



Roper Opposes New SRA Emergency Fire Fee

By: Lynn Gray Jensen

In July of last year, the California legislature passed an emergency bill (ABX1-29) that places a \$150 annual fire prevention fee on every habitable structure in the State Responsibility Area (SRA). The SRA covers a majority of private unincorporated County land (see map, Page 2 - yellow). The fees will go directly to the California Department of Forestry and Fire Protection, commonly known as CAL FIRE. In Ventura

County, CAL FIRE estimates there are 11,462 eligible structures that will generate 1.7 million dollars in annual revenue. This will directly impact many VC COLAB members. At issue: Was this an EMERGENCY action and is this a TAX disguised as a FEE?

During the process, Bob Roper, Ventura County Fire Chief, has been fighting against this new fee as Chair of the Association of Contract Counties (ACC). ACC is a group of 6 Counties (Kern, Marin, Orange, L.A., Santa Barbara and Ventura) that contract with CAL FIRE to provide services, including those the fees will cover. After attending numerous sessions in Sacramento, Roper submitted an opposition response during the comment period ending 1-17-2012. Because the bill was classified as an emergency, the Board of Forestry was not required to respond to comments. However, the Roper response was on target, calling into question whether this is a fee or a tax and whether a fire prevention fund is truly an emergency. For this to be a fee and not a tax, it must be for new services, not to replace monies from budget

cuts required due to the State's budget deficit. The current bill has no specific services defined for the fire prevention fees and has no accountability for services to be provided.

While the fees will be deposited into a Fire Prevention Fund, borrowing from these special funds to supplement the general fund can be approved by the State Assembly Budget Committee as was the case this week in the amount of \$865 million to avert a budget crisis.

This legislation is unfair for the following reasons:

1. The Contract Counties will provide fire prevention services to their residents while CAL FIRE reaps the fees.
2. Property owners in counties that have allowed unrestricted growth in open-space areas such as El Dorado, San Bernardino and Riverside will pay the same \$150 fee as those in counties that have required responsible growth.
3. Public testimony has demonstrated that a majority of habitable structure owners in the SRA already pay a local property tax assessment for fire prevention services. This is a penalty to counties who have funded their own fire prevention programs.

(continued on page 2)



GRADING ORDINANCE UPDATE

The County Public Works Agency will be hosting a meeting **Wednesday, February 15th at 2:00 PM** in the Lower Plaza Room, Hall of Administration, County Government Center, 800 S. Victoria Ave., in Ventura. The meeting will allow public comment on [Draft 11](#) of the Non-Development grading standards. These standards apply to projects that do not involve a building permit. Agricultural grading in the past was regulated under a HECO permit granted by the Resource Conservation District. These new standards, when adopted, will be integrated into a new grading ordinance under the Public Works Agency.

VC COLAB has been active in the Technical Advisory Committee (TAC) representing the interests of our agricultural members. The TAC is in support of the standards in this Draft 11 document. The process has taken roughly 18 months with intensive discussions in working meetings with Public Works staff who listened to the agricultural perspective and were open to working out the issues. The goal has been to craft reasonable regulations that minimize impacts to day-to-day farming activities.

(SRA Fees: continued from page 1)

- Concurrent with the passage, the CAL FIRE operating budget was cut by \$50 million with more cuts anticipated. The conclusion is that this is a tax disguised as a fee planned to replace funding cuts caused by irresponsible spending from the State's General Fund.

In addition, the Roper letter points out "because the proposed fees appear to be tied to fire prevention and not fire protection, we question the Board's claim that the emergency regulations are necessary for the immediate preservation of the public peace, health and safety or general welfare". This is the finding necessary to qualify as an emergency rule.

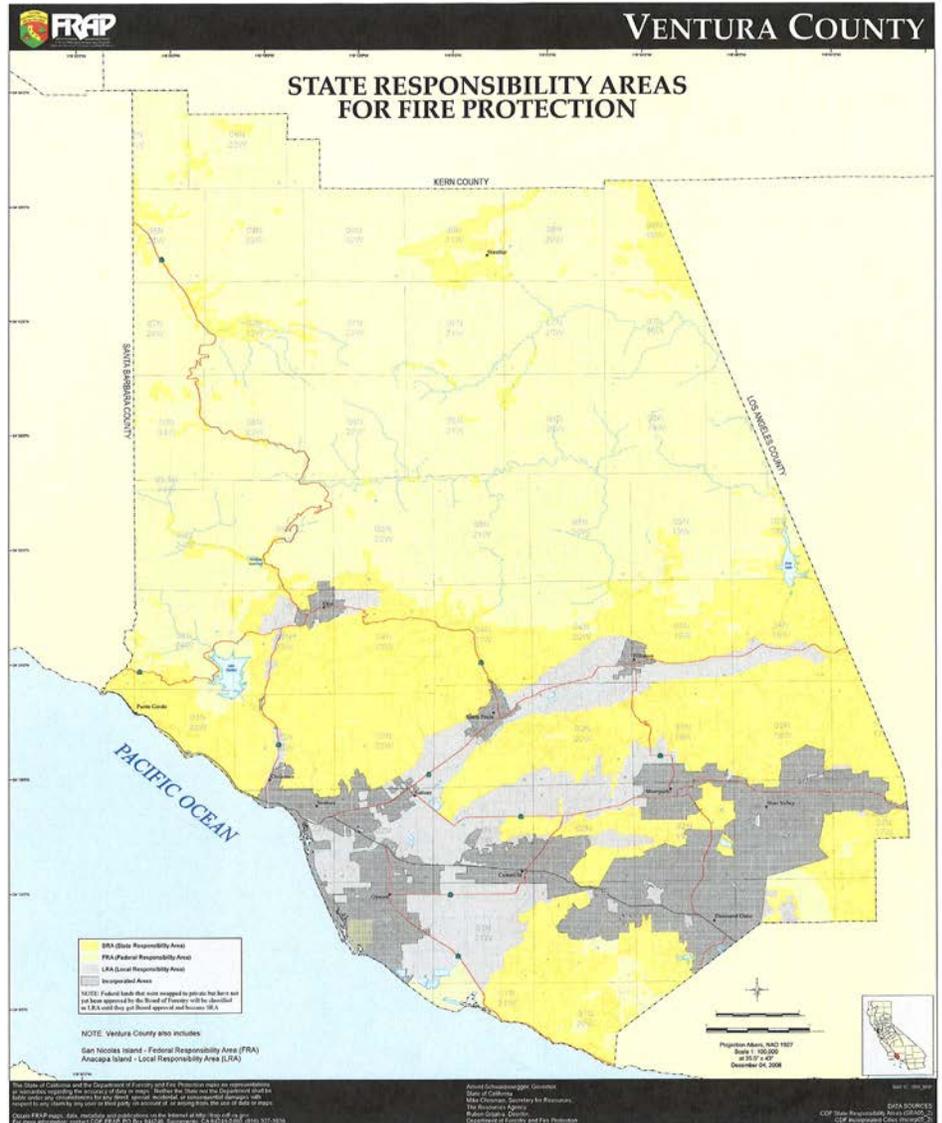
An official objection was filed by the Howard Jarvis Taxpayers Association (HJTA) asserting that the "proposed exaction is an illegal tax under the California Constitution" as the bill was enacted on a vote of less than 2/3 of each house of the Legislature. However, the bill was approved by the Office of Administrative Law (OAL) on 1-12-11 and the Board of Equalization is beginning the implementation process. Assembly Bill 1506 has been introduced to repeal the Public Resource Code relating to fire prevention and the HJTA is working with the Contract Counties on a legal course of action to stop implementation of the fees.

Under statute an emergency regulation can only be effective for 180 days, so the Board will begin working on a permanent regulation soon. Be assured that Bob Roper will be going back to Sacramento to fight for the Contract Counties throughout the process. In addition to seeking legal relief, Bob will be advocating for a significant lowering of the fees for Contract Counties, a change to recognize our existing fire prevention programs and the performance of our local fire department. This will benefit many VC COLAB members.

PACIFIC LEGAL FOUNDATION
Sackett v. U.S. EPA

They're defending everyone's right to a day in court if government tramples your property rights:

Can federal bureaucrats seize control of your hard-earned property – and deny you a meaningful right to appeal the land grab?
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ANNOUNCEMENT!

VC COLAB QUARTERLY MEMBERSHIP MEETING

Tuesday, February 28th: 6:00 - 8:00 PM

Museum of Ventura County
100 E. Main St., Ventura

Featured Speaker: Andy Caldwell
Executive Director - Santa Barbara County COLAB




Broadcasts in Ventura: Monday through Friday - 3:00 to 5:00 pm

Sandwiches, Salad & Dessert Provided
No Host Bar

RSVP Sue/Cindi 805-654-6977



Bill to Limit Trucks on Highway 33 Defeated

AB 538 (Williams), a bill to restrict truck traffic on Highway 33 in Ventura County, was defeated in the Assembly Transportation Committee on January 9, 2011. This bill would have prohibited commercial vehicles with a kingpin-to-rear-most-axle length in excess of 30 feet, (including standard gravel trucks) on approximately 40 miles of Highway 33 between the Santa Barbara County line and the northern boundary of the City of Ojai. The bill would not have affected trucks travelling through the City of Ojai or south through the populated areas.

Ventura County Supervisor Steve Bennett and his aide Steve Offerman accompanied Assembly Member Das Williams at the hearing and provided testimony in

support of the restriction. They claimed that the trucks presented a safety hazard to local residents. Additional testimony was provided by Caltrans, the Cattlemen's Association, and the California Highway Patrol.

Caltrans did not support or oppose the bill, however they stated that the current advisory in place was adequate based on a study of the roadway they produced in 2007. The CHP testified that they had researched traffic safety statistics and concluded that the vast majority of the accidents on this portion of HWY 33 were due to motorcycles and automobiles and not related to trucks. Although the CHP did not oppose or support the bill, they added that they believed it was intended to target the mining industry only. The Cattlemen's Association commented their concern that the bill would hamper the ability to deliver livestock and hay along this important route.

The Bill was defeated by a vote of 7 against, 4 in favor, and 3 abstain. Since it did not pass out of committee by Jan. 31, the bill is dead. We understand that the proponents were surprised at the outcome. A similar bill that would have applied to State Route 154 in Santa Barbara County died without going to the committee for a vote.

GOOD NEWS!

Second Dwelling Unit Size Increase

If your unincorporated legal parcel is greater than 40 acres and is located outside the County defined "Impact Areas", your allowable second dwelling size has increased by 600 s.f. and one extra bedroom. According to the County Housing Element approved on 6-28-11, "the Planning Division processed two changes to the Non-Coastal Zoning Ordinance for second dwelling units":

- Second Dwelling units on parcels of 40 acres or greater are allowed 1,800 square feet and four bedrooms, an increase from 1,200 square feet and three bedrooms;
- Second Dwelling units on legal non-conforming parcels will now allow second dwelling units if they are over 10,000 s.f., rather than 20,000 s.f.

Second Dwelling units that meet the above parameters require only a ministerial Planning Permit and of course all applicable Building Permits and Environmental Health compliance.

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VC COLAB SPRING EVENT
SAVE THE DATE!
Sunday, April 29th; 2:00 PM
DAVE STAMEY CONCERT
LAMB RANCH RESERVOIR

Ventura County COLAB Important Links:

Ventura County COLAB Website: www.colabvc.org

Santa Barbara COLAB Website: www.colabsbc.org

Andy Caldwell Talk [Radio Show](#): Weekdays 3:00 to 5:00 PM

Cal Chronicle: www.calchronicle.com - online Newspaper
COLAB Santa Barbara and San Luis Counties

Santa Barbara COLAB [February Newsletter](#)



Ventura County Coalition of Labor, Agriculture and Business

P.O. Box 4237, Ventura, CA 93007

Email: membership@colabvc.org

www.colabvc.org

MEMBERSHIP FORM

I would like to apply for an Active Membership at the following level:

- \$100 Individual - Promote economic vitality and individual rights in Ventura County
- \$500 Business - Promote the common business interests of **VC COLAB** Members
- \$1,000 Gold - Further our efforts to monitor, educate and represent our common business interests
- \$1,500 Platinum - Support ongoing research to challenge harmful and unreasonable regulation
- \$2,500 Black - Advance legal and administrative action for the mutual benefit of **VC COLAB** members
- \$5,000 Benefactor - Let's make a difference in the business climate of Ventura County

Please accept my membership fee of: \$ _____

In addition I would like to contribute: \$ _____

Total contribution payable to **VC COLAB**, Inc. \$ _____

Print this form and send with a check to the P.O. Box or contribute online with PayPal

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How did you hear about us? _____

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