DATE: March 20, 2018

TO: City Council

FROM: Michelle Ascencion
City Clerk

SUBJECT: Certificate of Sufficiency of Signatures for the Initiative Petition Entitled: “Reducing Special Tax in Community Facilities District No. 4 (Seabridge at Mandalay Bay).”

CONTACT: Michelle Ascencion, City Clerk
Michelle.Ascencion@oxnard.org, 385-7805

RECOMMENDATION:

No City Council action is required at this time; however a resolution to consolidate the measure with the November 6, 2018 General Election will be brought to the Council for adoption at the April 3, 2018 regular meeting.

BACKGROUND

On February 2, 2018, the City Clerk received a notification letter (Attachment C) that a Notice of Intention to Circulate a Petition for Community Facilities District No. 4 had been posted and published as required by Election Code §9302 and 9303.

The initiative proponent delivered the completed petitions to the City Clerk’s office on February 13, 2018, which were forwarded to the Ventura County Elections Division for signature verification.

On March 2, 2018, the Elections Division finalized its count of the signatures and provided a signature verification certificate (Attachment B). As the required number of valid signatures has been submitted in favor of the proposed measure, the City Clerk has provided a Certificate of Sufficiency for the measure (Attachment A) for the City Council’s information (EC §11224, 11225 and 11227).
Per EC §9215, if an initiative petition meets the signature requirements, the governing body has multiple options, including:

1. Adopt the ordinance, without alteration, within 10 days after it is presented, or
2. Submit the ordinance, without alteration, to the voters pursuant to EC §1405.

Per EC §1405, a district has two options if it chooses to submit the ordinance to the voters:

1. Hold the election on the initiative at the next statewide election that is not less than 88 days after the date of the order of the election, or
2. Alternatively, call a special election between 88 and 103 days after the order of the election.

Since CFD-4, as a special district, has the option of holding the election at the next statewide election or holding a special election, the staff recommendation to the Council will be to consolidate the measure with the next statewide election on November 6, 2018.

**FINANCIAL IMPACT**

The cost for conducting this election is unknown at this time. Information should be available when staff returns to Council on April 3rd to call the election.

**ATTACHMENTS:**

- Attachment A: Certificate of Sufficiency
- Attachment B: Signature Verification Certificate
- Attachment C: Notice of Intention and Proposed Measure
CERTIFICATE OF SUFFICIENCY
OF INITIATIVE PETITION SIGNATURES
FOR COMMUNITY FACILITIES DISTRICT NO. 4
(SEABRIDGE AT MANDALAY BAY)

I, Michelle Ascencion, City Clerk of the City of Oxnard, County of Ventura, State of California, hereby certify:

The initiative petition entitled “Reducing Special Tax in Community Facilities District No. 4 (Seabridge at Mandalay Bay)” was filed with the City Clerk’s office on February 13, 2018.

That the petition has been examined by the County of Ventura Registrar of Voters, and as a result of such examination, it has been confirmed that the petition has been signed by the requisite number of voters and the following facts have been determined:

| Total number of signatures on petition (raw count): | 98 |
| Total number of signatures verified: | 98 |
| Number of signatures found sufficient: | 87 |
| Number of signatures found insufficient: | 11 |
| Number of signatures insufficient because of duplication: | 0 |

Based on the information above, the petition is deemed to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Oxnard, California this 1st day of March, 2018.

Michelle Ascencion, CMC
City Clerk
February 28, 2018

Ms. Michelle Ascencion, City Clerk
City of Oxnard
300 West Third Street, 4th floor
Oxnard, CA 93030

Re: City of Oxnard Initiative Petition

Dear Ms. Ascencion:

Enclosed is our Signature Verification Certificate for the Petition entitled: Reducing Special Tax in Community Facilities District No.4 (Seabridge at Mandalay Bay).

If you have any questions, please call me at (805) 654-2700.

Sincerely,

[Signature]

TRACY D. SAUCEDO, CERA, REO
Assistant Registrar of Voters

Attachment (1)
Signature Verification Certificate
SIGNATURE VERIFICATION CERTIFICATE

I, MARK A. LUNN, Clerk Recorder/Registrar of Voters of the County of Ventura, State of California,

Hereby certify that: Reducing Special Tax in Community Facilities District No.4 (Seabridge at Mandalay Bay) Initiative Title

has been filed with this office on February 23, 2018 Month and day Year

That the said petition consists of 11 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that Section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent (raw count) 98

2. Number of signatures verified 98

   Number of signatures found SUFFICIENT 87

   Number of signatures found INSUFFICIENT 11

   INSUFFICIENT because of DUPLICATE 0

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

February 28, 2018 Month and day Year

MARK A. LUNN
Clerk-Recorder, Registrar of Voters

By: TRACY D. SAUCEDO, CERA, REO
Assistant Registrar of Voters

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February 2, 2018

Michelle Ascencion, City Clerk
City of Oxnard
300 West Third Street, Fourth Floor
Oxnard, CA 93030

Re: Initiative Measure to be Submitted to Voters

Please find enclosed with this letter a proposed initiative measure and Notice of Intention to Circulate Petition for Community Facilities District No. 4 (Seabridge at Mandalay Bay). Pursuant to Sections 9302 and 9303 of the Elections Code, the Notice of Intention was both posted in at least three public places in the District and published in the Tri County Sentry on February 2, 2018. In accordance with Section 9304 of the Elections Code, Affidavits of Posting and Publication, the original Notice of Intention, and the full text of the proposed initiative are enclosed with this letter.

I am the proponent of this measure, am the owner of record of land, and am a registered voter within Community Facilities District No. 4 (Seabridge at Mandalay Bay). Attached please find a signed proponent affidavit as required by section 9608 of the California Elections Code. If you have any questions, please contact the undersigned at

Very Truly Yours,

[Signature]
Robert Chatenever, Proponent
I, Robert Chatenever, do hereby declare as follows:

1. I am a registered voter in Community Facilities District No.4 (Seabridge at Mandalay Bay) of the city of Oxnard ("District")

2. On February 1, 2018 I posted the attached "Notice of Intention to Circulate Petition" in the following public places within the District:

<table>
<thead>
<tr>
<th>Gate house on Seabridge Lane</th>
<th>Entry gate at Aleutian Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clubhouse at 1420 Seabridge Lane</td>
<td>Mailbox at Windshore Way (2)</td>
</tr>
<tr>
<td>Mailbox at Caribbean St.</td>
<td>Mailbox at Adriatic St./Caspian Way</td>
</tr>
<tr>
<td>Mailbox at Hemlock St.</td>
<td>Mailbox at Harbor Island Lane</td>
</tr>
</tbody>
</table>

3. A true and correct copy of the "Notice of Intention to Circulate Petition" is attached hereto as Exhibit A.

The foregoing is true and correct and of my personal knowledge. If called as a witness, I could and would testify competently thereto.


Robert Chatenever
Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the person whose name appears herewith of his intention to circulate the petition within Community Facilities District No. 4 (Seabridge at Mandalay Bay) of the City of Oxnard for the purpose of reducing the special tax. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

1. Community Facilities District No. 4 ("CFD-4") was established by the City of Oxnard in 2004 when the City of Oxnard made a deal with the County of Ventura and the landowner who was seeking approval to develop the Seabridge community.

2. The landowner agreed to the imposition of a special tax on future residents in return for gaining approval to build the Seabridge project, and the County agreed not to challenge the project. No current landowner in CFD-4 had the right to vote on this special tax.

3. CFD-4 funds are being used for such purposes as "city overhead" and "to recognize the value that the harbor adds to the community."

4. CFD-4 funds are used to supplant Harbor Patrol services outside of the Seabridge community that were previously available and paid for by the County of Ventura.

5. CFD-4 funds Harbor Patrol activity that is in excess of the service that is necessary and reasonable. The County has refused to negotiate a less costly level of service.

For all of the above reasons, the residents of Seabridge have no choice left except to exercise their Constitutional right of initiative to reduce the existing special tax to a level that correlates with the level of service received by the community.

Robert Chatenever, Proponent

Robert Chatenever
ORDINANCE REDUCING SPECIAL TAX IN
COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY)

The people of Community Facilities District No. 4 (Seabridge at Mandalay Bay) do ordain as follows:

SECTION 1. REDUCTION OF MAXIMUM SPECIAL TAXES FOR DEVELOPED PROPERTY

Table 1 of Attachment C, "Rate and Method of Apportionment," to Resolution No. 12716, adopted as Ordinance No. 2677 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 4 (Seabridge at Mandalay Bay), establishing the maximum special tax for each Land Use Class, is hereby amended to read as follows:

(Text to be inserted into the Table is indicated in bold italics type. Text to be deleted from the Table is indicated in strikethrough type. Text in standard, bold or underlined type, which currently appears in that fashion in the Table, remains unchanged by this Initiative)

<table>
<thead>
<tr>
<th>Land Use Classes</th>
<th>Description</th>
<th>Waterfront / Non-Waterfront</th>
<th>Residential Floor Area</th>
<th>Maximum Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Detached Property</td>
<td>Waterfront</td>
<td>≥ 3,500 SF</td>
<td>$3,746 3,108 per unit</td>
</tr>
<tr>
<td>2</td>
<td>Single Family Detached Property</td>
<td>Waterfront</td>
<td>3,100 – 3,499 SF</td>
<td>$3,443 2,857 per unit</td>
</tr>
<tr>
<td>3</td>
<td>Single Family Detached Property</td>
<td>Waterfront</td>
<td>&lt; 3,100 SF</td>
<td>$3,235 2,684 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Single Family Detached Property</td>
<td>Non-Waterfront</td>
<td>≥ 3,100 SF</td>
<td>$3,243 2,666 per unit</td>
</tr>
<tr>
<td>5</td>
<td>Single Family Detached Property</td>
<td>Non-Waterfront</td>
<td>2,700 – 3,099 SF</td>
<td>$2,840 2,331 per unit</td>
</tr>
<tr>
<td>6</td>
<td>Single Family Detached Property</td>
<td>Non-Waterfront</td>
<td>&lt; 2,700 SF</td>
<td>$2,568 2,131 per unit</td>
</tr>
<tr>
<td>7</td>
<td>Single Family Attached Property</td>
<td>NA</td>
<td>≥ 1,800 SF</td>
<td>$2,022 1,678 per unit</td>
</tr>
<tr>
<td>8</td>
<td>Single Family Attached Property</td>
<td>NA</td>
<td>1,400 – 1,799 SF</td>
<td>$1,640 1,361 per unit</td>
</tr>
<tr>
<td>9</td>
<td>Single Family Attached Property</td>
<td>NA</td>
<td>1,000 – 1,399 SF</td>
<td>$1,407 1,167 per unit</td>
</tr>
<tr>
<td>10</td>
<td>Single Family Attached Property</td>
<td>NA</td>
<td>&lt; 1,000 SF</td>
<td>$1,193 990 per unit</td>
</tr>
<tr>
<td>11</td>
<td>Non-Residential Property</td>
<td>NA</td>
<td>NA</td>
<td>$0.6366 0.5282 per square foot of Non-Residential Floor Area</td>
</tr>
</tbody>
</table>
SECTION 2. GENERAL PROVISIONS

1. Section 3 of Article XIII C of the California Constitution provides that “the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge.” Further, such power “to affect local taxes, assessments, fees and charges shall be applicable to all local governments,” including special districts. (Id., see also Cal. Const. Art. XIII C, § 1(b) and (c).)

2. The purpose of this initiative is to exercise the power reserved to voters by Section 3 of Article XIII C of the California Constitution to reduce the special tax currently imposed on the landowners in Community Facilities District No. 4 (Seabridge at Mandalay Bay).

3. This initiative is intended only to reduce the Maximum Special Taxes for Developed Property, as set forth in Table 1 of Attachment C of Resolution 12716, which special taxes were originally levied by the City Council of the City of Oxnard, acting as the legislative body of Community Facilities District No. 4 (Seabridge at Mandalay Bay), by its adoption of Ordinance 2677, following approval by the then-landowner of the proposition proposing the special tax.

4. The Maximum Special Taxes for Developed Property amended by this initiative to go into effect in the 2018-2019 fiscal year are based on the Actual Special Tax Rate for 2016-2017 fiscal year, multiplied by the 2% increase permitted by subdivision (1)(C)(1)(c) of Exhibit C to Resolution 12716, incorporated into Ordinance 2677, which states: “Increase in the Maximum Special Tax and Expected Special Tax. On each July 1, commencing on July 1, 2005, the Maximum Special Tax and the Expected Special Tax shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year.”

5. This initiative does not amend or repeal any other provision of Ordinance 2677, including but not limited to subdivision (1)(C)(1)(c) of Exhibit C to Resolution 12716, incorporated into Ordinance 2677. All such provisions not amended by this initiative shall remain in effect.

6. This initiative does not preclude the City of Oxnard from proposing a new or different special tax to the electorate of Community Facilities District No. 4 (Seabridge at Mandalay Bay), in accordance with subdivision (d) of Section 2 of Article XIII C of the California Constitution.
Received
Oxnard City Clerk
2018 FEB - 2 PM 3:45

Proof of Publication
State of CA, County of Ventura

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the agent of the printer of the Tri-County Sentry, a newspaper of general circulation, printed and published weekly and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Ventura, State of California, that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/02/18

I certify (or declare) under the penalty of perjury that the following is true and correct. Dated at Oxnard, CA on

Signature

02/02/2018

Robert Chatenever, Proponent

02/02/2018 09:07:26 AM

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