

**MUIR BEACH COMMUNITY SERVICES DISTRICT
MEASURE E**

<p>E MEASURE E: 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?"</p>	YES
	NO

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS
OF MEASURE E**

**MUIR BEACH COMMUNITY SERVICES
DISTRICT SPECIAL TAX**

This measure, if approved by two-thirds of those voting thereon, would authorize the collection of an annual special tax levied by Resolution No. 2010-1 of the Board of Directors of the Muir Beach Community Services District commencing in FY 2010-2011. The resolution levied a special tax in the amount of Three Thousand Two-Hundred Fifty Dollars (\$3,250.00) per year on each improved commercially zoned parcel, Three Hundred dollars (\$300) per year per separate habitable structure on each residentially zoned parcel, and Three Hundred dollars (\$300) per year on all other parcels. The Measure states that the proceeds of the taxes would be used to provide funding of capital improvements and maintenance of water supply and distribution equipment and facilities within the Muir Beach Community Services District.

s/PATRICK K. FAULKNER
County Counsel

**NO ARGUMENT FOR OR AGAINST MEASURE E
WAS FILED**

**FULL TEXT OF MEASURE E
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 27th day of January, 2010 by the following vote:

AYES: 4 Steve Shaffer, Mary Daniel Hobson, Peter Rudnick, Scott Bender

NOES: 0

ABSENT: 1 Dan Fitzpatrick

ABSTAIN: 0

s/STEVE SHAFFER
President Board of Directors
Muir Beach Community Services District