

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 2982

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OXNARD, CALIFORNIA, ACTING AS THE LEGISLATIVE
BODY OF THE CITY OF OXNARD COMMUNITY
FACILITIES DISTRICT NO. 8 (SAKIOKA FARMS BUSINESS
PARK), AUTHORIZING THE LEVY OF A SPECIAL TAX

WHEREAS, the City Council (the “City Council”) of the City of Oxnard (the “City”) has heretofore adopted Resolution No. 15,326 (“Resolution of Intention”) stating its intention to form the 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 to designate certain other property as future annexation area for the District; and

WHEREAS, notice was published as required by law relative to the intention of the City Council to form the District and designate property as future annexation area; and

WHEREAS, on June 16, 2020, the City Council held a noticed public hearing as required by law relative to the determination to proceed with the formation of the District and the rate and method of apportion and manner of collection of the special tax (the “Special Tax”) to be levied within the District to pay for the Services; and

WHEREAS, at said public hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the Special Tax and the designation of future annexation area of the District, were heard and a full and fair hearing was held; and

WHEREAS, the City Council subsequent to said public hearing adopted Resolution No. 15,349 (the “Resolution of Formation”) determining the validity of prior proceedings, established the District and approved the designation of future annexation area for the District; and

WHEREAS, the City Council subsequent to said public hearing adopted Resolution No. 15,350 which called an election within the District for June 16, 2020 on the proposition of levying the Special Tax within the District and setting an appropriations limit; and

WHEREAS, on June 16, 2020, an election was held within the District in which the eligible electors approved by more than two-thirds vote the proposition of levying the Special Tax, and setting an appropriations limit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF OXNARD COMMUNITY FACILITIES DISTRICT NO. 8 (SAKIOKA FARMS BUSINESS PARK), DOES ORDAIN AS FOLLOWS:

PART 1. A special tax (the "Special Tax") is hereby levied within the boundaries of the District, and on any parcels within future annexations to the District upon the unanimous consent of the owners of such parcels, pursuant to the formula set forth in Exhibit "A" attached to the Resolution of Formation, and incorporated herein by reference, or as such special tax may be modified or amended from time to time by a resolution of change or annexation adopted pursuant to the provisions of the Act (the "RMA"), in an amount necessary to finance all or a portion of the cost of providing the Services that are in addition to those provided in the territory within the District prior to the formation of, or annexation to, the District, periodic costs, and costs of the tax levy and collection, as provided in the RMA.

PART 2. The Finance Director is hereby further authorized as provided in section 53340 of the Act on or before June 30 of each year to determine the specific special tax rate and amount to be levied for the next fiscal year in accordance with the RMA and to prepare or cause to be prepared a list of all nonexempt parcels within the District and the specific amount of the special tax for each parcel, except that the special tax rate to be levied shall not exceed the maximum rates contained in the RMA.

PART 3. All of the collections of the special tax shall be used as provided for in the Act and the Resolution of Formation and any resolution of change or annexation adopted from time to time by the City Council.

PART 4. The above authorized special tax shall be collected in the same manner as ordinary *ad valorem* taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency and provided for *ad valorem* taxes; provided, however, that the District may collect the special tax at a different time or in a different manner if necessary to meet its financial obligations.

PART 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

PART 6. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy of this Ordinance was posted in the office of the City Clerk a minimum of five days before the City Council's adoption of this Ordinance.

PART 7. The Mayor shall sign this ordinance and the City Clerk shall attest to such signature. Within fifteen days after passage, the City Clerk shall cause the title and summary or text of this Ordinance, together with the vote thereon, to be published one time in a newspaper of general circulation published and circulated within the territorial jurisdiction of the City, and to post at the main office of the City a certified copy of the full text of the adopted Ordinance along with the names of the Council Members voting for and against the Ordinance.

PART 8. This Ordinance relating to the levy of the special tax takes effect and shall be in force immediately after the date of final passage. A copy of this Ordinance shall be transmitted to the Assessor and the Treasurer-Tax Collector of Ventura County.

PART 9. Ordinance No. 2982 was first read on June 16, 2020, and finally adopted on June 30, 2020 and became effective immediately pursuant to Government Code Section 36937(a).

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