

# **MUIR BEACH COMMUNITY SERVICES DISTRICT**

19 Seacape Drive Muir Beach, CA 94965 415-388-7804 www.muirbeachcsd.com



**Wed, March 3, 2010  
7:00 PM – Regular Meeting**

**Board of Directors  
Community Center  
19 Seacape Drive  
Muir Beach, CA 94965**

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## **TIMING OF ITEMS ON AGENDA**

The Board attempts to hear all items in order as stated on the agenda, however it reserves the right to take items out of the order listed at any time during the course of the meeting.

## **SPECIAL NEEDS**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District Manager at 415-388-7804. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure participation in the meeting.

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## **AGENDA**

### **Item 1 CALL TO ORDER**

Steve Shaffer, Board President  
Scott Bender, Director  
Dan Fitzpatrick, Director  
Danny Hobson, Director  
Peter Rudnick, Director

Leighton Hills, District Manager  
Sharry Mullin, Secretary/Treasurer

### **Item 2 PUBLIC HEARING ITEM (Special Tax for Water Capital Improvements)**

*Public Hearings provide neighbors and the general public the opportunity to provide testimony on certain items, such as ordinances, rather than to simply comment on regular agenda items. If an action on a hearing item is challenged in court, the challenger may be limited to raising only those issues raised in general testimony at the public hearing, or in written correspondence delivered to the Board of Directors at or prior to the public hearing.*

The Muir Beach Community Services District would like community support for the renewal of the \$300 annual parcel tax for Capital Improvements of the Water System. It should be noted that the monthly billing for water consumption is intended to only cover the ongoing operational costs of running the Water System; a separate fund for Capital Improvements has been established to fund needed upgrades and replacements to equipment and infrastructure that go beyond routine maintenance, such as new Water Tanks or replacing entire sections of service lines.

Having introduced and read the proposed ordinance (by title only) at the meeting on January 27<sup>th</sup>, 2010, the Board will take public testimony at this meeting. The Board will consider the merits of the proposed ordinance (**which calls for voter approval to become effective**) and may act on the proposed ordinance.

**Second Reading of Ordinance (by title only) and Consideration of Adoption** – Ordinance 2010-1, An ordinance of the Board of Directors of the Muir Beach Community Services District Approving and Adopting the Levy of a Special Tax on the Real Property Located Within the District. The proposed ordinance is attached.

Steps: **(1)** Read Title of Ordinance; **(2)** Request presentation from MBCSD representatives; **(3)** Board President open a public hearing (allow MBCSD representatives to handle comments; questions and answers); **(4)** Board President close the public hearing to further testimony; **(5)** the Board consider the merits of the proposed ordinance including testimony received; **(6)** a Board member may make a motion to approve or reject the ordinance. **(7)** Close Public Hearing.

### **Item 3 Consideration and Adoption of Ordinance 2010-1 (Special Tax for Water Capital Improvements)**

Upon closure of the Public Hearing, the Board will consider and vote on whether to adopt Ordinance 2010-1, calling for the renewal of the Water Capital Improvements Tax for another four years. If approved, the measure will appear on the ballot on the June 8<sup>th</sup>, 2010 election for voter approval, requiring a 2/3rds majority vote.

### **Item 4 PUBLIC OPEN TIME**

1. *Topics should be within the jurisdiction of the CSD (water, roads, fire & public recreation).*
2. *The topic should not be elsewhere on the agenda.*
3. *The Board and staff may only briefly respond to statements and questions (legal requirement for items not posted on an agenda).*
4. *Public comments are limited to 3 minutes per speaker, unless waived by the Board.*
5. *The period for public open time is limited to 15 minutes, unless waived by the Board.*

### **Item 5 SELECTION OF DATE FOR NEXT MEETING**

The 4<sup>th</sup> Wednesday in March is the 24<sup>th</sup>. The 4<sup>th</sup> Wednesday in April is the 28<sup>th</sup>.

### **Item 6 ADJOURNMENT**

**ORDINANCE NO. 2010-1**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MUIR BEACH COMMUNITY SERVICES DISTRICT APPROVING AND ADOPTING THE LEVY OF A SPECIAL TAX ON THE REAL PROPERTY LOCATED WITHIN THE DISTRICT**

**WHEREAS**, the Muir Beach Community Services District has been empowered by its voters to supply water service to the District residents; and

**WHEREAS**, such services and the maintenance and improvement of the equipment and facilities required to provide such services are of benefit to all parcels within the District to which they are made available, whether or not the service is actually used, and offering but not limited to increasing the value of the land, improvements, and their possible future uses and by reducing the risk of their destruction by fire; and

**WHEREAS**, the present water service charges and connection fees neither raise the revenue necessary to pay the costs of improving this service nor equitably distribute the costs to all those who benefit from it.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MUIR BEACH COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

**SECTION 1: Purpose and Intent.** The purpose and intent of the Board with respect to the special tax are:

- (A) To provide funds for implementation of the capital improvements necessary to fulfill the recommendations of the “Twenty Year Plan” and the requirements of the District’s water rights permit.
- (B) To annually prioritize and implement the actions needed to provide the capital improvements within the guidelines of the “Twenty Year Plan”, as deemed fiscally prudent within the funds provided by this tax measure and other possibly available District and grant funds.
- (C) To methodically upgrade the District’s water supply and distribution system so as to meet the requirements and reliably provide potable water in compliance with the District’s water rights permit, the laws of the State of California and the Federal Safe Drinking Water Act.

**SECTION 2: Tax Imposed.** Land parcels to be taxed under this Ordinance shall be defined as any parcel of land, developed or undeveloped, wholly or partially located within the District, for which the County Assessor of Marin County has assigned an assessor’s identification number, provided, however, that any such parcels which are contiguous and held under identical ownership, may, upon approval of an application of the owners thereof to this Board, be treated as a single parcel for purposes of this special tax. The special tax shall be levied per annum, commencing FY 2010-2011 and terminating in FY 2014-2015, as follows:

(A) \$3,250.00 on each commercially zoned parcel.

(B) \$300.00 per separate habitable structure (as determined by units listed in the Marin County Assessment roll) on each residentially zoned parcel.

(C) \$300.00 per parcel on all other parcels.

**SECTION 3: Increase of Appropriations Limit.** Pursuant to the provisions of Article XII-B of the California Constitution, the appropriations limit of the Muir Beach Community Services District is hereby increased by an amount equal to the special taxes imposed by this ordinance for a period of four (4) years.

**SECTION 4: Method of Collection.** The special tax imposed by this ordinance is due from every person who owns a parcel within the Muir Beach Community Services District and as reflected upon the rolls of the County Assessor at the same time ad valorem tax is due and is to be collected in the same manner. The Marin County Tax Collector shall collect the tax and any penalty or interest due hereunder. The full amount due under this Ordinance shall constitute a debt to the Muir Beach Community Services District. Marin County may deduct the reasonable costs incurred by the County for this service before remittance of the balance to Muir Beach Community Services District.

**SECTION 5: Delinquency.** To any amount of the special tax created by this Ordinance which becomes delinquent, the Marin County Tax Collector shall add a penalty in the amount equal to any penalty owing for delinquencies in the ad valorem property tax. The tax and penalty shall bear interest at the same rate as the rate for unpaid ad valorem property tax until paid.

**SECTION 6: Effective Date.** This Ordinance shall not become effective unless approved at the June 8, 2010 election by a two-thirds (2/3) majority of the voting registered voters within the District. This Ordinance shall become effective immediately upon the voter approval.

**SECTION 7: Four-Year Tax.** When approved by the voters this Ordinance shall remain in effect for a period of four (4) years.

**SECTION 8: Invalidity.** If any part of this ordinance is held to be invalid for any reason, such decision shall not affect the remaining portion of this Ordinance and the Board hereby declares that it would have passed the remainder of this Ordinance as if such invalid portion thereof had been deleted.

**SECTION 9: Adoption and Publication.** This Ordinance shall be introduced at least five (5) days prior to the Board meeting at which this Ordinance is to be adopted by the Board. The full text of this Ordinance shall also be published once within fifteen (15) days after this Ordinance's passage by the Board, and not less than thirty (30) days prior to the day of the General Election in which the voters are to vote on it approval.

**SECTION 10: Posting.** The District Secretary shall post a certified copy of the full text of this Ordinance, as adopted by the Board, along with the names of the board members voting for and against the Ordinance.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Steve Shaffer, President  
Board of Directors  
Muir Beach Community Services District

**ATTEST:**

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Sharon Mullin, District Secretary

**RESOLUTION NO. 2010-1**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE MUIR BEACH COMMUNITY SERVICES DISTRICT:  
PROPOSING A SPECIAL TAX FOR MAINTENANCE AND IMPROVEMENT OF  
WATER SUPPLY EQUIPMENT AND FACILITIES, ESTABLISHING A DATE FOR  
ELECTION, ADOPTING INTENDED BALLOT LANGUAGE, ORDERING THE  
CONSOLIDATION OF SAID ELECTION, REQUESTING ELECTION SERVICE BY  
THE MARIN COUNTY CLERK, PROPOSING AN ORDINANCE TO IMPOSE SAID  
SPECIAL TAX, ADOPTING A METHOD FOR NOTICING SAID ORDINANCE AND  
DIRECTING THAT THE NOTICE BE POSTED, PUBLISHED AND MAILED.**

The Board of Directors of the Muir Beach Community Services District does hereby resolve as follows:

**WHEREAS**, this Board is the governing Board of the Muir Beach Community Services District; and

**WHEREAS**, the Muir Beach Community Services District Board has the authority to levy a special tax; and

**WHEREAS**, the Muir Beach Community Services District Board believes that a special tax is required to provide a stable, financial foundation to improve and maintain the District's water supply equipment and facilities, including, but not limited to, implementation of the recommendations of the District's "Twenty Year Plan" and the requirements of the District's water rights permit, as well as upgrading the District's water supply and distribution system.

**WHEREAS**, it is the intention of this Board that an Ordinance imposing the special tax should be submitted to the voters of the Muir Beach Community Services District; and

**WHEREAS**, said Ordinance may be adopted by the Board after notice and public hearing, and it is the desire of this Board to give notice of said Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that this Board hereby proposes an Ordinance to impose a special tax to fund capital improvements and maintenance of the District's water supply equipment and facilities in the following amounts: three thousand two hundred and fifty (\$3,250.00) dollars per year on each improved commercially zoned parcel; three hundred (\$300.00) dollars per year per separate habitable structure on each residentially zoned parcel; and three hundred (\$300.00) dollars per year on all other parcels.

1. **IT IS FURTHER RESOLVED** that this Board hereby calls an election to be held on June 8, 2010 at which election the issue to be presented to the voters of the Muir Beach Community Services District is as follows:

**“ADOPTION OF ORDINANCE NO. 2010-1 TO IMPOSE A SPECIAL TAX FOR  
CAPITAL IMPROVEMENTS AND MAINTENANCE OF THE DISTRICT'S WATER  
SUPPLY EQUIPMENT AND FACILITIES**

**Shall Muir Beach CSD Ordinance No. 2010-1, which imposes an annual special tax of \$3,250.00 on each improved commercially zoned parcel, \$300.00 per separate habitable structure on each residentially zoned parcel and \$300.00 on all other parcels for a period of four (4) years, commencing FY 2010-2011 and terminating in FY 2014-2015, be approved and shall the Muir Beach CSD appropriations limit be increased by the amount of this voter-approved tax?"**

2. **IT IS FURTHER RESOLVED** that a "parcel" shall be defined as any parcel of land, developed or undeveloped, wholly or partially located within the District, for which the County Assessor of Marin County has assigned an assessor's identification number, provided, however, that any such parcels which are contiguous, used solely for owner-occupied single family residential purposes and held under identical ownership, may, upon approval of an application of the owners thereof to this Board, be treated as a single parcel for purposes of this special tax.

3. **IT IS FURTHER RESOLVED** that this Board hereby orders that said election shall be consolidated with the General Election scheduled on June 8, 2010; and

4. **IT IS FURTHER RESOLVED** that this Board hereby authorizes and requests the County Clerk to provide all necessary election services and canvas the results of said election; and

5. **IT IS FURTHER RESOLVED** that rebuttal shall be received to ballot arguments made by this Board on behalf of said Ordinance No. 2010-1; and

6. **IT IS FURTHER RESOLVED** that the time for public hearing on the Ordinance No. 2010-1 is hereby established as Wednesday, March 3, 2010 at 7:00 o'clock PM in the Muir Beach Community Center, located at 19 Seacape Drive, Muir Beach, CA 94965, or soon thereafter as the matter may be heard; and

9. **IT IS FURTHER RESOLVED** that the Clerk of this Board is hereby directed to publish a notice set forth below in a newspaper of general circulation published in the County of Marin at least once fifteen (15) days prior to March 3, 2010; and

10. **IT IS FURTHER RESOLVED** that the Clerk of this Board shall cause to be posted copies of the aforesaid notice in three (3) public places in the Muir Beach Community Services District. Said notices to remain continuously posted; and

11. **IT IS FURTHER RESOLVED** that the Notice to be given shall be substantially in the following form:

**"NOTICE ON PROPOSED TAX ORDINANCE**

**NOTICE IS HEREBY GIVEN that on Wednesday, March 3, 2010 at 7:00 PM at the Muir Beach Community Center at 19 Seacape Drive, Muir Beach, CA 94965, or as soon thereafter as the matter may be heard, the Board of Directors of the Muir Beach Community Services District will consider the adoption of an ordinance which will, if adopted by the Board, and confirmed by two-thirds (2/3)**

**of the votes cast by the voters of the Muir Beach Community Services District, impose a special tax to fund capital improvements and maintenance of water supply and distribution equipment and facilities within the Muir Beach Community Services District.**

**NOTICE IS FURTHER GIVEN that the Ordinance will further provide for the method of collection of said tax and for reasonable costs for collection of such tax.**

**“NOTICE IS FURTHER GIVEN that persons desiring to address the Board regarding the proposed Ordinance should attend the hearing at the above place on the date and time indicated or if they wish to comment on the proposed Ordinance in writing, that they do so no later than 5:00 PM on March 3, 2010.”**

**PASSED AND ADOPTED** at the adjourned meeting of the Board of Directors of the Muir Beach Community Services District held this 27<sup>th</sup> day of January, 2010 by the following vote:

**AYES: 4**

**NOES: 0**

**ABSENT: 1**

**ABSTAIN: 0**

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Steve Shaffer, President  
Board of Directors  
Muir Beach Community Services District

**ATTEST:**

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Sharon Mullin, District Secretary