RESOLUTION - ACTION REQUESTED 2017-61

MEETING: February 14, 2017

TO: The Board of Supervisors

FROM: Dallin Kimble, Interim CAO

RE: Letter of Support for AB 211

RECOMMENDATION AND JUSTIFICATION:
Approve a Letter of Support for Assembly Bill 211, Which Would Continue Fire Protection Fee Reporting Requirements; and Authorize the Board of Supervisors Chair to Sign the Letter. Assembly Bill (AB) 211 would require the State Board of Forestry and Fire Protection to include an itemized accounting of expenditures from fire protection fee moneys in their annual written report to the Legislature. This reporting requirement has been in place but expired January 1, 2017; AB 211 would extend that requirement indefinitely.

Please see the attached letter and bill language for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has approved letters supporting legislation that they believe will benefit the County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the letter. Individual members of the Board may write their own letters of support as desired.

ATTACHMENTS:
AB 211 Text (PDF)
DRAFT_AB 211_County of Mariposa_Support (DOCX)

CAO RECOMMENDATION
Requested Action Recommended

Dallin Kimble
Dallin Kimble, Interim CAO 2/9/2017
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Menetrey, Smallcombe, Jones, Long, Cann
February 3, 2017

The Honorable Frank Bigelow  
California State Assembly  
State Capitol, Room 4158  
Sacramento, CA 95814

Re: Assembly Bill 211 (Bigelow) – State Responsibility Area Fire Prevention Fees  
As introduced on January 23, 2017 – SUPPORT

Dear Assembly Member Bigelow:

On behalf of the County of Mariposa, I want to express our strong support of your Assembly Bill (AB) 211, which would provide transparency for fees collected within a State Responsibility Area (SRA).

As you are aware, under current law, the Board of Forestry and Fire Protection (Board) charges a fire prevention fee not to exceed $150 per habitable structure on parcels within a SRA. The revenue from this fee can be spent in certain limited ways for fire prevention activities, as well as costs incurred in the collection of the fee and other administrative purposes.

Additionally, under current law, the Board is required to submit an annual written report with information on how the fee revenue is being used. Unfortunately, this reporting requirement expired on January 31, 2017, depriving the public, particularly those individuals who pay the fee, with the opportunity for review of expenditures of those monies.

Assembly Bill 211 would extend the sunset date for this reporting requirement as long as the fee is collected within a SRA. In addition, the bill requires the written report to include an itemized accounting of all the expenditures.

The Board of Supervisors appreciates your efforts to ensure transparency in the collection and expenditure of fire prevention fees collected in areas such as Mariposa County. Please let me know if there is any additional information we can provide in support of AB 211.
Sincerely,

Marshall Long, Chair
Mariposa County Board of Supervisors

Cc: Senator Tom Berryhill, 8th District
ASSEMBLY BILL

No. 211

Introduced by Assembly Member Bigelow
(Principal coauthor: Senator Berryhill)
(Coauthors: Assembly Members Obernolte and Patterson)

January 23, 2017

An act to amend Section 4214 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL’S DIGEST

AB 211, as introduced, Bigelow. State responsibility area fire prevention fees: reporting requirement.

Existing law requires the State Board of Forestry and Fire Protection to establish a fire prevention fee in an amount not to exceed $150 to be charged on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee moneys to be expended, upon appropriation, in specified ways, including to reimburse the State Board of Equalization’s expenses incurred in the collection of the fee and to the State Board of Forestry and Fire Protection and to the Department of Forestry and Fire Protection for administrative purposes, with excess moneys being expended only for specified fire prevention activities, as provided. Existing law, until January 31, 2017, requires the board to submit an annual written report to the Legislature on the status of the uses of the fee moneys.

This bill would require the report to include an itemized accounting of all expenditures from the fund and would require the reporting to occur annually for an indefinite period of time.

SECTION 1. Section 4214 of the Public Resources Code is amended to read:

4214. (a) Fire prevention fees collected pursuant to this chapter shall be expended, upon appropriation by the Legislature, as follows:

(1) The State Board of Equalization shall retain moneys necessary for the payment of refunds pursuant to Section 4228 and reimbursement of the State Board of Equalization for expenses incurred in the collection of the fee.

(2) The moneys collected, other than those retained by the State Board of Equalization pursuant to paragraph (1), shall be deposited into the State Responsibility Area Fire Prevention Fund, which is hereby created in the State Treasury, and shall be available to the board and the department to expend for fire prevention activities specified in subdivision (d) that benefit the owners of habitable structures within a state responsibility area who are required to pay the fire prevention fee. The amount expended to benefit the owners of habitable structures within a state responsibility area shall be commensurate with the amount collected from the owners within that state responsibility area. All moneys in excess of the costs of administration of the board and the department shall be expended only for fire prevention activities in counties with state responsibility areas.

(b) (1) The fund may also be used to cover the costs of administering this chapter.

(2) The fund shall cover all startup costs incurred over a period not to exceed two years.

(c) It is the intent of the Legislature that the moneys in this fund be fully appropriated to the board and the department each year in order to effectuate the purposes of this chapter.

(d) Moneys in the fund shall be used only for the following fire prevention activities, which shall benefit owners of habitable structures within the state responsibility areas who are required to pay the annual fire prevention fee pursuant to this chapter:

(1) Local assistance grants pursuant to subdivision (e).

(2) Grants to Fire Safe Councils, the California Conservation Corps, or certified local conservation corps for fire prevention projects and activities in the state responsibility areas.
(3) Grants to a qualified nonprofit organization with a demonstrated ability to satisfactorily plan, implement, and complete a fire prevention project applicable to the state responsibility areas. The department may establish other qualifying criteria.

(4) Inspections by the department for compliance with defensible space requirements around habitable structures in state responsibility areas as required by Section 4291.

(5) Public education to reduce fire risk in the state responsibility areas.

(6) Fire severity and fire hazard mapping by the department in the state responsibility areas.

(7) Other fire prevention projects in the state responsibility areas, authorized by the board.

(e) (1) The board shall establish a local assistance grant program for fire prevention activities designed to benefit habitable structures within state responsibility areas, including public education, that are provided by counties and other local agencies, including special districts, with state responsibility areas within their jurisdictions.

(2) In order to ensure an equitable distribution of funds, the amount of each grant shall be based on the number of habitable structures in state responsibility areas for which the applicant is legally responsible and the amount of moneys made available in the annual Budget Act for this local assistance grant program.

(f) By January 31, 2015, and notwithstanding Section 10231.5 of the Government Code, annually thereafter, the board shall submit to the Legislature a written report on the status and uses of the fund pursuant to this chapter, including an itemized accounting of all expenditures from the fund. The written report shall also include an evaluation of the benefits received by counties based on the number of habitable structures in state responsibility areas within their jurisdictions, the effectiveness of the board’s grant programs, the number of defensible space inspections in the reporting period, the degree of compliance with defensible space requirements, measures to increase compliance, if any, and any recommendations to the Legislature.

(g) (1) The requirement for submitting a report imposed under subdivision (f) is inoperative on January 31, 2017, pursuant to Section 10231.5 of the Government Code.

(2)
(g) A report to be submitted pursuant to subdivision (f) shall be submitted in compliance with Section 9795 of the Government Code.

(h) It is essential that this article be implemented without delay. To permit timely implementation, the department may contract for services related to the establishment of the fire prevention fee collection process. For this purpose only, and for a period not to exceed 24 months, the provisions of the Public Contract Code or any other provision of law related to public contracting shall not apply.