

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 15,588

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD LEVYING A SPECIAL ASSESSMENT TAX FOR FISCAL YEAR 2022-23 WITHIN THE MANDALAY BEACH MAINTENANCE DISTRICT

WHEREAS, by Resolution No. 8586, adopted November 22, 1983, the City Council formed the Mandalay Beach Maintenance District ("the District") pursuant to the maintenance district provisions of the Improvement Act of 1911 (Streets and Highways Code section 5820 et. seq.); and;

WHEREAS, formation of the District was required as a condition to development imposed by the California Coastal Commission and also as part of a development agreement between the City and the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, the City Council is required by Streets and Highways Code section 5830 to estimate the cost of maintaining and operating the improvements within the District, to decide whether the cost of such maintenance and operation shall be borne wholly or partially by the District, and to levy a special assessment tax within the District sufficient to raise the money to pay for such cost; and

WHEREAS, the City Council wishes to levy such assessments for FY 2022-23 in an amount sufficient to cover all of the expense of maintaining the landscaping and to cover 60% of the expense of maintaining the beach area, with the City paying the remaining 40% of the latter expense; and

WHEREAS, assessments were levied in the District in Fiscal Year 2021-22, and such assessments are not proposed to increase in Fiscal Year 2022-23; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water, flood control, drainage systems and vector control, inasmuch as the beach is public right of way that serves much as a street, manages water and is part of the flood control and drainage systems in the District, and the landscaping is located in or adjacent to sidewalks, streets and other public rights of way and maintenance of the landscaping involves irrigation and vector control; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof; and

WHEREAS, a description of the improvements and the proposed special assessment taxes on real property in the district is contained in the agenda report dated June 7, 2022 on file with the City Clerk ("the agenda report").

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

1. The City Council estimates the cost of maintaining and operating the improvements within the District for Fiscal Year 2022-23 at \$51,483, with \$39,446 to be paid from assessments and \$12,037 to be paid by the City, as more particularly set out in the agenda report. The \$39,446 is allocated as follows:

| | |
|-------------------------------------|-----------------|
| 100% of landscape maintenance costs | \$21,346 |
| 60% of beach maintenance costs | <u>\$18,100</u> |
| Total | \$39,446 |

2. The \$39,446 is apportioned among the property owners within the District, as follows:

- 24.6% of landscape maintenance costs to hotel parcel (APN #191-0-380-105)
- 75.4% of landscape maintenance costs to Colony condominium parcels (440 APNs)
- 24.6% of beach maintenance costs to Colony condominium parcels (440 APNs)
- 75.4% of beach maintenance costs to hotel parcel (APN #191-0-380-105)

3. The City Council levies a special assessment tax for FY 2022-23 on the real property in the District as follows and attached herein:

| | | |
|------------------------------------|-------|----------|
| APN #191-0-380-105 | | \$18,898 |
| \$46.70 on each of 440 Colony APNs | | \$20,548 |

4. In accordance with Government Code section 36936.1, the City Clerk is instructed to cause this resolution to be published one time in a newspaper of general circulation within the City within 15 days after adoption.

5. In accordance with Government Code section 53901, the City Clerk is instructed to file with the Ventura County Auditor within 60 days from July 1, 2022, a certified copy of this resolution.

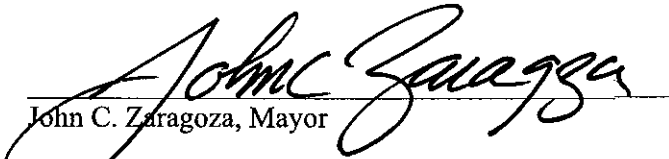
PASSED, APPROVED AND ADOPTED on this 7th day of June, 2022 by the following vote:

AYES: Councilmembers Basua, Lopez, MacDonald, Madrigal, Perello, Teran and Zaragoza

NOES: None

ABSENT: None

ABSTAIN: None



 John C. Zaragoza, Mayor

ATTEST:

R. Chaparro 6/17/22
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

[Signature] 5/31/2022
Stephen M. Fischer, City Attorney

