

MUIR BEACH COMMUNITY SERVICES DISTRICT

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



**Mon, March 5, 2012
8:00 PM – Public Hearing**

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

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.

AGENDA

Item 1 CALL TO ORDER

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

Leighton Hills, District Manager

Item 2 PUBLIC HEARING ITEM

Public hearings provide the public and residents the opportunity to provide testimony to the board of directors on certain items, such as ordinances, rather than offering comments on regular agenda items. If you later challenge an action on a hearing item in court, you may be limited to raising only those issues you or someone else provided in testimony at the public hearing, or in written correspondence delivered to the board of directors at or prior to the hearing.

Renewal and extension of the \$200 per parcel tax to support the District's Fire Department, as proposed by the Muir Beach Volunteer Fire Association, a 501(c)(3) organization. The proposed tax is not effective unless passed by the voters of Muir Beach.

Steps – (1) Second reading of proposed ordinance by title only; (2) brief overview; (3) Board President will open a public hearing to take testimony; (4) Board President will close the public hearing to further testimony or comments; (5) the Board will discuss and consider the mer-

its of the proposed ordinance; and (6) a motion may be made to act upon the proposed ordinance.

Second Reading of Ordinance (by title only) – Ordinance 2012-1, 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 for Fire Protection and Related Purposes. The ordinance is attached.

Item 3 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 which lets members of the community know a topic is up for discussion).*
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 4 SELECTION OF DATE FOR NEXT MEETING

Item 5 ADJOURNMENT

ORDINANCE NO. 2012-1

**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 FOR FIRE PROTECTION AND RELATED PURPOSES**

WHEREAS, the Muir Beach Community Services District has been empowered by its voters to supply fire protection to the District residents; and

WHEREAS, increasing costs of operations and capital acquisitions for fire protection services, including the increasing need for fuel abatement in our wildland urban interface setting caused by aging and diseased trees and the increasing concern about emergency preparedness, along with the increasing governing agency requirements and the declining net income from traditional funding sources caused the District to authorize the development of a plan to provide a stable, financial foundation to mitigate these problems; and

WHEREAS, the District subsequently received and has adopted a comprehensive annualized long-term plan to maintain and improve fire protection services, including the fuel load reduction, community emergency and disaster preparedness, and to better manage the bureaucratic requirements (hereinafter “Fire Protection Plan”); and

WHEREAS, the District is required by CalOSHA (SB 1207 – Romero) that the occupational safety and health requirements, and therefore training and equipment requirements, for volunteer firefighters are the same as those of full-time paid firefighters; 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 Memorial Day BBQ, clothing sales, grants and contributions neither raise the revenue necessary to pay the costs of maintaining and improving these services, nor provide a stable and predictable base of funding.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF
DIRECTORS OF 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 is:

To methodically upgrade the District's fire protection, including fuel abatement and emergency preparedness.

SECTION 2: Tax Imposed. Land parcels to be assessed 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 of two hundred (\$200.00) dollars shall be levied per annum for a period of four (4) years, FY 2012-2013, FY 2013-2014, FY 2014-2015, and FY 2015-2016, on each parcel as defined in this Section 2.

SECTION 3: Exemption from Special Tax. Any owner of a parcel used solely for owner-occupied single-family residential purposes and whose household income is Eighty Percent (80%) and below of median income for Marin County residents, may obtain an exemption for the special tax upon approval of an application of such owner submitted to the Muir Beach Community Services District.

SECTION 4: Increase of Appropriations Limit. Pursuant to the provisions of Article XIII-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 5: 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 6: 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 7: Effective Date. This Ordinance shall not become effective unless approved at the June 5, 2012 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 8: Four-Year Tax. When approved by the voters this Ordinance shall remain in effect for a period of four (4) years.

SECTION 9: 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 10: 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 11: Posting. The District 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 _____, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

Leighton Hills, District Manager