

ORDINANCE NO. 19-OR0228-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 2, ARTICLE IX, DIVISION 2 BY THE ADDITION OF SECTION 2.52 REGARDING THE EXPENDITURE OF MEASURE X SALES TAX PROCEEDS AND FUNDS FOR THE CONSTRUCTION OF AN AQUATIC CENTER AT EL CORAZON

WHEREAS, the City Council of the City of Oceanside on May 23, 1984, adopted uncodified Ordinance 84-19, by a three to two vote, generally requiring voter approval prior to the City of Oceanside's authorization of a certain capital improvement projects, property acquisitions and/or improvements to real property, when the amount of public debt repaid by city funds or the proceeds of taxes as defined in Ordinance 84-19, exceeds the defined authorized debt limit; and

WHEREAS, Ordinance 84-19 excludes from the definition of city funds projects paid for with federal or state grants, special assessments, Community Development Block Grants, Community Development Commission sources, and Small Craft Harbor District funds and;

WHEREAS, the City Council adopted Ordinance 97-19 on January 7, 1998 clarifying that the voter approval requirement in Ordinance 84-19 applies to the issuance of public debt as defined in that ordinance where the debt service is repaid from "city funds" and the amount of public debt with respect to any one project subject to the Ordinance 84-19 exceeds the authorized debt limit. Ordinance 97-19 also established a specified debit limit for 1997 and directed the city treasurer to calculate and report the debt limit based upon Ordinance 84-19 in January of each year; and

WHEREAS, Ordinance 84-19 requires voter approval for public financings exempt from voter approval under the California Constitution; and

WHEREAS, on November 6, 2018, the Oceanside electorate approved Measure X, a temporary one half of one percent transactions and use (sales) tax. Measure X, codified at Oceanside City Code sections 34.6.1 through 34.6.17, is a general tax and its proceeds are available for any general governmental purpose; and

WHEREAS, the text of Measure X and the ballot question indicated that the proceeds of Measure X, if passed, would be available for general governmental purposes, including among

1 other things, improving City infrastructure and maintaining safe and clean public parks and  
2 beaches; and

3 WHEREAS, the Council intends by the adoption of this ordinance to exempt projects  
4 funded with Measure X proceeds and the El Corazon Aquatic Center project from the voter  
5 approval requirement in Ordinance 84-19 and Ordinance 97-19.

6 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

7 SECTION 1. Oceanside City Code sections 2.52 is added to Chapter 2, article IX,  
8 Division 2 as follows:

9 “ 2.52. Notwithstanding anything in Ordinance 84-19 or Ordinance 97-19 to the contrary,  
10 voter approval shall not be required for any capital improvement project, real property acquisition or  
11 improvement to real property as defined in Ordinance 84-19 funded by the temporary transactions  
12 and use tax authorized by Oceanside City Code sections 34.6.1 through 34.6.17 (“Measure X”). In  
13 addition, voter approval shall not be required for any capital improvement project, real property  
14 acquisition or improvement to real property to fund and construct the Aquatic Center located within  
15 the El Corazon Specific Plan area.”

16 SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this  
17 ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15)  
18 days after its passage in a newspaper of general circulation published in the City of Oceanside.

19 SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
20 from and after its final passage.

21 SECTION 4. Severability.

22 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
23 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
24 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
25 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each

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1 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,  
2 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

3  
4 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
5 California, held on the 10 day of April 2019, and, thereafter,

6 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
7 Oceanside California, held on the 24th day of April, 2019, by the following vote:

8 AYES: WEISS, FELLER, KEIM, RODRIGUEZ, SANCHEZ

9 NAYS: NONE


10 ABSENT: NONE

11 ABSTAIN: NONE

12   
13 MAYOR OF THE CITY OF OCEANSIDE

14 ATTEST:

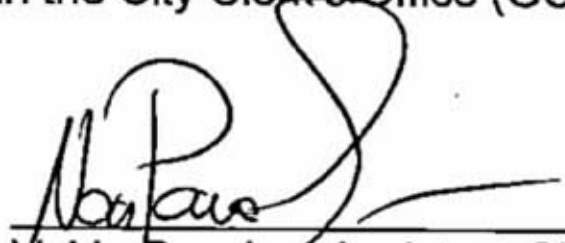
APPROVED AS TO FORM:

15   
16 CITY CLERK

17   
18 CITY ATTORNEY

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } §  
CITY OF OCEANSIDE }

I, Vaida Pavolas, Assistant City Clerk of the City of Oceanside, do hereby certify that the foregoing is a true and correct copy of *City Ordinance No. 19-OR0228-1 amending Chapter 2, Article IX, Division 2 by the addition of Section 2.52 Regarding the expenditure of Measure X Sales Tax proceeds and funds for the construction of an Aquatic Center at El Corazon* as duly introduced on April 10, 2019 and adopted on April 24, 2019, a regular meeting, by the City Council of Oceanside. This Ordinance has been published as required pursuant to law and the original is filed in the City Clerk's Office (GC 40806).

  
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Vaida Pavolas, Assistant City Clerk  
City of Oceanside, California

Date: April 25, 2019