

The Muir Beach Community Services District

(compiled by Maury Ostroff, with acknowledgements to Donovan McFarlane and George Lindholdt.)

Many populated areas in California, such as Muir Beach, are situated in remote locations, with unusual conditions that are not satisfactorily answered by the normal governing political bodies. For these reasons, California law permits residents within a defined collective area to form a special district, and to authorize that district to govern community functions and activities specified by the voters.

There are several types of districts, all regulated by general law, but with each type having specific sections of the California Codes applicable to its jurisdiction. The Muir Beach Community Services District (MBCSD) is a community services district (CSD) and is generally the broadest form of special district, and its resident voters may authorize it to perform most services normally performed by cities and counties.

The voters of the MBCSD have given the District the authority to govern the Fire Protection, Roads and Easements, Recreation, and Water needs of the community. However, the District's authority is limited when it conflicts with the general powers of Marin County. For instance, the County maintains the roadways in the Seacape subdivision, and has principal authority when the County emergency and fire services are on location. Moreover, all law enforcement is the responsibility of the Marin County Sheriff, and in all other areas we are subject to all laws and codes as part of unincorporated Marin County.

History of Muir Beach

Humans have probably been living in Muir Beach for quite awhile, as refuse middens from the Coastal Miwok tribe were visible along the sides of the creek many years ago, but have since eroded into the landscape. In 1835, the entire area of southern Marin (including Muir Beach) was formed as a land grant from the Mexican government to William Antonio Richardson, and became known as Rancho Saucelito. In 1857, his heirs lost control of the land to Samuel Throckmorton and the Tamalpais Land and Water Company in a controversial bankruptcy proceeding.

In 1910, the area comprising present day Muir Beach was known as the T Ranch, and was purchased by Antonio Nunez Bello, a Portugese settler who supposedly bought the entire hillside for a \$10 gold piece. After that, the area became known as Bello Beach. A formal subdivision was filed in 1923, intended as a community for blue collar summer cabins. Real Estate companies would frequently refer to the area as Muir Beach (intended to invoke the nearby and more famous Muir Woods) and soon both the beach and the surrounding community were referred to by that name. Muir Beach was starting to become a little community, and there was even a tavern (torn down in 1970) on what is now known as the Big Beach portion of Muir Beach.

In the 1930s a number of Portugese families from the Azores arrived, and began working in and taking over the local dairy farms that had been carved out of the old Rancho Saucelito. Some of their descendants still live in the area today. In the 1940s, with the advent of WWII, the military came in, and the old lookout installations at Muir Beach Overlook are still visible today. The 1950s and 1960s saw a steady increase in new residents, including residents that at the time might have been termed "bohemians" and "hippies" respectively. The Seacape subdivision was started in the early 1960s, and throughout the 1960s and 1970s newer houses were built in that area above the older portion. All of these influxes of people contributed to the unique character of Muir Beach today.

The Golden Gate National Recreational Area (GGNRA) was established in 1972, a watershed event which effectively established the boundaries of Muir Beach, and eliminated the possibility of any future development. The policy of GGNRA has been to return the area surrounding Muir Beach (especially the beach and lagoon areas) to wilderness as much as possible, and have curtailed agricultural and commercial endeavors in the vicinity.

(Readers are recommended to check out www.bellobeach.com for more details and great photos from times past.)

Brief History of the District

The Muir Beach Community Services District was originally formed in 1958, primarily to take over the old Muir Beach Water Company, which served the Bello subdivision areas along Pacific and Sunset Ways. The water was of poor quality, and had an uncertain supply, and the district was formed to correct these problems.

In 1963, development of the Seacape Subdivision started with vacant lot sales. By 1966, the successful sales required a reliable supply of good water, and the Seacape Mutual Water Company was formed to develop the Seacape water system. This system now comprises a major part of the MBCSD water system, including the Frank Valley Road property where our current wells are located.

In 1970, MBCSD purchased the Seacape Mutual Water Company, and added the Seacape subdivision properties to its boundaries. The District boundaries established at that time still exist, and as we are surrounded by Federal and State park lands and agricultural preserves, there is no area available for expansion.

Administration

Formation of the MBCSD established an elected board of five (5) directors, who serve as the governing body. A candidate for the Board must be a registered voter residing within the District boundaries. The Directors are required to establish the policies applicable to carrying out the responsibilities of the authority granted by the voters. This includes development of the annual budget, oversight of the District's financial activities, and formation of operational policy.

Special District Law requires the directors to retain a district manager and a secretary (the positions may be combined.) The district manager is retained to implement the policies of the Board, to oversee the District's general operations, to manage the District's personnel, and to manage the financial activities. The law prohibits directors from serving as the district manager or secretary, and from involving themselves in general operations without explicit approval from the board and the district manager.

Due to the MBCSD's small size, the general manager and all employees are retained on a part time basis. Normally, the general manager and the maintenance manager work approximately half time; however this varies with the District's actual needs. The District also employs temporary personnel as needed, and contracts for services that exceed District capabilities.

Board member elections are overseen by the Marin County Registrar of Voters, and elections coincide with other county or statewide elections on Election Day in November. Terms are either 4 years or 2 years, and elections for individual seats are staggered so that the entire Board does not turnover completely. The Board has the authority to appoint new members to serve out the remainder of the terms for Directors who have resigned or otherwise left office. Directors serve on a volunteer basis and receive no compensation for serving on the Board.

The listing of current Board Members, Officers and other District staff can be found on our website at www.muirbeachcsd.com.

District Funding

The District is funded through a combination of real property tax revenues that may be used for general purposes; water revenues that are restricted for use in water operations and improvements; miscellaneous income from community center rentals, donations, grants, and fund-raising events; and grants and donations from the Muir Beach Volunteer Fire Association used to support the Muir Beach Volunteer Fire Department. It should be noted that approximately 1% of all property tax collected from residents in the District comes back to MBCSD; the rest is allocated to Marin County, various school districts, and other State of California funds. The District does have the authority to assess special purpose taxes (upon voter approval by a 66% majority) and currently has a modest annual assessment in place to build reserves for water system capital improvements.

Fire Protection

While the primary authority for fire and emergency protection of Muir Beach is the Marin County Fire Department, the District is proud and fortunate to have a fully qualified Volunteer Fire Department. All of the current volunteers are trained in wild land fires, EMT services, and participate in constant training programs to maintain and upgrade their proficiencies. Further, these volunteers also donate their efforts in support of the Association's fund-raising efforts, which provide for many of the department's financial needs.

The department is equipped with two emergency vehicles, plus well maintained individual emergency and fire equipment that is consistently upgraded to serve the community. The vehicles and equipment are housed in the Fire Barn located on Shoreline Highway, opposite from the Pelican Inn. Our department very possibly has the most qualified personnel in cliff side rescues available in the county, as the very nature of our surroundings requires strong knowledge of these techniques.

Considering the basically remote location of Muir Beach (we are six miles from the nearest emergency station) our Volunteer Fire Department is critical during times of severe emergencies. Muir Beach has been very fortunate and free of major disasters for many years. However, we should never forget that the District is situated just a few miles from the San Andreas fault (which runs under the ocean just west of Muir Beach) and has overhead electrical lines exposed to seaside storms. Even a small fire beginning at the bottom windward side of the District's coastal hill location can be rapidly spread by the coastal breezes.

In conjunction with State Law, the Fire Association has organized an Emergency Preparedness Committee with designated neighborhood liaisons in all areas of the district. The Committee has developed an emergency plan for the community, and has developed an emergency preparedness registry that will provide vital and specific information to guide the emergency volunteers in responding to the residents' needs.

(Check out www.muirbeachfire.com for more history, pictures, and information.)

Recreation

The District's recreational activities are focused around the Community Center facilities located at 19 Seacape Drive and the BBQ Grounds and volleyball court located on the District's property on Frank Valley Road.

The regular recreational activities of the District include community dinner nights and pot lucks, the annual Fire Association Barbecue, the annual Quilters' Fair, weekly Bistro with coffee and scones on Wednesday mornings from 9:30am to 11:30am followed by the Quilters, Tai Chi classes on Monday nights, Yoga classes on Tuesday nights, and Volleyball down at the court on Thursday nights. Miscellaneous use of the Community Center's facilities includes the kitchen, library, ping pong, meeting hall, children's playground, and children's playroom. **Overnight stays at the community center are not permitted.**

The community center is also available for private party rentals, with preferential rates to District residents. Liability insurance is strongly recommended, and there are some use restrictions. All hourly rentals have a four hour minimum.

The District is always interested in offering more recreational activities for residents of all ages. We are substantially dependent upon volunteers for coordination of recreational programs. If you have ideas, time, and are willing to volunteer your efforts, please call the District Manager at 388-7804, or send an email to districtmanager@muirbeachcsd.com.

Roads and Easements

The District’s roadways are a combination of public and private roads. The public roadways maintained by the County or CalTrans include:

Shoreline Highway (Route 1).....Maintained by CalTrans
Pacific Way to the Muir Beach parking lot.....Maintained by Marin County
Ahab Drive.....Maintained by Marin County
Seacape Drive.....Maintained by Marin County
Starbuck Drive (down to the cul de sac).....Maintained by Marin County

The District has no authority for maintenance of these County roads, and law enforcement is by the County Sheriff’s office.

The District has the authority granted by the voters for the private roadways, pedestrian easements, utility easements, and drainage easements within the District’s boundaries. The private roadways and pedestrian easements include:

Charlotte’s Way.....Private Roadway
Cove Lane.....Private Roadway
Lagoon Drive.....Private Roadway
Pacific Way (up from the beach parking lot).....Private Roadway
Sunset Way.....Private Roadway
Starbuck Extension (past the cul de sac).....Private Roadway
White Way.....Private Roadway

Ahab Drive to Cove Lane (through Sunset).....Pedestrian Easement
Seacape Drive to Muir Beach Overlook.....Pedestrian Easement
Seacape Drive to Pacific Way (through Sunset).....Pedestrian Easement
Seacape Drive to Starbuck Drive.....Park and Pedestrian Easement
Sunset Way (east) to Pacific Way.....Pedestrian Easement
Sunset Way to Pacific Way cul de sac.....Pedestrian Easement
Sunset Way (west) to Cove Lane.....Pedestrian Easement

A note on property boundaries and encroachments: From time to time, misunderstandings arise over the exact location of a property boundary. Maps are often cited by one party or the other to further a particular claim, but maps are not sufficiently detailed and may be misleading. The authoritative method for determining a property boundary is to have the site surveyed by a licensed land surveyor and the boundary corners determined by physical markers and monuments. The District has strict enforcement policies on private encroachments on district owned land and easements. It should be noted that the laws on “adverse possession”, where one can claim ownership or easement rights to property by using it over an extended period of time without complaint (difficult enough to prove in private cases) do not apply to publicly owned lands. It doesn’t matter how long a private residence has encroached on public land; that land will always belong to the public agency that owns it.

Water Distribution

The District was originally formed in an attempt to improve the water supply, to assure a continued ample supply of potable water, and to improve the emergency water reserves for fire protection. Ownership and operation of the water system is the most critical and important function of the District, for without an adequate water supply the community cannot exist.

Prior to fiscal year 1992-1993, the water operations were substantially subsidized by the real property tax revenues. Upon implementation of ERAF (Educational Revenue Augmentation Fund) in 1992 by the State of California, the amount of property tax revenues allocated back to the Muir Beach CSD was greatly reduced. Accordingly, the rates charged for water usage were increased. It has since been the policy of the District to establish water rates so that they cover the entire costs of water operations.

The water rates are tiered to encourage conservative water use, and in general Muir Beach residents are prudent in their water consumption.

MBCSD provides water from our service lines up to the water meter for each residence. Plumbing (and leaks) beyond the water meters from the meter into the house are the sole responsibility of the customer, subject to appropriate Marin County Building and Plumbing Codes.

It should be noted that Muir Beach does not have a sewer system, and each property must maintain its own septic system in accordance with Marin County Department of Environmental Health codes and regulations.

MBCSD Board of Directors Meetings

Meetings of the Board of Directors are generally held on the 4th Wednesday of the month at 7pm. Meetings are held at the Community Center at 19 Seacape Drive. Occasionally, due to scheduling issues, a meeting may not be held in a given month or it might be held on a different Wednesday. (They're nearly always on a Wednesday.) Notices of upcoming meetings are posted on the bulletin boards around the community. There is an email distribution list as well for notification; send your email address to districtmanager@muirbeachcsd.com to get on the distribution list. The public is invited and encouraged to attend. It's a great way to get know your neighbors and find out what interesting things may be going on in Muir Beach. You'll get to see community spirit and involvement first hand, and understand that it's more than geography that makes this place special.