

MUIR BEACH COMMUNITY SERVICES DISTRICT

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



Wed, May 23, 2007
7:00 PM – Special Meeting

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 Leighton Hills 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

Maury Ostroff, Board President
Danny Hobson, Board Vice President
Steve Shaffer, Director
Peter Rudnick, Director
Bob Jacobs, Director

Leighton Hills, District Manager
Sharry Mullin, Meeting Secretary

Item 2 PUBLIC HEARING ITEM

Public hearings provide the general public and interested parties the opportunity to provide testimony on certain items, such as ordinances, rather than to simply comment 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 raised in testimony at the Public Hearing, or in written correspondence delivered to the Board of Directors at or prior to the Public Hearing.

As discussed by the Board and the community at the April 25, 2007 public meeting, the Volunteer Fire Department is proposing a \$200 annual parcel tax to help fund fire department responsibilities for Muir Beach. As part of that process, it is proposed that an ordinance be adopted by the Muir Beach CSD (the legal entity for the fire department), that would then be submitted to the voters in November for approval or rejection of the proposed special tax.

The required steps tonight are:

(1) Consideration and adoption of a resolution (attached) proposing the consideration of an Ordinance (also attached) as a public hearing item (allow time for public comment);

(2) Introduction and Reading of Ordinance (by title only) – Ordinance No. 2007-1, 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 proposed ordinance is attached.

(3) Schedule the matter for public hearing on June 27, 2007. After taking testimony at such a hearing, the Board may then act on the proposed ordinance.

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).*
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 ADJOURNMENT

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MUIR BEACH COMMUNITY SERVICES DISTRICT
PROPOSING A SPECIAL TAX FOR FIRE PROTECTION
AND RELATED PURPOSES**

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 for operations and capital equipment acquisition for fire protection, including fuel abatement and emergency preparedness.

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 for operations and capital equipment acquisitions for fire protection, including fuel abatement and emergency preparedness, of two hundred (\$200.00) dollars per year on each parcel within the Muir Beach Community Services District. Such special tax would commence immediately upon voter approval.

1. IT IS FURTHER RESOLVED that this Board hereby calls an election to be held on November 6, 2007 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. _____ TO IMPOSE A SPECIAL TAX FOR FIRE PROTECTION, INCLUDING FUEL ABATEMENT AND EMERGENCY PREPAREDNESS, IN THE MUIR BEACH COMMUNITY SERVICES DISTRICT

Shall Muir Beach CSD Ordinance No. _____, which imposes an annual special tax of two-hundred (\$200.00) dollars for a period of four (4) years, commencing FY 2008-2009 and terminating in FY 2012-2013, on each parcel within the Muir Beach CSD for fire protection, including fuel abatement and emergency preparedness, 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 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 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 this Board.

4. **IT IS FURTHER RESOLVED** that this Board hereby orders that said election shall be consolidated with the General Election scheduled on November 6, 2007; and

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

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

7. **IT IS FURTHER RESOLVED** that the time for public hearing on the Ordinance No. _____ is hereby established as Wednesday, June 27, 2007 at 7:00 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

8. **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 June 27, 2007; and

9. **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

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

“NOTICE OF PROPOSED TAX ORDINANCE

NOTICE IS HEREBY GIVEN that on Wednesday, June 27, 2007 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 for fire

protection, including fuel abatement and emergency preparedness 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 June 27, 2007.”

PASSED AND ADOPTED at the adjourned meeting of the Board of Directors of the Muir Beach Community Services District held this _____ of _____, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Maury Ostroff, President
Board of Directors
Muir Beach Community Services District

ATTEST:

Sharon Mullin, District Secretary

ORDINANCE NO. 2007-1

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 equipments 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, MBVFD 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 are:

- (A) To provide funds toward fulfillment of the annualized recommendations of the Fire Protection Plan and the state and federal requirements for fire departments.
- (B) To prioritize and implement the actions needed toward fulfillment of the annualized recommendations of the Fire Protection Plan as deemed fiscally prudent.

- (C) 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, commencing FY 2008-2009 and terminating in FY 2012-2013, on each parcel as defined in this Section 2.

SECTION 3: Exemptions from Special Tax. Any owner of a parcel used solely for owner-occupied single family residential purposes and whose household income is Eight 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 November 6, 2007 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 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 _____, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Maury Ostroff, President
Board of Directors
Muir Beach Community Services District

ATTEST:

Sharon Mullin, District Secretary