

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD (“CITY”) AFFIRMING THE CITY’S COMMITMENT TO SHARE THE REPAIR AND REPLACEMENT COSTS ASSOCIATED WITH THE MANDALAY BAY SEAWALLS IN THE AMOUNT OF 50% OF THE TOTAL REPAIR AND REPLACEMENT COSTS IF, AND ONLY IF, MANDALAY BAY RESIDENTS FORM A COMMUNITY FACILITIES DISTRICT TO PAY FOR 50% OF THE COST OF THE PROJECT

WHEREAS, between 1968 and 1973, the City of Oxnard approved the development of 743 attached and detached single family homes and 37 greenbelts in the Oxnard inland waterways; and

WHEREAS, on May 26, 1970 by Resolution No. 5,121, the City declared its intention to form an assessment district for the maintenance of waterways and landscaping for Tract 1904 and 2026-1; and

WHEREAS, on June 16, 1970 by Resolution No. 5,144, the City Council approved the establishment of Waterways Zone 1 assessment district for the maintenance of the waterways and landscaping on public rights-of-way within Mandalay Bay; and

WHEREAS, on November 23, 1971 by Resolution No. 5,487, the City Council approved the addition of Tract 2026-2 into the assessment district; and

WHEREAS, on October 26, 1976 by Resolution No. 6,830, the City Council approved the addition of Tract 2026-3 into the assessment district; and

WHEREAS, the waterways assessment district was created to fund the maintenance and operation, including the cost of necessary repairs, replacements, care, supervision, cleaning, dredging, and all other items necessary or proper for the maintenance and operation of the waterways and city landscaping; and

WHEREAS, the seawalls were constructed in Mandalay Bay to create waterways throughout the newly built homes in accordance with building codes of the 1960’s; and

WHEREAS, building codes at the time were inferior to current building codes which did not account for seismic activity and soil and structure responses; and

WHEREAS, the material used to build the seawalls adversely reacted to the marine environment and began to degrade within 20 years of their construction; and

WHEREAS, over the last 60 years, hundreds of repairs have been made to the seawalls; and

WHEREAS, in April 2020 study, TetraTech provided recommendations for seawall replacement throughout the community through the installation of panels and tie-back walls constructed in accordance with current California Building Codes; and

WHEREAS, the estimated duration of the replacement is between 25 and 50 years; and

WHEREAS, due to the adoption of Proposition 218 in 1996 by California voters, the City is precluded from increasing assessments within the district without majority vote and protest procedures laid out in the proposition; and

WHEREAS, Mandalay Bay Waterways Assessment District is currently maximum assessed with no escalator included in the formation documents to allow for Consumer Price Index (CPI) increases; and

WHEREAS, the residents of Mandalay Bay will create a new bonded Community Facilities District to fund 50% of the costs associated with the replacement of seawalls; and

WHEREAS, the City of Oxnard will determine funding options for the City's portion of the seawalls replacement project;

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The City agrees to provide fifty percent (50%) of costs associated with the replacement of seawalls in waterways zone 1 Mandalay Bay, a special assessment district if the Mandalay Bay residents form a Community Facilities District to pay for 50% of the cost of the project.
2. The City Manager may take whatever actions necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED AND ADOPTED THIS _____ day of _____, 20, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney