

RESOLUTION NO. 15,807

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, 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 "REDUCTION OF THE MAXIMUM SPECIAL TAXES THAT CAN BE IMPOSED WITHIN COMMUNITIES FACILITIES DISTRICT NO. 5 (RIVERPARK)", REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, the proponents of an initiative measure, Aaron Starr, Alicia Percell and Daniel Wolkenfeld (the "Proponents"), submitted to the City Clerk a Notice of Intention to Circulate Initiative Petition that proposed to adopt an ordinance that would result in a 50 percent reduction in the potential amount of CFD funding available to provide services within the RiverPark community; and

WHEREAS, on May 9, 2024, the Ventura County Registrar of Voters verified that the Proponents submitted the required number of valid signatures sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of Community Facilities District No. 5 (Riverpark) of the City of Oxnard (hereafter, "CFD No. 5"), received and filed certificates of sufficiency for the initiative measure; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council, acting as the legislative body of CFD No. 5, 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 ("9212 Report") at the regular meeting at which the certification of the petition is presented; and

WHEREAS, at the May 21, 2024 Oxnard City Council meeting, the City Council, acting as the legislative body of CFD No. 5, ordered a 9212 Report to consider the impacts or effects of the initiative on the City; and

WHEREAS, the City Council, acting as the legislative body of CFD No. 5, received the 9212 Report on June 18, 2024; and

WHEREAS, California Elections Code Section 1405 provides that the election for a municipal or district initiative that qualifies for the ballot 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.

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

<p>REDUCTION OF THE MAXIMUM SPECIAL TAXES THAT CAN BE IMPOSED WITHIN COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)</p>	<p>YES</p>	
<p>Shall an ordinance reducing potential funding by half for RiverPark’s enhanced police protection, patrols within RiverPark, reducing potential funding by half for maintaining RiverPark parks, open space, sports fields for youth baseball/soccer, reducing potential funding by half for landscaping, reducing potential funding by half for flood/storm protection services, by reducing by half the maximum special taxes for Community Facilities District No. 5 (RiverPark) -- be adopted?</p>	<p>NO</p>	

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, acting as the legislative body of CFD No. 5, 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 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.

PASSED AND ADOPTED THIS 18th Day of June, 2024 by the following vote:

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

CITY CLERK OXNARD
MAR 18 '20 PM 1:46

ORDINANCE REDUCING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)

The people of the City of Oxnard do ordain as follows:

SECTION 1. Title.

This initiative shall be known and may be cited as the "People's Right to Vote on Riverpark Taxes Act."

SECTION 2. Findings and Declarations.

The people of the City of Oxnard find and declare all of the following:

- a) The City of Oxnard imposes a Mello Roos tax on Community Facilities District No. 5 (Riverpark) ("the District"), charging property owners a special tax

to fund general services currently provided to other Oxnard residents through their normal property and sales taxes.
 b) As a result, many Riverpark residents believe they are being unfairly double-charged for the same services, and that such unreasonable and excessive Mello-Roos taxes depress the property values of homeowners.
 c) For the fiscal year ending June 30, 2024, the City of Oxnard is taxing Riverpark approximately half the maximum allowed by the District's formation documents. That means the City could in future years decide to tax property owners double that already-high amount.
 d) The maximum allowed tax should be reduced by half. By doing so, City Hall would be required to make a convincing case to voters that more money is needed before it increases taxes again.

SECTION 3. Purposes and Intent.
 a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the "People's Right to Vote on Riverpark Taxes Act" is to reduce the Maximum Special Tax rates imposed on the District by half, taking into effect an escalation each July 1, commencing on July 1, 2006, for changes in the Consumer Price Index.
 b) The people intend this Act to be an exercise of their rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

SECTION 4. People's Right to Vote on Riverpark Taxes Act.
 Part C of Exhibit B of Resolution No. 12936, adopted as Ordinance No. 2701 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 5 (Riverpark) is hereby amended to read as follows:

(Text to be inserted is indicated in *bold italics* type. Text to be deleted is indicated in ~~strikethrough~~ type. Text in standard, bold or underlined type, is existing and not amended by this initiative.)

C. MAXIMUM SPECIAL TAX RATE

I. Developed Property

a. Maximum Special Tax

The Fiscal Year 2005-2006 Maximum Special Tax for each Land Use Class is shown below in Table 1.

TABLE 1

Maximum Special Taxes for Developed Property

For Fiscal Year 2005-2006
 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 <i>\$1,266.86</i> 633.43 per unit
2	Single Family Attached Property	1,400 - 1,699 SF	\$1,557.24 <i>\$1,557.24</i> 778.61 per unit
3	Single Family Attached Property	1,700 - 1,999 SF	\$1,794.30 <i>\$1,794.30</i> 852.05 per unit
4	Single Family Attached Property	2,000 - 2,199 SF	\$2,000.17 <i>\$2,000.17</i> 1,000.09 per unit
5	Single Family Attached Property	>=2,200 SF	\$2,147.06 <i>\$2,147.06</i> 1,073.53 per unit
6	Single Family Detached Property	< 1,750 SF	\$1,867.01 <i>\$1,867.01</i> 928.51 per unit
7	Single Family Detached Property	1,750 - 2,099 SF	\$2,104.41 <i>\$2,104.41</i> 1,052.21 per unit
8	Single Family Detached Property	2,100 - 2,299 SF	\$2,289.27 <i>\$2,289.27</i> 1,144.64 per unit
9	Single Family Detached Property	2,300 - 2,799 SF	\$2,641.44 <i>\$2,641.44</i> 1,320.56 per unit

10	Single Family Detached Property	>= 2,800 SF	\$3,014.65 <i>\$3,014.65</i> 1,507.83 per unit
11	Affordable Units	NA	\$461.23 <i>\$461.23</i> 230.62 per unit
12	High Density Property	NA	\$459.66 <i>\$459.66</i> 229.53 per unit
13	Non-Residential Property	NA	\$0.1347 <i>\$0.1347</i> 0.0674 per square foot of Non-Residential Floor Area

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax each Land Use Class shall be increased by based on the percentage change in the Consumer Price Index with a maximum annual increase of five percent (5%) and a minimum annual increase of two percent (2%) per Fiscal Year.

d. Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax for all Land Use Classes located on that Assessor's Parcel.

2. Undeveloped Property

a. Maximum Special Tax

The Fiscal Year 2005-2006 Maximum Special Tax for Undeveloped Property shall be ~~\$19,793.43~~ ***\$19,793.43*** 9,896.72 per Acre.

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax for Undeveloped Property shall be based on the percentage change in the Consumer Price Index with a maximum annual increase of five percent (5%) and a minimum annual increase of two percent (2%) per Fiscal Year.

SECTION 5. Broad Construction and Implementation.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of reducing by half the Maximum Special Tax rates imposed in the District, taking into effect an escalation each July 1, commencing on July 1, 2006, for changes in the Consumer Price Index. For example, had this Act been in effect for the Fiscal Year ending June 30, 2023, the Maximum Special Tax for Land Use Class 1 would have been \$1,000.29 rather than \$2,000.58.
 b) If any provision of this Act or the application thereof to any person or circumstance is held invalid, then the people intend that the entire special tax be repealed.

SECTION 6. Conflicting Ballot Measures.

a) Notwithstanding Section 9221 of the Elections Code, this measure is not intended to conflict with any other measure sponsored by the proponents and adopted at the same election, and to the extent possible the nonconflicting provisions of two or more such measures adopted at the same election shall be given effect to achieve the greatest reduction in tax.
 b) If this measure is approved by voters but superseded by any other conflicting ballot measure sponsored by the City Council and approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.
 c) In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the City Council sponsored measure or measures shall be null and void in their entirety. In the event that the City Council sponsored measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

SECTION 7. Proponent Standing.

In the event that any proponent of this measure is defending it in a legal proceeding because the City has declined to defend it or appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

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 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

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

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

- 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)

- 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

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: __*R. Chaparro*_____

Date: __May 9, 2024_____