

RESOLUTION NO. 15,805

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK), ORDERING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “CITY-SPONSORED COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK) NO TAX INCREASE, PUBLIC SAFETY, NEIGHBORHOOD SERVICES MEASURE”, REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, when the RiverPark community was developed, Community Facilities No. 5 (RiverPark) (“CFD No. 5”) was created to fund services for the new community, including the maintenance of RiverPark’s expansive parks, parkways and open space, the flood and storm protection services, and additional police protection services; and

WHEREAS, CFD No. 5 special taxes currently pay for a range of services and amenities within the RiverPark community including: maintaining all of the parks and open space areas within the RiverPark community; maintaining sports fields used for youth baseball and soccer; helping to maintain a gymnasium for youth sports activities; funding flood and storm protections services; and funding additional police protections services; and

WHEREAS, the CFD No. 5 special taxes allow RiverPark services and amenities to be maintained and continued in the manner that currently exists today; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, received and filed certificates of sufficiency for three initiatives that would, if adopted, repeal CFD No. 5’s special taxes, limit the uses of the special taxes for CFD No. 5 and/or reduce the maximum special taxes that can be imposed by CFD No. 5; and

WHEREAS, the adoption of one or more of such initiatives would cause significant cuts to the maintenance and continuance of services and amenities within the RiverPark community – if alternative funding sources are not available to pay for some or all of the services and amenities that were previously paid for by CFD No. 5; and

WHEREAS, if adopted by the voters, the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” would ensure that CFD No. 5 continues to collect the special taxes necessary to provide the range of services and amenities within the RiverPark community that currently exist; and

WHEREAS, the City Council, acting as the legislative body of CFD No. 5, desires to submit the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” to the voters at the General Municipal Election

to be held on Tuesday, November 5, 2024, and to be consolidated with any other election to be held on that date; and

WHEREAS, the proposed “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” is more completely described in the ordinance attached hereto as Exhibit A and incorporated herein by reference.

NOW, THEREFORE, the City Council of the City of Oxnard (acting as the legislative body of Community Facilities District No. 5 (RiverPark)) hereby resolves as follows:

SECTION 1. The City Council, acting as the legislative body of CFD No. 5, hereby finds and determines that the foregoing recitals are true and correct. The recitals are hereby incorporated into the operative provisions of this Resolution by this reference.

SECTION 2. The City Council, acting as the legislative body of CFD No. 5, hereby proposes the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure”.

SECTION 3. The City Council, acting as the legislative body of CFD No. 5, hereby calls a General Municipal Election for Tuesday November 5, 2024 (the “Election”) and orders, pursuant to Elections Code Section 9222, that the “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” be submitted to the voters at that election.

SECTION 4. The ballot question shall be substantially as follows:

CITY-SPONSORED COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK) NO TAX INCREASE, PUBLIC SAFETY, NEIGHBORHOOD SERVICES MEASURE.	YES	
<i>Shall the City of Oxnard-sponsored measure to continue current funding for Community Facilities District No. 5 (RiverPark) and maintain community safety, enhanced police protection, neighborhood/park patrols, keeping public areas clean, safe, well-maintained, including parks, open space; maintain flood protection, without any increase to the existing maximum tax rate, continuing ongoing public disclosure of spending and annual reports -- be adopted?</i>	NO	

SECTION 5. The text of the proposed “City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure” 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 City. A majority of votes cast is required for the measure to pass.

SECTION 6. 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 be consolidated with the statewide general election to be held on November 5, 2024, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 7. 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 CFD No. 5 on November 5, 2024.

SECTION 8. 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 B, which is attached hereto and made a part hereof, and any and all other services and supplies necessary to complete the election on November 5, 2024. The City shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 9. 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 10. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 11. The City Council, acting as the legislative body of CFD No. 5, directs the City Clerk to transmit a copy of the 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. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

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 body of CFD No. 5, 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 City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 15. 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.

SECTION 16. This Resolution shall be effective immediately upon adoption.

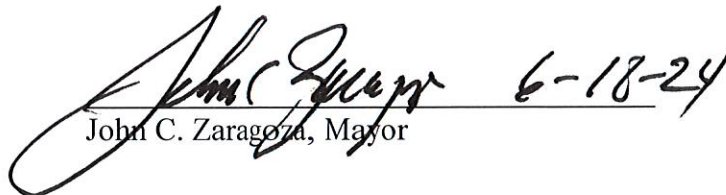
APPROVED and ADOPTED this 18th day of June, 2024.

AYES: Councilmembers Basua, MacDonald, Madrigal, Perello, Teran
Valenzuela and Zaragoza

NOES: None.

ABSENT: None.

ABSTAIN: None.


John C. Zaragoza, Mayor

ATTEST:


Rose Chaparro, City Clerk

APPROVED AS TO FORM:


Stephen M. Fischer, City Attorney

EXHIBIT A

AN ORDINANCE THAT CONTINUES AND MAINTAINS SERVICES AND AMENITIES WITHIN THE RIVERPARK COMMUNITY BY THE READOPTION OF RESOLUTION NO. 12,936'S EXHIBIT A AND TABLE 1 IN EXHIBIT B TO PREVENT THE ELIMINATION OR SUBSTANTIAL REDUCTION ON THE COLLECTION OF COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)'S SPECIAL TAXES, AND REAFFIRMS THAT CFD NO. 5'S SPECIAL TAXES SHALL NOT BE ELIMINATED, REDUCED AND/OR RESTRICTED BY ONE OR MORE OF THE THREE INITIATIVES PROPOSED BY AARON STARR, ALICIA PERCELL AND DANIEL WOLKENFELD

The People of Community Facilities District No. 5 (RiverPark) do ordain as follows:

Section 1. Title

This initiative shall be known and may be cited as the "City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure" (the "Act").

Section 2. Findings and Declarations

The People of Community Facilities District No. 5 (RiverPark) find and declare all of the following:

A. When the RiverPark community was developed, Community Facilities No. 5 (RiverPark) ("CFD No. 5") was created to fund services for the new community, including maintenance of RiverPark's expansive parks, parkways and open space, flood and storm protection services, and additional police protection services. Currently, CFD No. 5 special taxes pay for a range of services and amenities within the RiverPark community including:

- i. Protecting the public safety;
- ii. Maintaining all of the parks and open space areas within the RiverPark community;
- ii. Maintaining sports fields used for youth baseball and soccer;
- iii. Helping to maintain a gymnasium for youth sports activities;
- iv. Funding flood and storm protections services; and
- v. Funding additional police protection services.

B. The CFD No. 5 special taxes allow RiverPark services and amenities to be maintained and continued in the manner that currently exists today.

C. At the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, received and filed certificates of sufficiency for three initiatives that would -- if adopted -- repeal CFD No. 5's special taxes, limit the uses of the special taxes for CFD No. 5 and/or reduce the maximum special taxes that can be imposed by CFD No. 5. The

proponents of these three ballot measures are Aaron Starr, Alicia Percell and Daniel Wolkenfeld (the “Proponents”).

D. The People of CFD No. 5 do not wish for any of these three initiatives to go into effect because the adoption of one or more of such initiatives would cause significant cuts to the maintenance and continuance of services and amenities within the RiverPark community – if alternative funding sources are not available to pay for some or all of the services and amenities that were previously paid for by CFD 5.

Section 3. Purpose and Intent

The purpose and intent of this Act is to:

A. Ensure that CFD No. 5 continues to collect the special taxes necessary to provide the range of services and amenities within the RiverPark community that currently exists, including:

- i. Protecting the public safety;
- ii. Maintaining all of the parks and open space areas within the RiverPark community;
- ii. Maintaining sports fields used for youth baseball and soccer;
- iii. Helping to maintain a gymnasium for youth sports activities;
- iv. Funding flood and storm protections services; and
- v. Funding additional police protection services.

B. Ensure that the collection and use of CFD No. 5 special taxes are not eliminated, reduced and/or restricted by one or more of the three initiatives filed by the Proponents.

Section 4. City-Sponsored Community Facilities District No. 5 (RiverPark) No Tax Increase, Public Safety, Neighborhood Services Measure

A. Exhibit A to Resolution No. 12,936 is hereby readopted with the removal of the following allowed uses of CFD No. 5 funding that are not currently being funded by CFD No. 5: ambulance and paramedic services, recreation program services, library services, the operation and maintenance of museums and cultural facilities, and fire protection and suppression services.

B. Table 1 to Exhibit B of Resolution No. 12,936 is hereby readopted in its entirety with no changes.

C. The revised Exhibit A to Resolution No. 12,936 and Table 1 to Exhibit B to Resolution No. 12,936 are attached hereto and incorporated herein by this reference.

Section 5. Broad Construction, Implementation and Severability

A. The Act shall be liberally constructed and broadly applied to effectuate its underlying purposes of:

i. Ensuring that CFD No. 5 continues to collect the special taxes necessary to provide the range of services and amenities within the RiverPark community that currently exists today; and

ii. Ensuring that the collection and use of CFD No. 5 special taxes are not eliminated, reduced and/or restricted by one or more of the three initiatives filed by the Proponents.

B. If any provision of this Act or its application to any person or circumstance is declared invalid, such invalidity shall not affect the validity of the remainder of the Act. In such circumstances, the other parts of this Act shall remain in effect as if this Act had been drafted without the invalid part. The People intend and desire that the remaining parts of this Act continue to be effective without any part or parts that have been declared invalid, including – but not limited to – the provisions of the Act which have the impact of invalidating one or more of the three ballot measures filed by the Proponents.

Section 6. Conflicting Ballot Measures

A. Because of the internal conflicts between key provisions of the three ballot measures filed by the Proponents, the three ballot measures shall be deemed to be in conflict with each other for purposes of Elections Code Section 9221 and shall be subject to the provisions of Elections Code Section 9221.

B. This Act shall be deemed to be in conflict with the three ballot measures filed by Proponents because those ballot measures seek to eliminate, reduce and/or restrict the collection or use of the CFD No. 5 special taxes, while the purpose and intent of this Act is to ensure that the CFD No. 5 special taxes can, are and will continue to be used for the existing range of services and amenities within the RiverPark community.

C. In the event that this measure receives a greater number of affirmative votes than one or more of the measures filed by the Proponents, then – as to those other measure(s) -- the provisions of this measure shall prevail in their entirety and the provisions of the other measure(s) that received fewer votes shall be null and void in their entirety.

D. If this measure is approved by voters but superseded in any way by one or more other conflicting ballot measure(s) (i.e., those ballot measures(s) filed by the Proponents) on the November 5, 2024 ballot are approved by voters at the same election, and the conflicting ballot measure(s) are later held invalid, this measure shall be self-executing and given full force of law.

EXHIBIT A
CITY OF OXNARD
COMMUNITY FACILITIES DISTRICT NO. 5
(RIVERPARK)
DESCRIPTION OF SERVICES AND IMPROVEMENTS
TO BE FUNDED BY THE DISTRICT
SERVICES AND IMPROVEMENTS

The following services are authorized expenditures under this resolution. The District will use the funds for the following purposes:

- Maintenance of parks, parkways, and open space.
- Maintenance services for elementary and secondary school sites and structures.
- Flood and storm protection services.
- Costs incurred in establishing the District and creating the levy of the special tax, financial advisor fees and expenses, appraisal and price point study costs, maintenance reserves, and District counsel fees and expenses.
- Ongoing administrative fees of the District, the City of Oxnard and any trustee, fiscal agent or financial administrator related to the District.
- Reimbursement of costs related to the formation of the District advanced by the City of Oxnard, any landowner in the District, or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the City of Oxnard, any landowner in the District or any party related to any of the foregoing, for services, fees or other purposes or costs of the District.
- Police protection services.
- Local park, recreation, parkway, and open-space facilities.

EXHIBIT 1 TO EXHIBIT B

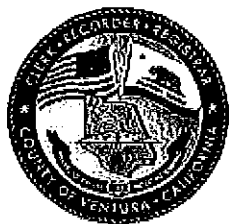
Maximum Special Tax for Developed Property

For Fiscal Year 2005-2009

Community Facilities District No. 5 (RiverPark)

Land Use Class	Description	Residential Floor Area	Maximum Special Tax
1	Single Family Attached Property	<1,400 SF	\$1,266.86 per unit
2	Single Family Attached Property	1,400-1,699 SF	\$1,557.21 per unit
3	Single Family Attached Property	1,700-1,999 SF	\$1,704.10 per unit
4	Single Family Attached Property	2,000-2,199 SF	\$2,000.17 per unit
5	Single Family Attached Property	≥2,200 SF	\$2,147.06 per unit
6	Single Family Attached Property	<1,750 SF	\$1,857.01 per unit
7	Single Family Attached Property	1,750-2,099 SF	\$2,104.41 per unit
8	Single Family Attached Property	2,100-2,299 SF	\$2,289.27 per unit
9	Single Family Attached Property	2,300-2,799 SF	\$2,641.11 per unit
10	Single Family Attached Property	≥2,800 SF	\$3,014.65 per unit
11	Affordable Units	NA	\$461.23 per unit
12	High Density Property	NA	\$459.06 per unit
13	Non-Residential Property	NA	\$0.1347 per square foot of Non-Residential Floor Area

EXHIBIT B



MICHELLE ASCENCION
Clerk-Recorder & Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
BALLOT MEASURES

TO: **MICHELLE ASCENCION**, Clerk-Recorder & Registrar of Voters

FROM: City of Oxnard Rose Chaparro
City Name City Clerk

ELECTION: Presidential General Election Nov 2024 DATE: November 5, 2024

NOTE: A MAP MUST BE PROVIDED OF THE AREA/DISTRICT THAT WILL VOTE ON THE MEASURE.

SERVICE OPTIONS Place a check mark next to the desired service (one selection per item):

ITEM #1 PUBLICATIONS

- XX A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Vote Centers.
- _____ B. City will publish and send proof of publication to Elections

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

- XX A. Print Full Text of Ballot Measure.
- _____ B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS (IF APPLICABLE)

- XX A. Random sample of 500 signatures.
- _____ B. Full check of all signatures submitted, up to the required number.

PERCENTAGE OF VOTES REQUIRED FOR MEASURE TO PASS: 50% +1
City-Sponsored Community Facilities District No. 5 (Riverpark) No Tax Increase, Public Safety, Neighborhood Services Measure.

ELECTIONS DIVISION SERVICES PROVIDED:

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL: Elections Division provides electronic copies.

TRANSLATIONS: Elections Division provides all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES: Elections Division prints arguments/analyses for each measure, Sample Ballots, and Vote Center/Ballot Drop Box lists in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS: Elections Division processes all Vote By Mail ballots.

ELECTION RESULTS: Elections Division posts results and regular updates on its website: VenturaVote.org.

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

Name of City: City of Oxnard

Print Name & Title: Rose Chaparro, City Clerk

Signature: *RC Chaparro*

Date: June 14, 2024