

MUIR BEACH COMMUNITY SERVICES DISTRICT

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



**Wed, Sep 26, 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 February 2008 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. 2007-2, An ordinance of the Board of Directors of the Muir Beach Community Services District amending Ordinance 2007-1 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 October 24, 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 NO. 2007-4

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MUIR BEACH COMMUNITY SERVICES
DISTRICT: REPEALING RESOLUTION NO. 2007-03,
PROPOSING A SPECIAL TAX FOR FIRE PROTECTION,
INCLUDING FUEL ABATEMENT AND EMERGENCY
PREPAREDNESS, 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 FOR SAID
AMENDMENT, 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, at a regularly scheduled meeting of the Muir Beach Community Services District on May 23, 2007 this Board adopted Resolution No. 2007-3 proposing a special tax for fire protection, including fuel abatement and emergency preparedness, 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 for said amendment, adopting a method for noticing said ordinance and directing that the notice be posted, published and mailed; and

WHEREAS, said Resolution referenced an election date of November 6, 2007 for the election on the proposed special tax; and

WHEREAS, this Board now wishes to hold an election for the proposed special tax on February 5, 2008 instead of November 6, 2007; 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, this Board gave notice of said ordinance and said Ordinance was adopted by the Board after notice and public hearing on June 27, 2007.

NOW, THEREFORE, BE IT RESOLVED that Muir Beach Community Services District Resolution No. 2007-3 is hereby repealed.

1. IT IS FURTHER 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.

2. IT IS FURTHER RESOLVED that this Board hereby calls an election to be held on February 5, 2008 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. 2007-1 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. 2007-1, 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?”

3. 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.

4. IT IS FURTHER RESOLVED that any owner age sixty-five (65) years and over of a parcel used solely for owner-occupied single family residential purposes and whose household income is Eighty Percent (80%) and below median household income for Marin County residents (based on U.S. Census Bureau Data), may obtain an exemption from the special tax upon submission of an application and a declaration under penalty of perjury by such owner to the Muir Beach Community Services District that they qualify for the exemption.

5. IT IS FURTHER RESOLVED that this Board hereby orders that said election shall be consolidated with the General Election scheduled on February 5, 2008; and

6. 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

7. IT IS FURTHER RESOLVED that rebuttal shall be received to ballot arguments made by this Board on behalf of said Ordinance No. 2007-1; and

8. IT IS FURTHER RESOLVED that a public hearing on the Ordinance No. 2007-1 was held on Wednesday, June 27, 2007 at 7:00 o'clock PM in the Muir Beach Community Center, located at 19 Seacape Drive, Muir Beach, CA 94965; and

9. IT IS FURTHER RESOLVED that the Clerk of this Board published 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

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

11. IT IS FURTHER RESOLVED that the Notice given was substantially in the following form:

“NOTICE ON 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 26 day of September, 2007 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

President

Services District

Maury Ostroff,

Board of Directors
Muir Beach Community

ATTEST:

Sharon Mullin, District Secretary

ORDINANCE NO. 2007-2

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MUIR BEACH COMMUNITY SERVICES DISTRICT
AMENDING ORDINANCE NO. 2007-1 APPROVING AND
ADOPTING THE LEVY OF A SPECIAL TAX ON THE REAL
PROPERTY LOCATED WITHIN THE DISTRICT**

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

WHEREAS, the Board of Directors of the Muir Beach Community Services District adopted Ordinance No. 2007-1 on June 27, 2007 after a noticed public hearing; and

WHEREAS, Ordinance No. 2007-1 referenced an election date of November 6, 2007 for the election on the proposed special tax; and

WHEREAS, the Board now wishes to hold the election for the proposed special tax on February 5, 2008 instead of November 6, 2007.

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

SECTION 1: Amendment of Ordinance No. 2007-1.

Section 7 of Ordinance No. 2007-1 is hereby repealed in its entirety and replaced with the following:

SECTION 7: Effective Date. This Ordinance shall not become effective unless approved at the February 8, 2008 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 2: 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 3: 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 4: 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