic information system.

“Maximum Contingent Special Tax” means the maximum Contingent Special Tax authorized for levy in any Fiscal Year that may apply to Taxable Property as described in Section III.

“Maximum Special Tax” means the maximum Special Tax authorized for levy in any Fiscal Year that may apply to Taxable Property as described in Section III.

“Non-Residential Property” means all property that is not used for people to live in and does not include Public Property.

“Parcel” means a lot or parcel with a parcel number assigned by the Assessor of the County.

“Property Owner’s Association” or “POA” means any property owner’s association established to provide Contingent Services within a Tax Zone.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels.

“Public Property” means property within the boundaries of the District owned by, irrevocably offered or dedicated to, or for which an easement for purposes of public right-of-way has been granted to the federal government, the State, the County, or any local government or other public agency, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Special Tax” means the amount levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Annual Special Tax Requirement.

“Tax Escalation Factor” means the percentage change in the Consumer Price Index, All Urban Consumers Los Angeles, February to February that will be applied annually after Fiscal Year 2020/21 to increase the Maximum Special Tax Rates shown in Section III. In the case that the index decreases, the Tax Escalation Factor will be zero. In the case that the index is no longer available, a comparable index may be used.

“Tax Zone” means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this Rate and Method of Apportionment. ***All of the Taxable Property within the District at the time of its formation is within Tax Zone No. 1.*** Additional Tax Zones may be created when property is annexed to the District, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone when such Parcels are annexed to the District shall be identified by Assessor’s Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

“Taxable Property” means all Non-Residential Property within the boundary of the District that are not Exempt Property, exempt from the Special Tax pursuant to the Act or Section V below.

“Welfare Exempt Property” means all Parcels of Exempt Property within the boundaries of the District that are receiving a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

II. DETERMINATION OF TAXABLE PARCELS

On July 1 of each Fiscal Year, the District Administrator shall determine the valid Assessor’s Parcel Numbers for the current Fiscal Year for all Taxable Property within the District. If any Parcel numbers are no longer valid from the previous Fiscal Year, the District Administrator shall determine the new Parcel number or numbers that are in effect for the current Fiscal Year. To the extent a Parcel or Parcels of Taxable Property are subdivided, consolidated or otherwise reconfigured, the Special Tax rates shall be assigned to the new Assessor’s Parcels pursuant to Section III. The District Administrator shall also determine: (i) the Tax Zone within which each Parcel is located; (ii) the Acreage each Parcel contains; and (iii) the Annual Special Tax Requirement for the Fiscal Year; and (iv) whether a building permit for construction of a Non-Residential Property has been issued for any Assessor’s Parcel in each Tax Zone.

III. ANNUAL SPECIAL TAX - METHOD OF APPORTIONMENT

All Taxable Property shall be subject to a Special Tax defined as follows.

The Special Tax shall be levied each Fiscal Year by the District Administrator. The Annual Special Tax Requirement shall be apportioned to each Parcel of Taxable Property within the District by the method shown below after a building permit has been issued for the construction of Non-Residential Property for any Assessor’s Parcel in each Tax Zone.

- First. Determine whether a building permit has been issued for construction of Non-Residential Property in each Tax Zone.
- Second. Determine the Annual Special Tax Requirement for each Tax Zone.
- Third. Levy the Special Tax on each Parcel of Taxable Property Proportionately within each Tax

Zone, up to the Maximum Special Tax for each Tax Zone described in tables below to satisfy the Annual Special Tax Requirement for each Tax Zone.

**TABLE 1
SPECIAL TAX RATES – TAX ZONE NO. 1
FISCAL YEAR 2020/21**

Property Type	Special Tax Rate	Per	Expected Special Tax Revenue
Non-Residential Property	\$948.41	Acre	\$379,365.00

**On each July 1, commencing on July 1, 2021, the Maximum Special Tax Rate and Expected Special Tax Revenue for each Tax Zone shall be increased by the Tax Escalation Factor.*

**TABLE 2
CONTINGENT SPECIAL TAX RATES – TAX ZONE NO. 1
FISCAL YEAR 2020/21**

Property Type	Contingent Special Tax Rate	Per	Expected Contingent Special Tax Revenue
Non-Residential Property	\$746.71	Acre	\$298,682.93

**On each July 1, commencing on July 1, 2021, the Maximum Special Tax Rate and Expected Contingent Special Tax Revenue for each Tax Zone shall be increased by the Tax Escalation Factor.*

Maximum Special Taxes

The Maximum Special Tax for each Assessor’s Parcel of Taxable Property within each Tax Zone shall be the greater of the Special Tax as show in Table 1 or the Backup Special Tax.

The Maximum Contingent Special Tax for each Assessor’s Parcel of Taxable Property within each Tax Zone shall be the greater of the Contingent Special Tax as show in Table 2 or the Backup Contingent Special Tax.

Backup Special Taxes

The Backup Special Tax for each Assessor’s Parcel of Taxable Property within each Tax Zone shall be the rate per Acre that results in the Expected Special Tax Revenue for each Tax Zone.

The Backup Contingent Special Tax for each Assessor’s Parcel of Taxable Property within each Tax Zone shall be the rate per Acre that results in the Expected Contingent Special Tax Revenue for each Tax Zone.

A different Maximum Special Tax Rate may be identified in Tax Zones added to the District as a result of future annexations.

IV. FORMULA FOR PREPAYMENT OF SPECIAL TAX OBLIGATIONS

The Special Tax may not be prepaid.

V. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on Public Property, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act. Additionally, Welfare Exempt Property that is exempt under subdivision (g) of Section 214 of the Revenue and Taxation Code to the District, shall be reimbursed for Special Tax levied and paid. A property owner must provide documentation of the exemption within one calendar year after having paid the Special Taxes for which an exemption has been granted.

VI. INTERPRETATION OF RATE AND METHOD OF APPORTIONMENT

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning the Special Tax. In addition, the interpretation and application of any section of this document shall be at the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Tax.

VII. MANNER AND DURATION OF SPECIAL TAX

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided that the City may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if needed to meet the financial obligations of the District, and may collect delinquent Special Taxes through foreclosure or other available methods.

A Special Tax shall continue to be levied and collected within the District as required to fund the Annual Special Tax Requirement in perpetuity or so long as the Annual Services Costs are incurred to provide Fire Protection Services within the District or Contingent Services are provided within the District.

VIII. APPEAL OF SPECIAL TAX LEVY

Any property owner may file a written appeal of the Special Tax with the District Administrator claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Taxes that are disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Taxes are in error. The District Administrator shall review the appeal, meet with the appellant if the District Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the District Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the District Administrator or subsequent decision by the City Council requires the Special Taxes to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Taxes, but an adjustment shall be made to credit future Special Taxes.

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

IX. Additional Special Taxes

The Special Tax mitigates the obligation of the property owners to pay for the annual cost of three firefighters (including benefits) in lieu of the property owners' specific plan obligation to dedicate a 1.5 acre site near Rice Avenue and the easterly extension of Gonzales Road for a new fire station site; provided, however, that should the development of any portion of an Assessor Parcel be for residential uses and/or schools, hospitals, nursing homes, explosive plants, refineries, high-rise buildings and other high life hazard or large fire potential occupancies, it is the intention of the District and the property owners to conduct change proceedings pursuant to Section 53331 of the Act to modify the Special Tax or add additional special taxes ("Additional Special Taxes") based upon the specific uses that are added to the Assessor Parcel for fire protection services to mitigate the obligation of the property owners for such uses. Such change proceedings shall be concluded prior to the approval of the development and/or transfer of such Assessor Parcel.