

## **CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE N**

In 2008, Oxnard voters approved Measure O – “City of Oxnard Vital Services Transactions (Sales) and Use Tax Ordinance”, which increased the City’s sales tax by ½ percent for 20 years. Measure O’s increased funding is to be used “[t]o protect, maintain, and enhance vital city services[.]”

Measure O’s purpose is “to provide enhanced levels of vital community services including police, fire and emergency response, increasing street paving and sidewalk/pothole repair to improve traffic flow, expanding youth recreation, after-school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading storm water drains, improving senior services, increasing building code compliance, and other general City services[.]”

Measure O is currently set to expire on March 31, 2029. Measure N (which was placed on the ballot by a petition signed by the requisite number of voters) would terminate Measure O early if the City’s street and alley network did not meet specific Pavement Condition Index (PCI) requirements. PCI is a numerical index used to indicate road pavement conditions. Measure N would impose these deadlines:

- PCI of at least 65 by September 30, 2022 or Measure O would expire on March 31, 2023.
- PCI of at least 70 by September 30, 2024 or Measure O would expire on March 31, 2025.
- PCI of at least 75 by September 30, 2026 or Measure O would expire on March 31, 2027.
- PCI of at least 80 by September 30, 2028 or Measure O would expire on March 31, 2029.

Under Measure N, City Council could extend Measure O’s termination for additional five-year periods if PCI for streets and alleys was at least 80.

California Constitution requires a two-thirds vote to pass a tax measure if use of tax revenues is restricted; a simple majority is required to pass a tax measure where

revenues may be used for general governmental purposes. Because Measure N would impose specific maintenance requirements, it could be deemed a de facto restriction on use of Measure O revenues that would turn it from a general tax into a special tax. However, Measure N states it “is not intended to convert the existing general sales and use tax to a special tax, and does not require that the City dedicate the funds ....specifically for maintenance and improvement of city-owned streets and alleys”. It is uncertain whether a majority or two-thirds vote is required for Measure N’s passage.

Measure N’s validity was the subject of a pre-election lawsuit. On July 15, 2020, the court ordered that the measure be placed on the November 3, 2020 ballot. The court determined that “...time had effectively run out for a comprehensive pre election review of the Starr sponsored initiatives.”

The court stated that specific legal authority

“...gives the court wide discretion to review post-election an initiative which has procedurally qualified for the ballot. The court is exercising that discretion by this ruling, and expresses no opinion regarding the legal sufficiency of the initiatives. It is simply putting that off for another day should they be approved by the electorate.”

As such, if Measure N passes, the outcome of the pending lawsuit challenging Measure N cannot be predicted with certainty.



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*The above statement is an impartial analysis of Measure N. If you would like a copy of the measure, please call the Oxnard City Clerk’s office at 805-385-7803 and a copy will be mailed to you at no cost. You may also access the full text of the measure and other election materials on the City’s home page at [www.oxnard.org](http://www.oxnard.org).*