

MINUTES

**BURNEY FIRE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONERS
MAY 29, 2008
9:00 AM Special Meeting**

OPEN SESSION

MEETING CALLED TO ORDER: 9:07 a.m. by Board Chair Moore.

FLAG SALUTE – Chair Moore.

ROLL CALL

Bob Moore
Boyd Taylor
Roger Valinoti
Donna Caldwell
Lynn Miller

PUBLIC FORUM

None.

PUBLIC FORUM RESPONSE

None.

PUBLIC HEARING

a. Ambulance Service Fee Ordinance Adoption – Second Reading BFPD 2008-01

Notice of a Public Hearing pertaining to adoption of a new Schedule of Fees for Ambulance Services Ordinance NO. BFPD 2008-01, was published for two weeks in advance of the May 29, 2008 Special Board meeting. The notice was published in the Mountain Echo, as well as posted at the Burney Fire Protection District office according to provisions of Section 6066 of the Government Code of the State of California. This was the second reading of the Ordinance BFPD 2008-01. If approved, the Ordinance shall take effect thirty (30) days after the date of adoption, in July 2008.

Chair Moore opened up the Public Hearing at 9:08 a.m. and read a portion of the Ordinance and waived further reading. He asked if there was any public testimony. There were no comments from the Public.

Board Member Miller gave a brief history on why BFPD hired an outside consultant, Muni Financial to do the Ambulance Fee Survey. She said that in 2004, BFPD did an in-house comparative analysis study and was met with great citizen opposition, and additionally BFPD was

criticized by the Grand Jury for doing this type of study (vs. using a company to do the study). The Board decided that the next time fees were reviewed, they would hire an outside consulting firm. Board Member Miller also clarified that the ambulance fees are “user fees”; they are not a tax, nor are they an assessment.

Chair Moore closed the Public Hearing at 9:14 a.m.

On motion by Caldwell and second by Taylor, the **Board adopts BFPD Ordinance 2008-01, An Ordinance of the Board of Directors of the Burney Fire Protection District, County of Shasta, State of California, establishing a new schedule of fees for ambulance services, and rescinding the majority of Ordinance No. BFPD 2004-01 and conflicting enactments, approved by the following vote:**

Ayes: Moore, Taylor, Valinoti, Caldwell, Miller
Noes: None
Absent: None
Abstain: None

DISCUSSION / ACTION ITEMS

a. CFD / Mello Roos Moratorium Resolution

Board Member Miller and the Board reviewed the draft resolution that attorney, Jack Reese submitted to BFPD for the proposed moratorium on the CFD. A copy of this draft was sent to Muni Financial, who had some options for wording.

Board Member Miller wanted to clarify the differences between User Fees, and Assessments. Example: our ambulance fee ordinance is a User Fee; it does not benefit the public at large. A Fire Suppression Assessment (such as the one Shasta Lake City is trying to get passed) is an Assessment – it benefits the property owners. Assessments are for specific expenditures. An Assessment is approved by a simple majority vote of the property owners.

A Special Tax can be imposed by Special Districts and used to fund anything within the District. It requires a 2/3 vote by the registered voters.

Both of these funding measures must be researched by an outside consultant, and typically cost between \$40 and \$50k; there is no guarantee that the voters would pass this type of tax.

Lengthy discussion ensued as to other funding options to research, especially if BFPD issues a moratorium on the CFD. Board Member Taylor highly recommends that we try to recoup funds from the County since our ambulance service covers such a large area outside of our Fire District. It was said that the County has set funds aside for indigent assistance as well.

Chief Barber said that he has spoken to Glenn Hawes, County Supervisor about subsidizing the ambulance, billing County fire, and other ways to recoup funds.

Board Member Miller explained that there were two basic ways to setup the moratorium. One would be to continue requiring that all new development join the CFD, but pass a resolution with a zero percent tax rate for a year. This resolution would be reviewed annually, and a tax rate percentage could be implemented in the future based on the original RMA. This way, the CFD

remains in place, with the flexibility to receive funds as the economy turns around and new growth begins. The setup cost by Muni is \$3,500 for each annexation, which would be an expense to the developer. Parcels that are currently in the CFD would remain so.

The other way to set the moratorium up is to “wipe the slate clean”, and to release all current CFD conditions and liens against the properties. The resolution would state that for now, BFPD is not annexing any parcels into the CFD. Wording would be required to release Avantino and Bunton (the original CFD property owners) from the CFD and taxing thereof. This resolution would be reviewed annually and the CFD could be put back into place upon review. However, Avantino and Bunton would not be required to be part of the reinstated CFD (unless they chose to do so).

With either option, the resolution needs to be date specific. The Board prefers that the moratorium be in effect for one year, then reviewed annually.

Board Member Miller will contact Muni Financial, and Jack Reese to advise them of what the Board has discussed and ask for their input on the pros and cons of the proposed options. Based on Muni Financial’s, and Mr. Reese’s opinions, and the direction that the Board wishes to take, Mr. Reese will draft a resolution to place a moratorium on the CFD. The Board will also ask that Mr. Reese draft a letter that may be submitted to Shasta County Planning Department, and Glenn Hawes stating the basic facts of the moratorium. The Board wants it to be made clear that BFPD is not abandoning the CFD, just implementing a one-year moratorium on it.

ADJOURNMENT

Chair Moore adjourned the meeting at 10:35 a.m.

Board President

District Secretary, Cindy Cooley

Date: May 29, 2008