

REKINDLE:

A Mutual Aid Request to Extinguish the State Fire Fee- Again...

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What is the State Fire Fee?

- * Assembly Bill Abx 1-29
- * Emergency legislation enacted July 2011
- * Offset costs of managing wildfires
- * “State Responsibility Area Fire Prevention Fee”
- * \$150.00 “fee” to 850,000 habitable structures within the SRA
- * \$35.00 reduction to properties served by a FPD

What is the History?

- * SB 1049 2003 - similar to current SRAFPF- still pending appeal
- * SB 1617 2008 1.25% fee on fire insurance in SRA- failed due to tax similarity
- * Abx 3-41 fees tied to FHSZ rating for protection- withdrawn

What is the Issue?

- * Increased burden on homeowners in SRA
- * Districts facing criticism from lack of understanding
- * Increasing challenges passing local revenue measures
- * Citizens believe fees already going to local fire district
- * Only 5% of funds going to local fire districts
- * Appears most funds used in SRA lands outside districts

What is the Rationale?

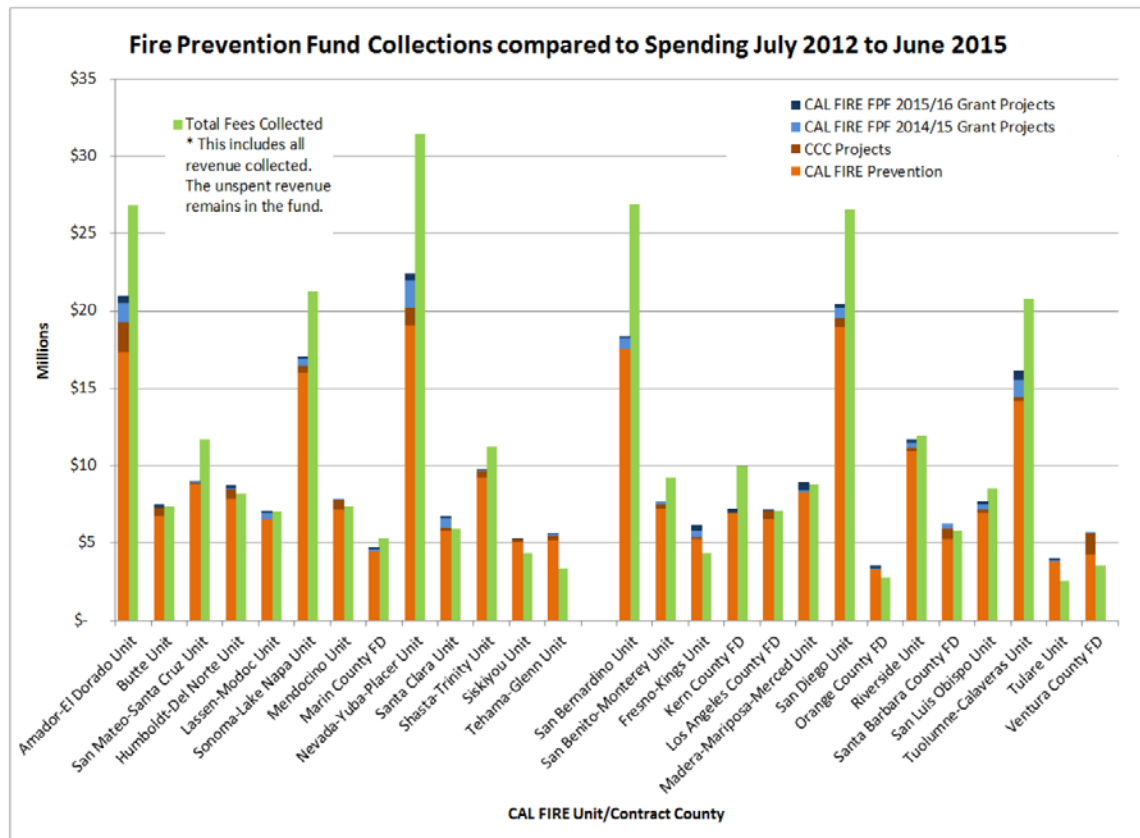
- * Because those in the SRA impose a greater economic burden in providing fire prevention they should in turn bear the costs for the State's provision of those services.
- * In exchange, “the amount expended to benefit... structures within a the SRA shall be commensurate with the amount collected from the owners within that SRA.”
- * In order to appear to comply with the California Constitution the bill purports that those paying the fee will receive a proportionate specific benefit.

What's Actually Happening?

- * State collecting fees under PRC 4125
- * State relinquishes enforcement to Districts under PRC 4290
- * Fees used for priority projects in SRA lands not protected by fire districts
- * Fees purportedly now being used for EIR & litigation
- * Retention of funds for pending litigation (SB 1049 - 14 yrs.)
- * Proposed legislation asking for detailed accounting of expenditures

Where are the fees going?

CHART #3: FIRE PREVENTION FUND COLLECTIONS COMPARED TO SPENDING JULY 2012 THROUGH JUNE 2015



June 2016 SRA Informational Report San Diego County Example

- * \$26,566,678 collected within San Diego County
- * \$908,270 issued for fire prevention grants
- * \$1,162,676 used to fund CCC related projects
- * \$24,495,732 in funds retained or expended elsewhere in areas served primarily by Cal Fire.

Where are your funds going?

CHART #2: TOTAL FEES COLLECTED COMPARED TO EXPENDITURES

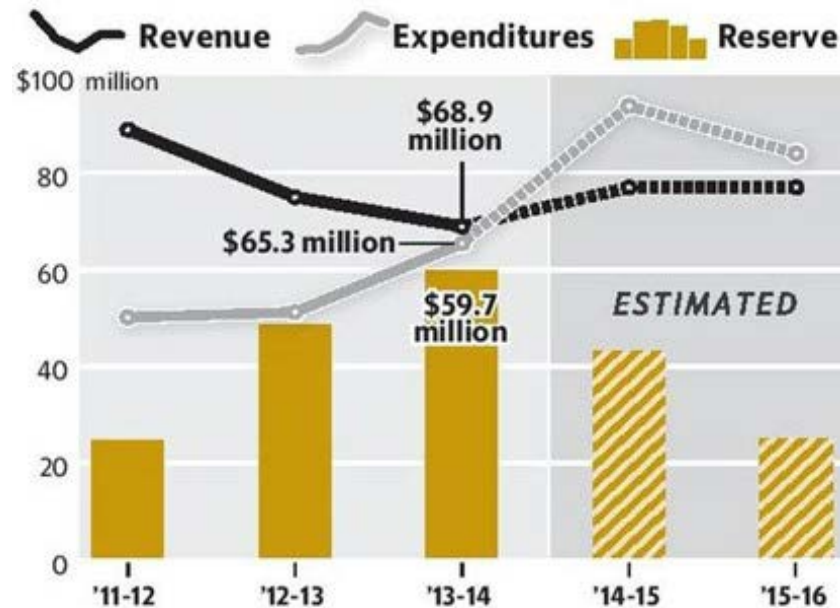
Amounts are rounded to nearest dollar as of May 2016

Unit/ Contract County	Fee % by Unit	Total Fees Rec'd	Region & Sac Costs Supporting Units FY12-FY14	Global Admin Costs (CAL FIRE, BOE, SCO, & FISCAL) FY12-13 TO FY14-15	CCC Projects Funded FY 12-13 to FY15-16	FPF Grants- FY14-15 Funded	FPF Grants- FY15-16 Funded	Program Expenditures for FY12-13 (Actual)	Program Expenditures for FY13-14 (Actual)	Program Expenditures for FY14-15 (Actual)	Program Budgeted for FY15-16 (Estimates)	Total Program Expenditures	Total Expenditures FY12-13 thru FY14-15 and FY 15-16 Estimates
(North Region)													
Amador-Eldorado	8.93%	\$26,801,738.00	\$5,993,782.09	\$3,748,649.86	\$1,289,919.81	\$1,230,761.00	\$450,938.00	\$1,938,341.00	\$1,812,018.00	\$1,862,207.02	\$3,650,115.32	\$9,262,681.34	\$26,633,803.98
Butte	2.44%	\$7,322,181.00	\$1,637,489.19	\$1,024,123.59	\$405,928.77	\$43,000.00	\$146,423.00	\$1,094,476.00	\$1,235,453.00	\$1,154,956.25	\$997,204.15	\$4,482,089.40	\$7,276,301.60
San Mateo-Santa Cruz	3.88%	\$11,646,993.00	\$2,604,664.64	\$1,629,017.47	\$575,992.57	\$98,280.00	\$75,150.00	\$1,292,803.00	\$1,295,439.00	\$1,188,682.07	\$1,586,198.19	\$5,363,122.26	\$11,574,015.60
Humboldt-Del Norte	2.73%	\$8,184,363.00	\$1,830,302.65	\$1,144,713.58	\$439,832.22	\$83,162.00	\$210,350.00	\$1,406,545.00	\$1,625,874.00	\$1,363,533.92	\$1,114,824.39	\$5,510,577.31	\$8,133,082.12
Lassen-Modoc	2.35%	\$7,054,833.00	\$1,577,701.23	\$986,730.81	\$0.00	\$371,223.00	\$151,533.00	\$1,213,309.00	\$1,116,768.00	\$1,113,311.33	\$960,794.26	\$4,404,182.59	\$7,010,629.45
Sonoma-Lake Napa	7.08%	\$21,238,859.00	\$4,749,688.04	\$2,970,564.68	\$984,963.88	\$439,804.00	\$185,870.00	\$2,536,433.00	\$2,361,083.00	\$2,335,898.57	\$2,892,482.38	\$10,125,896.95	\$21,105,582.13
Mendocino	2.45%	\$7,342,775.00	\$1,642,094.85	\$1,027,004.07	\$406,738.61	\$6,000.00	\$0.00	\$1,600,145.00	\$1,360,529.00	\$1,318,791.51	\$1,000,008.92	\$5,279,474.43	\$7,296,787.15
Marin County	1.77%	\$5,315,568.00	\$1,188,742.09	\$743,466.78	\$0.00	\$123,200.00	\$161,121.00	\$747,852.00	\$766,638.00	\$669,499.00	\$723,924.50	\$2,907,913.50	\$5,282,261.41
Nevada-Yuba-Placer	10.47 %	\$31,421,907.00	\$7,027,009.58	\$4,394,854.21	\$1,353,791.91	\$1,808,657.00	\$420,607.00	\$1,612,703.00	\$1,891,454.00	\$1,647,957.52	\$4,279,333.98	\$9,431,448.50	\$31,225,025.03
Santa Clara	1.98%	\$5,937,284.00	\$1,327,779.15	\$830,423.77	\$351,470.74	\$624,680.00	\$155,740.00	\$702,273.00	\$1,075,500.00	\$1,180,317.15	\$808,595.80	\$3,766,685.95	\$5,900,082.63
Shasta-Trinity	3.73%	\$11,192,153.00	\$2,502,946.84	\$1,565,400.81	\$558,106.97	\$79,493.00	\$97,270.00	\$1,483,869.00	\$1,738,483.00	\$1,323,482.74	\$1,524,253.72	\$6,070,088.46	\$11,122,025.22
Siskiyou	1.45%	\$4,353,846.00	\$973,668.36	\$609,954.49	\$289,205.48	\$16,898.00	\$96,500.00	\$901,228.00	\$866,497.00	\$1,175,930.47	\$592,948.11	\$3,656,603.58	\$4,326,565.72
Tehama-Glenn	1.12%	\$3,362,924.00	\$752,064.45	\$470,358.49	\$250,239.65	\$127,469.00	\$38,058.00	\$1,295,932.00	\$1,214,159.00	\$1,368,074.85	\$457,994.96	\$4,336,160.81	\$3,341,852.73
(South Region)													
San Bernardino	8.96%	\$26,879,439.00	\$6,011,158.78	\$3,759,517.64	\$0.00	\$707,010.00	\$148,766.00	\$2,009,089.00	\$1,495,584.00	\$2,295,335.97	\$3,660,697.44	\$9,460,706.41	\$26,711,018.56
San Benito - Monterey	3.08%	\$9,228,307.00	\$2,063,763.96	\$1,290,725.68	\$480,883.02	\$203,950.00	\$0.00	\$909,146.00	\$931,848.00	\$1,216,476.39	\$1,256,798.52	\$4,316,268.91	\$9,170,484.33
Fresno-Kings	1.44%	\$4,316,379.00	\$965,289.55	\$603,714.40	\$287,732.19	\$380,000.00	\$399,594.00	\$916,814.00	\$1,049,862.00	\$1,438,316.63	\$587,845.56	\$3,992,838.19	\$4,289,333.91
Kern County	3.32%	\$9,969,942.00	\$2,229,618.95	\$1,394,455.22	\$0.00	\$0.00	\$296,350.00	\$842,481.00	\$1,005,911.00	\$726,410.34	\$1,357,801.50	\$3,932,603.84	\$9,907,472.97
Los Angeles County	2.37%	\$7,101,715.00	\$1,588,185.51	\$993,287.93	\$397,259.43	\$0.00	\$18,729.00	\$1,160,917.00	\$1,271,434.00	\$1,077,826.07	\$967,179.02	\$4,477,356.09	\$7,067,217.12
Madera-Mariposa-Merced	2.94%	\$8,808,126.00	\$1,969,797.29	\$1,231,856.76	\$0.00	\$161,408.00	\$524,324.00	\$1,583,681.00	\$1,291,445.00	\$1,963,139.78	\$1,199,574.35	\$6,037,840.13	\$8,752,936.66
San Diego	8.85%	\$26,566,678.00	\$5,941,214.81	\$3,715,773.06	\$1,162,676.61	\$700,115.00	\$208,155.00	\$1,772,518.00	\$2,304,250.00	\$2,662,950.22	\$3,618,102.70	\$10,357,820.92	\$26,400,217.45
Orange County	0.93%	\$2,792,521.00	\$624,502.90	\$390,578.55	\$0.00	\$110,000.00	\$157,736.00	\$713,980.00	\$724,578.00	\$681,839.24	\$380,312.06	\$2,500,809.30	\$2,775,023.76
Riverside	3.99%	\$11,964,620.00	\$2,675,896.88	\$1,673,442.67	\$588,482.56	\$296,000.00	\$197,793.00	\$2,261,583.00	\$1,395,308.00	\$2,748,189.34	\$1,629,455.66	\$8,034,536.00	\$11,889,652.50
Santa Barbara County	1.94%	\$5,810,696.00	\$1,299,469.64	\$812,718.35	\$346,492.92	\$328,054.00	\$0.00	\$947,819.00	\$941,423.00	\$879,064.55	\$791,355.77	\$3,559,662.32	\$5,774,287.28
San Luis Obispo	2.84%	\$8,514,022.00	\$1,904,025.50	\$1,190,821.56	\$452,795.32	\$323,988.00	\$227,928.00	\$1,074,929.00	\$1,174,814.00	\$962,219.75	\$1,159,520.41	\$4,371,483.16	\$8,460,674.95
Tuolumne-Calaveras	6.94%	\$20,820,154.00	\$4,656,096.09	\$2,912,030.11	\$936,707.09	\$1,163,391.00	\$531,470.00	\$1,423,833.00	\$1,767,883.00	\$1,448,953.77	\$2,835,486.41	\$7,476,156.18	\$20,689,699.53
Tulare	0.86%	\$2,566,413.00	\$573,937.47	\$359,953.76	\$0.00	\$78,056.00	\$99,635.00	\$1,094,920.00	\$903,887.00	\$880,714.37	\$349,518.54	\$3,229,039.91	\$2,560,332.65
Ventura County	1.19%	\$3,565,997.00	\$797,478.51	\$498,761.49	\$260,780.00	\$22,186.00	\$0.00	\$1,018,300.00	\$941,165.00	\$878,205.02	\$485,651.38	\$3,323,321.40	\$3,543,653.42
Statewide	100%	\$300,080,234.00	\$67,108,169.00	\$55,100,000.00	\$11,799,999.75	\$9,524,583.00	\$5,000,000.00	\$35,555,919.00	\$35,679,289.00	\$37,564,383.84	\$40,867,778.00	\$149,667,367.84	\$298,200,121.84

Funds held in Reserve

Fire prevention fee fund

Property owners in the state's wildland areas began paying a fire prevention fee in the 2011-12 fiscal year. The fund has had significant unspent balances each year.



Sources: Governor's budget summary, Department of Finance

The Sacramento Bee

Reconciliation Attempts

- * Stakeholder meetings to develop sharing agreements
- * Expansion of fee for suppression costs to locals
- * Specified percentage of existing fee to locals
- * Use reserves to fund more local projects
- * Allowing districts to collect current \$35.00 reduction

Reconciliation Pitfalls

- * Strong possibility fee actually illegal tax
- * Districts would become complicit
- * Successful suit requires return of fees
- * Districts left to retain funds pending litigation outcome
- * Districts left to perform prevention with funds that cannot be used

Why is it an illegal tax?

- * Those paying a fee must receive a proportionate or specific benefit
- * Taxes used for a general public benefit
- * Fees being utilized for general purposes
- * SRAFPF enacted by simple majority of legislature
- * Propositions 26 & 218 require 2/3rds vote for new taxes

What can be done?

- * Howard Jarvis Taxpayer Association-class action suit
- * Challenges constitutionality of fee
- * Basis - those paying fees not receiving proportionate benefit
- * Would cease further collection of fees
- * Allows those protesting fee to receive refund
- * Needs supporting documentation from fire districts

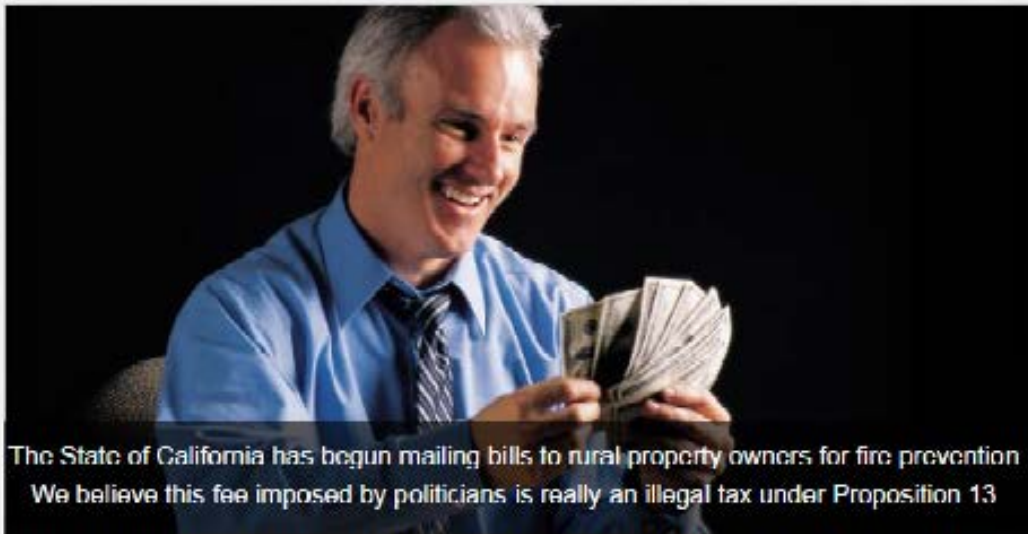
How can you help?

- * Identify Fire Tax funds collected in your District
- * Identify what grants you have applied for and what has been received.
- * Identify what new prevention services State is providing
- * Describe what has changed since Fire Tax implementation
- * If possible, identify where in your County State Fire Tax funds are being spent.

Where to submit

Laura Murray, Staff Attorney, HJTA:
laura@hjta.org

Visit: FireTaxProtest.org



The State of California has begun mailing bills to rural property owners for fire prevention. We believe this fee imposed by politicians is really an illegal tax under Proposition 13.

Fire Prevention Fee Petition
[Complete Petition](#)

Fire Prevention Fee Funds
[Submit Information](#)

Receive updates

[Subscribe](#)

Welcome to the FireTaxProtest website!

Published on May 14, 2016 by eric in Uncategorized

After the Legislature, by a mere majority vote, imposed a fire protection "fee" on 850,000 rural homeowners who live in state responsibility areas, the Howard Jarvis Taxpayers Association filed suit against the state. At issue: the "fee" imposed on additional prop...



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Fire Prevention Fee Funds

Submit Information

Name *

Phone

Email *

Do You Reside In The SRA? *

Yes

No

Has CAL FIRE Inspected Your Property? *

Yes

No

Fire Prevention Fee Petition

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Questions?