

California fire fee ignites anger as bills go out

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SACRAMENTO (AP) — More than 800,000 Californians who own property in wildfire country will begin receiving bills this week for a new annual fire-protection fee, rekindling outrage among rural residents and leading to a likely lawsuit seeking to overturn the surcharge.

The fee, passed by Democrats in the Legislature and signed by Gov. Jerry Brown last year, is intended to raise an estimated \$84 million in its first year for fire-prevention efforts. The annual charge can run as high as \$150 for property owners with a single occupied dwelling, although there is a \$35 discount for those who already pay a local tax for fire protection.

The discount will apply to about 95 percent of rural property owners, but it's not enough to quell the anger in the parts of California where the fee will apply.

"Everybody that knows about it is upset, but I think 90 percent of the public has no idea it's coming. It's going to be quite a shock," said John Little of Laytonville, chief of the Long Valley Fire Protection District in rural Mendocino County.

He said the \$115 annual bill will hurt residents in his 250-square-mile district. The region, between the Mendocino National Forest and the Pacific Ocean, has a jobless rate of 18 percent and many seniors living on fixed incomes.

The bills start going out Monday and will have been issued to more than 825,000 property owners by year's end. They are being sent to counties in alphabetical order, so residents of Alameda, Alpine and Amador counties will be first in line.

The fee was imposed on those who own property within the 31 million rural acres covered by the California Department of Forestry and Fire Protection, a responsibility area that includes about one-third of the state.

Fire danger there is growing more extreme, according to a recent University of California, Merced study prepared for the California Energy Commission. Climate change, development and changes to the landscape may double the fire risk to rural homes over the next 40 years, researchers found. They predict the greatest increase in risk in Northern California's foothills and mountains.

Brown sought the fee mostly to help close the state's budget deficit, calling it "a fee consistent with the 'beneficiary pays principle'," in his signing message. If additional money can be raised and dedicated to CalFire, he reasoned, a similar amount could go to other state services that have experienced deep budget cuts.

The fee will help prevent more spending cuts for state firefighters, department spokesman Daniel Berlant said.

Over the last 18 months, the department has dealt with an \$80 million budget cut by hiring 700 fewer seasonal firefighters, closing an air base in Fresno and mothballing five bulldozers and both of its fire engines serving the Lake Tahoe area because it lacked enough firefighters to operate them. Fire protection around Lake Tahoe is now provided by local fire districts and the U.S. Forest Service.

The fee will pay for the department's existing fire-prevention efforts, including thinning brush and trees and clearing around homes.

Soon after the bills go out, the Howard Jarvis Taxpayers Association plans to file a lawsuit to have the fee declared unconstitutional.

Association president Jon Coupal said the fee is actually a tax, which requires a two-thirds vote in the Legislature to enact. The fire fee passed on simple majority votes in the Assembly and Senate, without support from any Republican lawmakers.

Adding to the confusion is a notice sent by the state Board of Equalization to alert affected property owners that a bill for the new fire fee would be coming. The notice shows a picture of a firefighter spraying water on flames, giving the impression that the fee is for suppression rather than its stated purpose of prevention. It further says property owners have 30 days to send their payment or "protest the amount of the bill in writing."

State fire officials worked with the board last week to revise the wording of the notice and substitute a different photograph, Berlant said. "Protest makes it sound like if you don't want to pay, you don't have to pay. That's not accurate," he said.

Property owners can ask for "redetermination" if they can prove, for instance, that their property is not in the state responsibility area and they should not have to pay. They also can argue that they are entitled to the \$35 discount because they pay a local fire district tax or that they are being billed for more habitable structures than they actually own.

Former state Sen. George Runner, a Republican from Lancaster who sits on the Board of Equalization, pushed for the advance notice to give rural residents more time to pay or contest the billings. He agreed with changing the wording and the photograph to more accurately reflect the details of the new fee.

"We're going to use the word 'appeal.' This is going to the public. They don't understand the word 'redetermination.' Our agency tries to use words that real people understand," said Runner, who has been critical of the fee.

The nonpartisan Office of Legislative Counsel ruled that it qualifies as a fee because it directly pays for specific state services. Democratic lawmakers said they also followed a

recommendation from the nonpartisan Legislative Analyst's Office to levy a fee on homeowners who directly benefit from the state's firefighting efforts in rural areas.

Opponents said it singles out one group of homeowners subject to a particular type of natural disaster.

"It's a bogus way the state is just trying to sidestep their budget issues and slap it on the rural communities," said mortgage broker Jason DeLeo, president of the chamber of commerce in Ramona, which abuts the Cleveland National Forest about 40 miles northeast of San Diego.

He recalls working with friends and neighbors using garden hoses to save homes threatened by devastating wildfires that roared through San Diego County in 2003. The same homeowners already clear around their homes to protect them from fires, without the state's help, he said.

"The money they're going to raise from this isn't going to new fire engines, or firefighters or any of that," DeLeo said. "The only thing that could help is more boots on the ground, which none of this is going to do."

Berlant said the state fire department would face a gap of \$85 million in its current year budget if the lawsuit succeeds in overturning the fee, forcing more service cuts.

Carol Banner, who lives and sells real estate in the Lake Arrowhead region of the San Bernardino Mountains 80 miles east of Los Angeles, is upset because she already pays for local fire protection.

"Those are the people who we call when we have a fire in our home or when the big one comes," she said.

Local fire officials said they worry the new fee will discourage residents from paying more for local services.

John Hallman, who sits on a local board that promotes fire-prevention efforts in his community near Lake Berryessa, has been trying to persuade his neighbors to each pay \$25 to \$50 a year. The money would go toward clearing brush around their properties and on the road linking the community to the Napa Valley.

"With this going through, people are not going to want to pay any more for sure," he said.

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