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CALIFORNIA FIRE FEE FUNDS SIPHONED OFF

It has been revealed that for two years Governor Jerry Brown's administration has devoted a portion of new fire fees to a special unit that chases fire starters, a funding arrangement the Legislature's attorney considers illegal.

State leaders indicated in 2011 that they would use the annual fire fees, collected every year from rural property owners, for preventive measures such as inspecting forest homes and creating new fire maps. But Brown's Department of Finance said recently that the state also has used the fees for wildfire investigations, which the state Office of Legislative Counsel deems unconstitutional, according to the nonpartisan Legislative Analyst's Office.

It is another questionable fiscal practice related to the California Department of Forestry and Fire Protection's wildfire cost-recovery program. Previously, the department hid other funds for several years in a nonprofit account.

In the face of multibillion-dollar deficits since 2008, state leaders have pursued cash in aggressive ways. That includes imposing new fees and seeking compensation from individuals and businesses alleged to have sparked wildfires.

Many El Dorado County residents recall that in 2011, Brown and Democratic lawmakers approved an annual fire fee on owners of roughly 825,000 rural properties, later set at \$150 per year. Because lawmakers passed the fee on a majority vote, rather than two-thirds, revenues must be spent in a

way that directly benefits property owners. The state is expected to collect \$90.8 million in such fees next fiscal year.

The original legislation, Assembly Bill 1X 29, spelled out how the money would be spent, on such things as defensible-space inspections and education efforts for rural residents. It did not specifically mention funding wildfire investigation and pursuing costs from fighting fires.

"Legislative counsel doesn't think this fits into the definitions of what the fees can be used for," said Lia Moore, a resources specialist with the Legislative Analyst's Office, which received a verbal opinion late last week from attorneys who serve the Legislature.

Department of Finance spokesman H.D. Palmer said the last two state budgets have used a share of fire fees to pay for Cal Fire's 24-person Civil Cost Recovery Program, including retroactively for 2011-12 because property owners didn't start paying until late 2012.

State leaders consider the \$3.7 million program a revenue driver for the state, recouping \$25.9 million in 2011-12.

Palmer said collecting wildfire damages—which can range from tens of thousands of dollars for individuals to millions of dollars for deep-pocketed companies—serves as a deterrent. As such, he said it is a fire-prevention program because it protects rural homeowners from future fires.

"If you're looking at a fine in the tens of thousands, if not hundreds of thousands, you're going to think twice about letting that chain drag from that truck," Palmer said.

The Office of Legislative Counsel found at least three legal problems with this approach, Moore said: (1) AB 1X 29 specified other ways in which the state would spend fire fee money; (2) the deterrence effect is not a direct benefit to fee payers; and (3) collecting money from alleged fire starters benefits the overall state rather than fee payers alone, as the constitution requires.

In his January budget proposal, Brown asked lawmakers to permanently add 10 staff positions to the Civil Cost Recovery Pro-(continued on page 2)



EDAC PROPOSES ZONING, HOUSING, HOTEL TAX SHIFTS

An enthusiastic collection of land-use and economic development activists attended the January 28 workshop meeting of the El Dorado County Board of Supervisors to support the Economic Development Advisory Committee (EDAC) in its three-plus year quest to untangle inefficient, contradictory or outdated county regulations that they say stifle the local economy and inhibit job creation.

The resulting collection of inter-related regulatory reform goes by the name of Land Use Policy Programmatic Update (LUPPU, pronounced "loo-poo").

LUPPU is a diverse collection of land use, transportation and economic development deliverables, including county zoning ordinance, sign ordinance and General Plan updates, plus mixed-use zoning provisions, a new travel demand model, and groundbreaking community development standards.

At the workshop, supervisors looked out on a full house. Pony Express re-enactors in red shirts and yellow bandanas joked with EDAC engineers and architects. Railroad enthusiasts rubbed elbows with chamber leaders. History buffs and even the president of the local Gem and Mineral Society filled the seats.

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PRESIDENT'S LETTER

Hello All,

This month the Bulletin is crammed full of news, so my letter perforce must be abbreviated.

Don't forget your sweetie this Valentine's Day. Better yet, keep your sweetie happy all year!

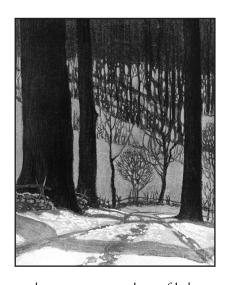
The Chinese New Year 4711 begins on February 10th, the Year of the Snake. Gung Hay Fat Choy!

That's all for now. Be sure to keep warm and dry, everybody.

Sincerely,

John Thomson

President



There's a certain slant of light, On winter afternoons, That oppresses, like the weight Of cathedral tunes.

Heavenly hurt it gives us; We can find no scar, But internal difference Where the meanings are.

None may teach it anything, 'T is the seal, despair,— An imperial affliction Sent us of the air.

When it comes, the landscape listens, Shadows hold their breath; When it goes, 't is like the distance On the look of death.

- Emily Dickenson, #82

FIRE FEE (continued)

gram and fund them with fire fee revenues. That drew criticism from Republicans.

What they did not know is that Brown had already funded the cost-recovery program the last two years with fire fees.

The Legislative Analyst's Office also was unaware of that funding arrangement.

When asked Monday about Brown's proposal to broaden the use of fire fees, Palmer said the state had done so in two prior years. He said the administration can determine what falls within the bounds of fire prevention under AB 1X 29.

State Sen. Jim Nielsen, R-Gerber, who represents vast sections of forests in Northern California, called the administration's deterrence argument "baloney." Nielsen said, "The whole purpose of this tax, and it is a tax, is simply to get more money for government,".

The Howard Jarvis Taxpayers Association filed suit in October challenging the fee as an illegal tax. The group's president, Jon Coupal, said he was unaware the state was using the fees for wildfire investigations. "Wow," he said. "If anything, I think they've just made our case easier for us if that's where they spend the money." ~

Credit: Kevin Yamamura, Sac Bee

COUNTY CLOSES OLD WEB ADDRESS

El Dorado County has announced that it will no longer maintain an older version of its website address. The website address www. co.el-dorado.ca.us was phased out on January 31, 2013. The county's current website address, www.edcgov.us, is the new web address for the county.

The county switched to the 'edcgov. us' address a couple of years ago because it was shorter and easier to communicate. The county continued to maintain the old web address in case website visitors weren't aware of the change.

The El Dorado County County website receives over 494,000 page views in an average month.

As of the end of January, all links pointing to the www.co.el-dorado.ca.us web address will need to be changed to www.edcgov.us. Most website visitors won't notice the change unless they access county websites using web browser bookmarks linked to the old web address. Users are encouraged to create a new bookmark with the current website address. Accessing county websites site using a search engine will direct users to the appropriate address. ~

SUPERVISORS (continued)

Most came to hear local attorney Jim Brunello propose that a small portion (ten percent) of the amount of the county's share of the Transit Occupancy Tax (TOT), which is collected at motels and inns as a tax on the room rate, be used to bolster their passions, in the form of seed money for grant-seeking and direct small grants to tourist-attracting activities provided by local groups.

Brunello spoke elequently of Davey "Doc" Wiser, who thrills children of all ages with free stagecoach rides in downtown Placerville; Betty January, who spearheads Clarksville Day, the annual El Dorado Hills history event; members of the El Dorado Western Railroad, who offer train rides on the historic Placerville branch of the Southern Pacific rail line; plus Apple Hill growers, winery owners and others who celebrate and promote the county's rich past, natural beauty and bountiful agriculture, calling them "the fabric of the community" and "this county's greatest asset."

Brunello reminded the board that EDAC's mission went beyond regulatory reform, to include coordinating the efforts of the county's economic providers and other organizations woven into the fabric of the community.

"That's community development," he said. "This is the first [EDAC] meeting that moves from land use to community development."

Targeted GP Amendment

LUPPU's origins lie in the 2004 General Plan, which calls for periodic reviews of its own effectiveness and regular tune-ups.

The 2011 review found major shortfalls in job creation and moderate-priced housing goals, and also recognized ongoing sales tax leakage (shopping outside the county).

LUPPU includes a targeted general plan amendment consisting of an evolving list of policy changes to address the shortfalls while promoting and protecting the county's agriculture and natural resources.

Zoning Ordinance

LUPPU also includes a long-overdue update to the county's zoning regulations, known collectively as the zoning ordinance.

The General Plan assigns each parcel in the unincorporated area of the county a broad land use designation such as commercial, single family residential or agricultural. It calls for the zoning ordinance to be brought into line with the plan's land uses within a year of adoption. But the two have

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SUPERVISORS (continued)

been out of sync since 2005.

Property owners hoping the zoning ordinance update or targeted General Plan amendment might include specific changes to their property's land use designation were disappointed to learn that other than a couple of administrative corrections, the General Plan land uses will remain unchanged, said Brunello, explaining, "We considered updating the land use map, but that's a side show that would take over the circus."

Likewise, zoning changes for specific parcels will only be made to comply with General Plan land uses.

Most General Plan land use designations have multiple potential zonings, creating weighty board decisions on the estimated 11 percent of parcels potentially subject to rezoning as part of zoning ordinance update.

Board-approved initiatives that pre-date LUPPU might also affect the update. The prior board wanted to convert Camino-Pollock Pines from a community region to a rural center, expand agricultural districts and soften the 30 percent open space requirement for infill projects, any of which would affect the zoning ordinance update.

Housing Element

LUPPU also includes the state-required housing element update, which requires each jurisdiction to demonstrate compliance with state housing legislations every five years.

Importantly, the state is merely asking the county to demonstrate adequate vacant land where such dense housing might be legally constructed. There is no requirement to build the affordable housing in question, at least not yet.

The state has softened the 2013 to 2021 housing mandate in some areas, slashing the inventory required for below-moderate housing by half, to 1,623 parcels, counting bank-owned vacant properties as vacant parcels and stretching the review cycle to eight years for compliant jurisdictions.

Locally, the concern is that the belowmoderate category consumes nearly all of the vacant high density land, leaving no suitably zoned land to meet the state's moderate income category. Enter mixed use.

Mixed Use

The General Plan encourages the co-mingling of business and residential uses, but current zoning contains many constraints, and requires expensive and time-consuming layers of planning and approvals.

EDAC supports mixed-use development (MUD), constructed on commercially zoned

land, as a way to meet state requirements in the moderate category, while creating a land-use model that facilitates walkable, affordable communities that not only meet strict state greenhouse gas and housing regulation, but contain vibrant downtowns.

EDAC has proposed that LUPPU include MUD II, which will allow mixed use "by right," without a plan overlay under specific conditions.

Brunello pointed out that the current inventory of underutilized or vacant commercial lands is down to 1,500 acres, just two-tenths of the unincorporated county. "So we have to do a lot with a little," he said. "These are the core areas that link our neighborhoods, and in many ways define our rural communities."

Traffic Model

One often-cited reason that moderate housing is difficult to build profitably is the county's road fees. The development community regularly questions the El Dorado County Department of Transportation (DOT) estimates of the impact and cost of mitigating proposed projects.

DOT has proposed new traffic modeling software, with modern mapping and GIS interfaces to address their concerns. DOT contends that the current modeling software is outdated and no longer supported by the vendor.

Community Development Agency

The board's recent reorganization of Development Services, DOT and Environmental Management Departments into a Community Development Agency will include a unified, long-range planning unit. It will also include formalized links to EDAC and board-appointed community design review commissions.

EDAC has long advocated a community identification process as essential to move from traditional, prescriptive land use planning to more visual "form-based codes," which facilitate more creative outcomes and allow those not trained in land use to understand and contribute to the planning process.

"The community designs itself," said Brunello. "Rather than reacting to each proposal that comes along, the community plans what it wants and asks that proposals conform. Developers would rather have the toughest standards than try to guess what the public wants." Compliant projects would earn fast-track building permits.

"The General Plan directs us to plan what Shingle Springs should look like and to establish design guidelines," said Brunello. "And it should be Shingle Springs residents who do the planning."

Funding Community Development

Brunello called for a ten percent portion of the TOT fund to be usded for community development. Half would be be used as seed money for grants and to fund community identification efforts.

Historically the TOT fund is split three ways, with the Treasurer Tax Collector taking 10 percent off the top. Roughly half of the remainder went directly into the county's general fund and the other half was awarded to arts and economic development programs.

Brunello's chart showed the 10 percent set-aside coming from the general fund, but he later deferred the exact breakout to the board.

He proposed that a portion of the set-aside be used for seed money to fund larger community development grants, and suggested letting a professional grant-writing firm manage the process, a strategy that the El Dorado Winery Association used recently to win a \$180,000 grant with \$20,000 in seed money.

He ticked off a quick dozen grants awarded to neighboring jurisdictions with similar strategies, the best example being Placer County, which spent \$30 million in TOT funds over 15 years to generate a total of \$130 million.

Smaller direct grants, similar to those awarded from the TOT promotion fund today, should also be awarded to specific "fabric of the community" organizations that have historically made their own way, Brunello added.

"Davey Wiser isn't driving that stage-coach around Placerville for the money," he said. "Maybe he needs a new wagon wheel, but he probably doesn't even know how to ask."

"Betty January gets 3,000 to 4,000 people at Clarksville Day," he continued. "But she's not asking for anything for herself. She wants to see all the county history groups combined into the old courthouse building one day."

"The Apple Hill Growers are another independent bunch," Brunello added. "They've never asked for or received a cent from anyone, but look what they do for this county."

District 4 Supervisor Ron Briggs was reticent. "It's a closed system," he said. "That money's got to come from somewhere. The general fund pays for the sheriff; it pays for the roads…"

SUPERVISORS (continued)

"We're taking about less than \$100,000," countered District 3 Supervisor Brian Veerkamp. "But it might generate 50-fold that much and solve a lot of our problems."

"There are ways to do this," Veerkamp continued. "We're not reinventing the wheel here. These people are volunteering hundreds of hours to move this county forward. It's time to get off the wagon and get going."

John Thomson, who sits on the Clarksville Region Historical Society Board, suggested that the supervisors not limit their thinking to a \$2 million TOT fund, and consider the proposal as a way to double or triple it.

"People come here and enjoy our wineries, our roads and all our scenery, then go home," he said. "We need to get them to stay overnight. Let's have eight or 10 things for them to do. We need attractions. But it takes seed money."

Cameron Park CSD General Manager Mary Cahill applauded the effort and recounted the success of grant programs at her previous employer, Inyo County. "We had a public/private coalition ... and leveraged seed money successfully going back 20 years."

Camino resident Sue Taylor has followed LUPPU closely and wondered how the promised community ID process would affect existing downtowns. "These meetings make me nervous because there's no talk of protecting our historic assets," she said. "It's all about new stuff."

She lamented the \$80,000 spent on Missouri Flat guidelines which were never adopted, and asked why the results of a visioning exercise she conducted in Diamond Springs were ignored.

Taylor also worried that grants wouldn't cover all the proposed spending, and questioned the debt ratio of the grant winning jurisdictions cited by Brunello.

"We're just implementing what the board has already dictated," said long-time EDAC volunteer Art Marinaccio, "We're not out here making this stuff up."

The committee is scheduled to return to the Board of Supervisors with more concrete proposals on Feb. 25. But no firm decisions will be made until the environmental review is complete in early summer. Other aspects of LUPPU will continue to appear before the board throughout 2013 and beyond.

LUPPU has its own website: edcgov.us/ landuseupdate. ~

Credit: Mike Roberts, Mt. Democrat



BLAC President John Thomson and Sheriff John D'Agostini at a recent Gun Owners of California fund-raising event.

SHERIFF D'AGOSTINO BLASTS ATTACKS ON SECOND AMENDMENT

El Dorado County Sheriff John D'Agostini has written a letter to Vice President Biden expressing his concern over proposed new gun laws. Sheriff D'Agostini writes to the Vice President, "The purpose of this letter is to go on record of re-affirming my oath of office and making it clear that I and my staff will never violate [our oath of office] by being pressured into enforcing any unconstitutional provision, law or executive order."

D'Agostini writes that banning guns would still leave guns in the hands of people "who have no respect for the rule of law." He says California law enforcement continues to encounter people prohibited from owning guns that do have firearms. The Sheriff writes that the problems with violent crime in the United States is not from firearms but "an issue of mental illness and antisocial behavior."

He continues to write, "If as much effort were expended in keeping criminals out of our communities and identifying and treating our mentally ill as are expended in the folly of gun control, the Nation would experience an immensely measurable decrease in violent crime." A copy of the letter is available at http://www.inedc.com/1-3568.

Police chiefs from around the country, who are appointed, not elected, in general support more gun control. But a number of sheriffs, many of whom must run for office, were vocal in their opposition. Other sheriffs across the country are joining Sheriff D'Agostino.

The Humboldt County, Nevada, Sheriff disagrees with those proposals and says he

won't enforce any laws he thinks are unconstitutional. Ed Kilgore is in his second term as Humboldt County Sheriff. He says stricter gun control only strips people of their Second Amendment rights. Kilgore said, "They're actually limiting what defensible things that common citizens and lawabiding folks can have at their disposal to protect their families and their homes."

Denny Peyman, Jackson County, Kentucky, Sheriff said he already knows how the proposals will affect the way he does his job: not one whit. Peyman is one of several sheriffs across the country who are vowing not to

enforce new firearms restrictions that could be imposed by Congress or by executive order. "Kentucky is a sovereign state," Peyman told NBC News. "The federal government is coming in and saying, 'This is what you're going to do.' We're not going to do it."

In Minnesota, Pine County Sheriff Robin Cole told constituents in a letter that he would refuse to carry out any federal law that infringed on his interpretation of the Second Amendment. Two Oregon sheriffs, Tim Meuller of Linn County and Jim Hensley of Crook County, said the same in letters to Vice President Joe Biden.

The Colorado Sheriff's Association, which represents Colorado's 62 elected County Sheriffs, has come out swinging against President Obama's executive orders on gun control. The Sheriffs also oppose assault weapons and high-capacity ammunition magazine bans. Their position paper is here.

The Sheriffs say the tragedies of Sandy Hook and Aurora, Colorado should not be used as a "backdrop" for gun control laws. ~





U.S. POSTAL SERVICE TO CUT SATURDAY MAIL

The U.S. Postal Service will stop delivering mail on Saturdays but continue to deliver packages six days a week under a plan to stanch losses.

Postmaster General Patrick R. Donahoe said that the Postal Service will halt Saturday mail delivery to homes and businesses August 5, but continue to deliver packages and Express Mail that day. Post office boxes would continue to receive mail Saturdays as well. The change will result in a \$2 billion annual savings for the agency, he said.

Delivering mail to every address in the U.S. is a mandate for the Postal Service, and Saturday delivery long has been a hallmark. Many Americans rely on Saturday mail to receive newspapers, Netflix movies and bills—though increasingly all are delivered via the Internet.

Mr. Donahoe said the agency can execute the change without explicit congressional authority. He said the language of the stopgap measure currently funding government operations creates the opening for the Postal Service to act unilaterally. For many years the annual appropriations bill has contained a rider that prevents the Postal Service from ending Saturday delivery.

However, Sen. Tom Carper (D., Del.), chairman of the Homeland Security and Governmental Affairs committee that oversees postal operations, expressed disapproval.

But Postmaster Donahoe said ending Saturday delivery would allow for a significant reduction in the postal workforce, but that no layoffs should be necessary. He anticipates more than 40,000 workers will retire or leave their jobs this year and that overtime would be cut. The Postal Service is the largest nonmilitary federal agency, with over half-million employees.

With most deliveries of goods ordered online going through UPS, Fedex and other private carriers, retailers aren't expecting the bulk of their shipments to be affected.

But the change to Saturday mail could affect the speed of delivering small items that are sent through the Postal Service.

In other efforts to cut costs, the Postal Service has closed or consolidated dozens of mail processing plants and relocated or cut hours at many post offices. The annual loss for the fiscal year ended Sept. 30 was the largest in its history. The loss in large part reflects a default on \$11.1 billion in required retiree health-benefit payments and the continued decline in first-class mail volume. ~

Credit: Eric Morath, Wall Street Journal



Ted and Beth Gaines

TED GAINES OPENING NEW OFFICE IN EDH

State Senator Ted Gaines has announced that due to the recent redistricting process, his 1st Senate District lines have been redrawn to now include Shasta and Siskiyou counties.

Since his district no longer includes Amador, Calaveras and Mono counties or parts of Placer and Sacramento counties, he is moving his Roseville Constituent Service Center to El Dorado Hills, and setting up a new location in Redding.

The El Dorado Hills Constituent Service Center will be located at 4359 Town Center Boulevard, Suite 112, El Dorado Hills, CA 95762. Phone: (916) 933-7213, Fax: (916) 933-7234.

Due to these moves, there may be several days when the offices will be transitioning phone lines, computers, and more. Ted asks for your patience during this time and if you need immediate assistance next week, please contact his Capitol office at (916) 651-4001.

Once the staff is settled, Ted will be hosting "Open House" events where you can stop by, visit the new locations, and discuss with Ted legislative or state matters. Ted says that he and his staff and look forward to welcoming everyone to their new spaces. ~



COUNTY REMINDS RESIDENTS OF ROADSIDE MEMORIAL SIGN POLICY

The El Dorado County Transportation Division is reminding the public about its roadside memorial sign policy. It is the policy of the Department of Transportation to prevent placement of roadside memorials in the County right-of-way except as authorized through the Roadside Memorial Signs Program.

"It is understandable that friends and family want to erect roadside memorials at the scene where a loved one was lost," said Don Spear of the Transportation Division. "Unfortunately, the memorials can become traffic hazard themselves."

Due to these safety concerns unauthorized roadside memorials are prohibited in county right-of-way. Family members may apply to have a memorial sign constructed and installed by transportation department staff.

The Board of Supervisors approved the roadside memorial policy in December of 2009. Spear noted that the policy allows flexibility given the sensitivity of the issue.

"We generally allow 30 days for the family to remove an unauthorized memorial," said Spear. "After that our crews will remove the memorial and allow the family to recover its contents if they choose."

Families may apply to have a standardized sign installed for one year honoring their loved one. Memorial signs are 12 by 18 inches in size with reflective blue backgrounds and white lettering. The fee for the sign construction and installation costs is \$265. Authorized memorial signs will remain in the right-of-way for one year. Signs are placed as close to the accident location as possible given installation and traffic safety requirements.

The entire roadside memorial policy and sign applications are available on the Transportation Division's website: http://edcgov.us/Government/DOT/Apps.aspx. ~



BLAC HOLDS SPECIAL FEBRUARY MEETING, SETS MARCH AND APRIL MEETINGS

The February Meeting was held on February 4, 2013, at 7:00 PM. The meeting was a special meeting that took place at the offices of Parker Development Company. Kirk Bone, Parker's Director of Government Relations, presented Parker's plans and proposals for the development of Marble Valley and Central El Dorado Hills. A number of BLAC members attended.

Attendees were informed that the Village of Marble Valley is part of a proposed regional community plan for certain undeveloped infill properties within the El Dorado Hills and Cameron Park communities south of Highway 50 near the Bass Lake Road and Cambridge interchanges. Parker Development Company, the project proponent for the proposed Village of Marble Valley Specific Plan, and its neighbor G3 Enterprises, Inc., the project proponent for the proposed Lime Rock Valley Specific Plan, are working cooperatively to design complementary land use plans. The proponents are coordinating infrastructure needs such as roadways, parks, and schools to serve the developments.

The Village of Marble Valley Specific Plan and Lime Rock Valley Specific Plan are independent project proposals subject to separate applications, environmental review and processing timelines. There is no mutual ownership between Parker Development Company and G3 Enterprises. Parker Development Company is the sole project proponent for The Village of Marble Valley. G3 Enterprises is the sole project proponent for Lime Rock Valley.

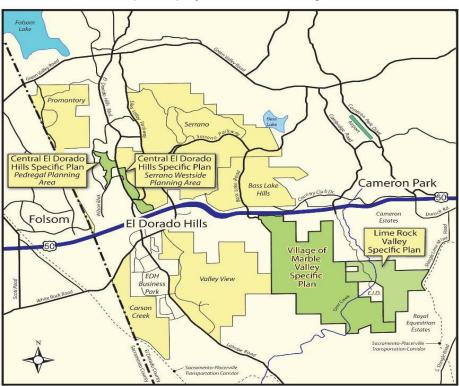
For information, go to http://www.thevil-lageofmarblevalley.com.

The March meeting will be held on March 4th starting at 7 o'clock at the home of Fran and John Thomson, 501 Kirkwood Court, in Woodridge. Kirk Bone of Parker Development will discuss Villages J and K. For information call Fran Thomson at 530-677-3039.

The April Board meeting will be held on April 1st starting at 7 o'clock at the home of Tasha and Louis Camacho, 2076 Summer Drive, in Woodridge. For information call Tasha Boutselis-Camacho at 530-676-5608.

BLAC Members are cordially invited to attend all meetings. For further information regarding our meetings, please contact Vice President Kathy Prevost, 530-672-6836. ~

Proposed projects are shown in green



PROPANE UPDATE

The contract price for JS West propane for the communities of Bridlewood Canyon, Sierra Crossing and Woodridge as of February 11, 2013, was \$1.97 per gallon. The JS West general market price was \$2.69 per gallon. The US Energy Information Agency reports that average US residential propane was \$2.477 per gallon on February 6, 2013. On February 8, Mont Belvieu benchmark wholesale propane was \$0.8424 per gallon.

Residents of Bridlewood Canyon, Sierra Crossing and Woodridge who would like to switch to JS West and get the contract price should contact Betty Best Easton at JS West in Placerville, at 530-648-7001. ~

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