

RESOLUTION NO. 15,806

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 "REPEAL OF COMMUNITY FACILITIES NO. 5 (RIVERPARK) SPECIAL TAXES", 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 eliminate funding generated by Community Facilities District No. 5 (RiverPark); 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.

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 foregoing recitals are adopted as the findings of the City Council of the City of Oxnard, acting as the legislative body of CFD No. 5, as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of CFD No. 5 at the regular election to be held on November 5, 2024.

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

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 B, 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 5, 2024.

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 A. 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 City.

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

<b>REPEAL OF COMMUNITY FACILITIES NO. 5 (RIVERPARK) SPECIAL TAXES</b>	YES	
Shall an ordinance to repeal all special taxes specific to RiverPark (Community Facilities District No. 5), eliminating funding for extra police protection services, neighborhood/park patrols within RiverPark, eliminating funding for maintenance of RiverPark parks and open space, sports fields used for youth baseball and soccer, trails, dog parks at enhanced service levels, eliminating funding for landscaping maintenance, flood and storm protection services -- be adopted?	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, 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 18<sup>th</sup> 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 '24 PM 1:47

## ORDINANCE REPEALING 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 "Repeal Riverpark Mello-Roos 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) Most Oxnard homeowners do not pay extra on their property tax bills to maintain City-owned property and receive standard municipal services generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.  
 d) The City of Oxnard needs to take responsibility for maintaining City-owned property and providing standard municipal services to the residents of Riverpark.  
 e) If the City chooses to shift its responsibility to fund maintenance of its landscaping improvements from its general fund, it should deed over that property, such as in a manner provided in Part 3 of Division 9 of the Streets and Highways code, to either the owners of adjacent parcels or an association formed under the Davis-Stirling Common Interest Development Act (Part 5 of Division 4 of the Civil code) created for the purpose of maintaining such property.

**SECTION 3. Purposes and Intent.**

a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the "Repeal Riverpark Mello-Roos Taxes Act" is to repeal the Mello-Roos tax imposed on properties within the District, effective June 30 following the adoption of the Act, and receive no less than the standard municipal services generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.  
 b) The people intend this Act to be an exercise of their rights pursuant to Section 7 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

**SECTION 4. Repeal Riverpark Mello-Roos Taxes Act**  
 Part C of Exhibit B of Resolution No. I2936, 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 ~~strike-through~~ type. Text in standard, bold or underlined type, is existing and not amended by this Initiative.)

**C. MAXIMUM SPECIAL TAX RATE**

**1. Developed Property**

**a. Maximum Special Tax**

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

**TABLE I**  
 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 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 Detached Property	< 1,750 SF	\$1,857.01 per unit
7	Single Family Detached Property	1,750 - 2,099 SF	\$2,104.41 per unit
8	Single Family Detached Property	2,100 - 2,299 SF	\$2,289.27 per unit
9	Single Family Detached Property	2,300 - 2,799 SF	\$2,641.11 per unit
10	Single Family Detached 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

**b. Increase in the Maximum Special Tax**

On each July 1, commencing on July 1, 2005, 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. *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Repeal Riverpark Mello-Roos Taxes Act, the Maximum Special Tax for each Land Use Class shall be \$0.00 per unit and per square foot.*

**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 per Acre. *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Repeal Riverpark Mello-Roos Taxes Act, the Maximum Special Tax shall be \$0.00 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. *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Repeal Riverpark Mello-Roos Taxes Act, the Maximum Special Tax for Undeveloped Property shall be \$0.00 per Acre.*

**SECTION 5. Broad Construction.**

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of repealing the City's special taxes imposed on properties within the District, thereby obligating the City to provide standard municipal services, generally offered throughout the City, such as police, fire, park, recreational, open space, landscaping, street and street lighting, flood and storm protection, and stormwater treatment facilities.  
 b) If any provision of this Act conflicts directly or indirectly with any other provision of law, those other provisions shall be null and void to the extent that they are inconsistent with this act, and are hereby 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