

RESOLUTION NO. 15,808

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 "LIMITATIONS ON USES OF SPECIAL TAXES FOR COMMUNITY 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 impose limits on the way in which CFD No. 5 funding is used; 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:

LIMITATIONS ON USES OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)	YES	
Shall an ordinance imposing limits on how Community Facilities District No. 5 (RiverPark) (CFD) funding is used – including limiting police protection services, reducing CFD funding available for flood and storm protection services, prohibiting using CFD funding to maintain sports fields for youth baseball and soccer, and limiting CFD funding for maintenance of parks, parkways and open space to beyond that of “standard municipal 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.

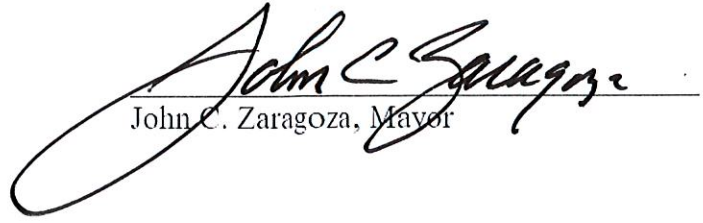
PASSED AND ADOPTED THIS 18th Day of June, 2024 by the following vote:

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
MOR 18'24 PR 1:45

**ORDINANCE CURBING 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 "Curbing Riverpark's Unfair 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) The City of Oxnard charges Riverpark excessive administrative costs, which leaves less money available for direct services to Riverpark.

d) The City of Oxnard often deploys police at The Collection, charging Riverpark extra for Police Services at overtime rates.

e) City Hall removed a \$1.6 million charge for fire protection starting fiscal year ending June 30, 2022, but only after receiving pushback from homeowners. Unfortunately, nothing legally prohibits the City from charging that again.

f) While Riverpark pays extra for its local parks, the City allows any Oxnard resident to use them and even keeps park rental fees for its own use rather than using such funds to reduce taxes.

g) Pursuant to an existing joint use agreement with the Rio School District, the City is obligated to fund maintenance services for elementary and secondary school sites and structures, including sports fields and a gymnasium, whether or not the City imposes a special tax in Riverpark.

SECTION 3. Purposes and Intent.

a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the "Curbing Riverpark's Unfair Mello-Roos Taxes Act" is to reduce the amount of special tax that can be imposed on the District to only funding the marginal cost of enhanced services and not supplanting other funding of 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 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

SECTION 4. Curbing Riverpark's Unfair Mello-Roos Taxes Act
Exhibit A 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 ~~strike-through~~ type. Text in standard, bold or underlined type, is existing and not amended by this Initiative.)

EXHIBIT A

CITY OF OSNARD COMMUNITY FACILITIES DISTRICT NO. 5 (RIVERPARK)

DESCRIPTION OF SERVICES AND IMPROVEMENTS TO BE FUNDED BY THE DISTRICT

SERVICES AND IMPROVEMENTS

All services that are authorized pursuant to Government Code Section 53313 are authorized expenditures under this resolution. The District expects to use such funds, but is not limited to use such funds, for the following purposes:

- Maintenance of parks, parkways, and open space. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to City-provided utilities and invoices from third parties for the direct provision of such enhanced services, reduced by revenues derived from the rental or use of such spaces.*
- Recreation program services, library services, maintenance services for elementary and secondary school sites and structures, and the operation and maintenance of museums and cultural facilities. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such services.*
- Flood and storm protection services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to invoices from third parties for the direct provision of such 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. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such expenditures beyond \$100,000 annually adjusted by the Consumer Price Index on each July 1 with a maximum annual increase of five percent (5%) per Fiscal Year.*
- 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. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to the payroll and ancillary current operating cost of one supplemental officer (or full-time equivalent), excluding the cost of overtime, and only while deployed within the District.*
- Fire protection and suppression services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such services.*
- Ambulance and paramedic services. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for such services.*
- Local Park, recreation parkway, and open-space facilities. *Notwithstanding, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, tax may only be levied to pay for the supplemental cost of enhancing services beyond that of standard municipal services, and shall be further limited to City-provided utilities and invoices from third parties for the direct provision of such enhanced services, reduced by revenues derived from the rental or use of such spaces.*
- *Notwithstanding any provision to the contrary, effective June 30 following the adoption of the Curbing Riverpark's Unfair Mello-Roos Taxes Act, no tax shall be levied to pay for any other authorized purpose beyond those itemized herein.*

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 the City's special taxes imposed on properties within the District.

b) If any provision of this Act or the application thereof to any person or circumstance is held invalid, or if a court determines that this special tax has been used to supplant other funding of standard municipal services, 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 is 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 _____