

**MEASURE SUBMITTED TO THE VOTERS**

**DISTRICT**

**COUNTY SERVICE AREA NO. 32  
DISTRICT FORMATION AND  
SPECIAL TAX  
MEASURE C**

**C** Shall County Service Area No. 32 be formed to provide for maintenance of local park, recreation and parkway facilities and services within the Strawberry Point area and shall a special tax in the amount of \$200 per year per parcel be levied to fund these services commencing in Fiscal Year 2003/04?

**RESOLUTION NO. 2003-61**

**RESOLUTION OF THE MARIN COUNTY  
BOARD OF SUPERVISORS  
RESOLUTION MAKING DETERMINATIONS AND  
APPROVING FORMATION OF COUNTY SERVICE  
AREA NO. 32 – STRAWBERRY POINT INCLUDING  
NOTICE, HEARING AND ELECTION**

**WHEREAS**, the existing Strawberry Point Landscaping and Lighting District has become an ineffective mechanism for maintenance of local park, recreation or parkway facilities and services due to recent reporting requirements; and

**WHEREAS**, the County of Marin wishes to dissolve the Landscaping and Lighting District but continue to provide necessary services through development of a new County Service Area; and

**WHEREAS**, the Local Agency Formation Commission conducted a public hearing on said proposal and all interested persons present were afforded an opportunity to speak and be heard on this matter; and

**WHEREAS**, the Local Agency Formation Commission approved by resolution the formation of County Service Area No. 32 – Strawberry Point, subject to certain conditions; and

**WHEREAS**, the Board of Supervisors approved a "Resolution of Intention for Formation of County Service Area No. 32 – Strawberry Point" which was published in the Marin Independent Journal on April 29, 2003; and

**WHEREAS**, a hearing before the Board of Supervisors was conducted on May 20, 2003, and public comment was received.

**NOW, THEREFORE, BE IT RESOLVED**, the following:

Section 1. The Marin County Board of Supervisors hereby forms County Service Area No. 32 – Strawberry Point, subject to confirmation of the registered voters within the County Service Area by public ballot as outlined in Section 2 of this resolution. The proposed formation is approved subject to the following conditions:

1. The County of Marin will forward this resolution to the Local Agency Formation Commission, together with the results of an election of the voters within the proposed territory for a special tax adequate to support the services of the proposed county service area and approval of the special tax measure pursuant to Government Code Section 50007, within 30 days of the election pursuant to Government Code Section 57176.
2. Upon approval of the voters to form the county service area and approval by two-thirds of the voters to levy a special tax, the County will act to dissolve the existing landscaping and lighting district.

Section 2. The Marin County Board of Supervisors hereby calls for an election by mail ballot to be held on August 19, 2003, to confirm the formation of County Service Area No. 32 – Strawberry Point and to establish a special tax for funding. The wording of the ballot shall be as follows:

*Shall County Service Area No. 32 be formed to provide for maintenance of local park, recreation and parkway facilities and services within the Strawberry Point area and shall a special tax in the amount of \$200 per year per parcel be levied to fund these services commencing in Fiscal Year 2003/04?*

Section 3. The services provided by County Service Area No. 32 shall be limited to the following miscellaneous extended services: maintenance of local park, recreation and parkway facilities and services.

Section 4. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A" and "B" attached hereto and by this reference incorporated herein (See Note at bottom of page.)

Section 5. The territory includes approximately 47 acres, is found to be inhabited, and is assigned the following distinctive short form designation: "Formation of County Service Area No. 32 – Strawberry Point."

Section 6. The Board determines that the formation is categorically exempt from California Environmental Quality Act (CEQA) provisions under Section 15320 of the State CEQA Guidelines.

Section 7. Following notice, hearing and election, the Executive Officer of the Local Agency Formation Commission is hereby authorized to complete formation proceedings including certification of completion or termination and relevant filing in the manner prescribed by Sections 57179-57204 of the Government Code.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 20<sup>th</sup> day of May 2003, by the following vote:

**AYES:** SUPERVISORS Susan L. Adams, Harold C. Brown, Jr., Steve Kinsey, Cynthia L. Murray, Annette Rose

**NOES:** NONE

**ABSENT:** NONE

s/ Annette Rose  
President, Board of Supervisors

**ATTEST:**

s/ Mark J. Riesenfeld  
Clerk

**NOTE:** If you desire a copy of Exhibit A / Exhibit B (Map and legal boundary description), please call the Marin County Registrar of Voters at (415) 499-6456 and a copy will be mailed at no cost to you.

**MEASURE C CONTINUED ON NEXT PAGE**

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL  
MEASURE C**

If this measure is approved by a two-thirds vote, County Service Area No. 32 will be formed and authorized to levy a special tax of Two Hundred Dollars (\$200.00) per year per parcel. The proceeds may be used only for the purposes set forth in the measure.

If this measure is approved the existing lighting and landscaping district will be dissolved.

Dated: June 4, 2003

PATRICK K. FAULKNER  
County Counsel

**ARGUMENT IN FAVOR OF MEASURE C**

Over the last 20 years Strawberry Point residents have nurtured and maintained common area landscaping through individual efforts and an assessment for the Strawberry Point Landscape and Lighting District on each homeowner's property tax. That county service is coming to an end. We can either abandon this assessment and see these plantings fall to the weeds and drought ('penny wise and pound foolish approach'), or the community can rededicate itself through local control of CSA No. 32 and further enhance our safety and maintain our common area plantings. This is NOT a new assessment or tax for most Strawberry Point residents. It is however, a new opportunity for community needs to be met, such as to extending plantings from Great Circle, Topside and Century to other areas such as Starboard Court or the Weatherly down slope areas. Not every resident may perceive an equal share of benefit from each planting but clearly it is our stewardship of the natural beauty of Strawberry Point that can extend and maintain our property values. Individual homeowner initiative to upgrade landscaping is always welcome, however, maintaining the extensive 10 foot setback easement along our streets is more than a neighborhood cosmetic issue. It also has safety and legal implications. The minimal level of services legally provided by the County for tree trimming, street cleaning, and brush removal is not what we want for Strawberry Point. This area has a premium in value because the least common denominator doesn't suffice; rather we all expect better service and wish the cleanest and safest neighborhood possible. We must invest jointly to minimize any chance of fire, wind and tree damage to property and to beautify and preserve our community. If we cannot find common ground to jointly share in these endeavors then the idea of 'neighborhood' has been sadly shaken.

s/ Mark Wexman, MD, Homeowner  
Director, Strawberry Recreation District

s/ "Chita" Cecilia Abbott  
Homeowner

**REBUTTAL TO ARGUMENT IN FAVOR OF  
MEASURE C**

CSA No. 32 will divide us irreparably.

We won't find common ground here because CSA No. 32 tramples all our Landscaping District's founding principles.

Instead of one equal vote per lot, CSA No. 32 grants some households multiple votes, and others none. Instead of managing our own affairs and electing our own officers, CSA No. 32 shifts control to County Supervisors, who will appoint our officers. Instead of an annual benefit assessment based on the tenet that if you benefit more, you should pay more, CSA No. 32 eliminates the benefit assessment and replaces it with a new, flat special tax for all, regardless of our level of benefit.

This election is unfair because Supervisors are changing the voting rules of our landscaping association in mid-stream. We never would have formed our Landscaping District in the first place under the rules of CSA No. 32, so we cannot imagine why we should accept them now.

We have better alternatives wherein we maintain self-control, including a homeowners' association, a project-by-project voluntary association, or landscaping by individual homeowners.

Generally, CSAs are for parks, greenbelts, or meridians, not standard rights-of-way like ours. In Marin County, only two CSAs even resemble the one Supervisors are trying to impose on us. If the benefits of CSAs are so compelling, then why aren't other neighborhoods lining up to form one?

We are NOT against neighborhood landscaping or unity. We are FOR self-control, equity, and fairness.

Stop this bureaucratic juggernaut. End Supervisor meddling. And beware: Given budget constraints, proponents' belated promise of extending landscaping will mean higher taxes. Vote "NO".

s/ J. Bruce Corcoran

s/ Frances Corcoran

MEASURE C CONTINUED ON NEXT PAGE

## ARGUMENT AGAINST MEASURE C

We oppose CSA No. 32 because we believe it is unfair.

Under the rules of our Landscaping District, every homeowner/taxpayer had an equal vote, but under the rules of CSA No. 32, only registered voters will have a vote. Consequently, some households will have more votes than others depending on how many registered voters reside in each household. Some households will have no votes at all, and others will have as many as four (or more).

Specifically, nineteen of the ninety-nine households in CSA No. 32 will have no votes at all because no one in these households is registered to vote. In most cases, the homeowners in these households are foreign nationals who cannot register to vote because they are not US citizens. Nevertheless, they own their own homes, and they pay their taxes. Even though they have paid their landscaping assessment for years like everyone else, they will be ineligible to vote in this election or in any future election. We believe that everyone who pays a landscaping tax should have a vote regardless of his or her citizenship.

The shift in voting power from homeowners/taxpayers to registered voters produces unfair results. The registered widow or widower who lives alone will have only one vote, but the registered married couple will have two votes. Registered college students, relatives, or friends will have a vote without an obligation to pay the tax, but unregistered homeowners who must pay the tax will not have a vote. Registered renters will have a vote, but the landlord/taxpayer will not have a vote. Registered owners of two properties will have only one vote, even though they must pay two taxes.

Join forty fellow homeowners (54 voters) who already have signed a petition of protest against formation of CSA No. 32. Vote "NO".

s/ J. Bruce Corcoran

s/ Frances Corcoran

## REBUTTAL TO ARGUMENT AGAINST MEASURE C

CSA No. 32 is about maintaining community plantings and neighborhood safety. Opponents would confuse this issue by claiming that there are unfair advantages for registered voters in our community compared with non-voting residents. America fought a Revolutionary War to insure representation. America fought a Civil War insuring one person one vote and against property owners trying to prevent non-owners from voting. Strawberry Point opponents of CSA No. 32 want to revisit these issues and claim that non-citizen homeowners should vote on parcel taxes. Nonsense! In our country, citizenship counts, the constitution is the basis of our laws and voting is the essence of governing with 'power from the people.'

Do we want to support a locally administered county fund that will water our shrubs, trim the trees and clean the streets? Do we want to continue investing in the location, location, location which is the bedrock of our property values? Do we want to see wind or fire damage spreading to our homes because we allowed a few disgruntled neighbors to muddle our focus when it comes to Strawberry Point's safety and beauty? Seeing past the misguided attempts of opponents to CSA No. 32 will allow continued investment in our community.

How money is spent and the fair application of our limited resources is the mandate for two advisors to the county from CSA No. 32. Any and ALL residents interested in serving are welcome to apply for these volunteer positions. Now let's vote FOR CSA No. 32 and keep our plants green.

s/ Mark Wexman, MD, Homeowner  
Director, Strawberry Recreation District

s/ "Lee" Elizabeth Reynolds  
Homeowner

s/ "Chita" Cecilia Abbott  
Homeowner

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END OF MEASURE C