

MEASURE SUBMITTED TO THE VOTERS

DISTRICT

**MUIR BEACH COMMUNITY SERVICES DISTRICT
PARCEL TAX
MEASURE J**

J Shall Ordinance 2001-07-25-1 of the Muir Beach Community Services District levying a special tax annually for a period of four years, commencing in FY 2001-2002, terminating in FY 2005-2006, in the amount of \$3,250.00 per parcel for improved commercially zoned property, \$300.00 per separate habitable structure on parcels containing residential property and \$300.00 per parcel on all other parcels be adopted to provide funds for water system capital improvements as specified in said Ordinance?

**MUIR BEACH COMMUNITY SERVICES DISTRICT
PARCEL TAX
FULL TEXT OF ORDINANCE NO. 2001-07-25-1
MEASURES J AND K**

**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**

WHEREAS, the Muir Beach Community Services District has been empowered by its' voters to supply water service to the District residents; and

WHEREAS, recent water system failures, problems with raw water supply, and marginal water quality conditions caused the District to authorize the development of a long term capital improvement plan to mitigate these problems; and

WHEREAS, the District subsequently received and has adopted a comprehensive "Twenty Year Plan" for water system capital improvements to resolve raw water supply problems, upgrade the water distribution system and increase the water storage capacity; and

WHEREAS, the District's water rights permit requires the development and adoption of an Adaptive Management Plan to govern the diversion of water, including a water conservation plan, a stream flow monitoring program and devices, and the installation of cost effective water storage facilities; 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 water service charges and connection fees neither raise the revenue necessary to pay the costs of improving this service nor equitably distribute the costs to all those who benefit from it; and

WHEREAS, the District, adopted District Resolution No. 2001-06-13, calling for an Election to be held in November 2001, and requested the Marin County Board of Supervisors to consolidate the election with the County's General Election scheduled for November 6, 2001.

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

SECTION 1: The purpose and intent of the board with respect to the special tax are:

- (A) To provide funds for implementation of the capital improvements necessary to fulfill the recommendations of the "Twenty Year Plan" and the requirements of the District's water rights permit.
- (B) To annually prioritize and implement the actions needed to provide the capital improvements within the guidelines of the "Twenty Year Plan", as deemed fiscally prudent within the funds provided by this tax measure and other possibly available District and grant funds.
- (C) To methodically upgrade the District's water supply and distribution system so as to meet the requirements and reliably provide potable water in compliance with the District's water rights permit, the laws of the State of California and the Federal Safe Drinking Water Act.

SECTION 2: Land parcels to be assessed under this Ordinance shall be defined as a lawful parcel created through a land subdivision and which is capable of having a habitable structure constructed within its boundaries, in compliance with all applicable required building, planning and zoning codes. The special tax shall be levied per annum as follows:

- (A) \$3,250.00 per parcel for commercially zoned and improved property.
- (B) \$300.00 per separate habitable structure (as determined by units listed in the Marin County Assessment roll) on parcel containing residential property.
- (C) \$300.00 per parcel on all other parcels.
- (D) For the purpose of this tax, all contiguous parcels under common ownership and having no more than one habitable structure shall be considered as a single parcel.

SECTION 3: In addition to the above special tax and in a continued effort to equitably allocate the costs of the capital improvements, the District will levy a monthly water service surcharge not to exceed an amount of twenty-five percent (25%) of the monthly billing for water service consumption. Funds from the surcharge will be used for implementation of the improvements.

SECTION 4: 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: Said special taxes shall be collected in the same manner and subject to the same penalties as and with other charges and taxes fixed and collected by Marin County on behalf of local agencies. 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: This Ordinance shall not become effective unless approved at the November 6, 2001 election by a two-thirds (2/3) majority of the voting registered voters within the District.

SECTION 7: This Ordinance shall become effective immediately upon the voter approval.

SECTION 8: When approved by the voters this Ordinance shall remain in effect for a period of four (4) years and shall require a two-thirds (2/3) majority approval of the voting registered voters within the District for its continuation beyond the fourth (4th) year of existence.

SECTION 9: 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: The District Secretary shall certify the passage of this Ordinance by the Board, and cause a copy thereof to be published as required by law in a newspaper of general circulation in Marin County, and this Ordinance shall take force and effect after its passage by the voter approval supra and as provided by law.

MEASURE J CONTINUED ON NEXT PAGE



SECTION 11: 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 its approval.

SECTION 12: 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 in accord with Government Code Section 36933.

SECTION 13: Upon approval by the voters the District Secretary shall cause to be recorded a certified copy of the full text of such adopted and voter approved Ordinance, in the public records of Marin County, California.

PASSED, APPROVED, AND ADOPTED this 25th day of July 2001 by the following vote:

AYES: Pinto, Rudnick, Schiffries and Shaffer

NOES:

ABSENT: Kamradt

ABSTAIN:

s/ Erin Pinto
President

ATTEST:

s/ Donovan Macfarlane
District Secretary

APPROVED AS TO FORM AND
LEGAL CONTENT:

s/ Jennifer M. Waldron
District Attorney

IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE J

This measure, if approved by two-thirds of those voting thereon, would authorize the collection of special tax levied by Ordinance 2001-07-25-1 of the Muir Beach Community Services District for four years commencing in FY 2001-2002 and terminating in FY 2005-2006. The ordinance levied taxes in the amount of \$3,250.00 per parcel for improved commercially zoned property, \$300.00 per separate habitable structure on parcels containing residential property and \$300.00 per parcel on all other parcels. The Measure states that the proceeds of the taxes would be used to provide funds for water system capital improvements as specified in the ordinance.

Dated: August 22, 2001

PATRICK K. FAULKNER
County Counsel

**NO ARGUMENT IN FAVOR OF OR AGAINST
THIS MEASURE WAS SUBMITTED**

END OF MEASURE J

