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Casino contract ignites dispute between El Dorado fire districts

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A contract to provide fire and emergency medical services to Red Hawk Casino and the surrounding rancheria has ignited a legal dispute between neighboring fire districts in El Dorado County.

While one agency has filed a lawsuit and is taking its case to the public, the other remains mum.

The 160-acre Shingle Springs Rancheria off Highway 50 lies within Diamond Springs-El Dorado Fire Protection District boundaries. For decades, district taxpayers footed the bill for service to the tax-exempt rancheria, said district Chief Todd Cunningham.

But with the opening of the casino on the rancheria last year, the Shingle Springs Band of Miwok Indians instead contracted with the El Dorado County Fire Protection District.

That agreement calls for the tribe to make an initial annual payment of \$450,000, to be increased 5 percent each year. It also specifies an additional one-time \$250,000 payment to help expand a fire station on Ponderosa Road in Shingle Springs, the district station closest to the rancheria.

The way Cunningham sees it, "County Fire is being compensated for what we did for free."

In refusing to annex rancheria lands or enter into an out-of-agency service agreement, he said, El Dorado County Fire is reaping the benefits without assuming the liability.

Cunningham's agency wants to make sure the district that benefits financially also assumes the liability. So Diamond Springs-El Dorado officials have gone to court seeking an order to require El Dorado County Fire to adjust its boundaries to serve the rancheria.

His agency is not trying to wrest the service contract for the rancheria and casino from the El Dorado County Fire Protection District, an independent agency not affiliated with county government, Cunningham said. Yet as long as the rancheria is within his agency's boundaries, that district has the responsibility to serve it, he said.

The issue would be clear-cut were it not for the tribe's status as a sovereign nation. Under state law, an agency may not provide service outside its territory without obtaining the Local Agency Formation Commission's approval for annexation or an out-of-agency service agreement, said Jose Henriquez, the commission's executive director.

The question for the court, he said, is whether the law applies when services are extended to an Indian rancheria.

Bruce Lacher, El Dorado County Fire Protection District chief, referred questions about the dispute to Oakland-based attorney Tim Cremin, who is representing the district in the matter.

Cremin, however, declined to comment on the lawsuit or why El Dorado County Fire has not pursued annexation or an out-of-agency agreement, intended as a stopgap measure leading to annexation.

"They want to try it in the press," he said of Diamond Springs-El Dorado officials, who last month issued a news release about the conflict.

Cunningham complained that his agency has been blocked from emergency medical dispatches to the rancheria, with El Dorado County Fire instead pulling resources from its stations as far away as Placerville and Coloma.

Under the county's mutual-aid system, Cunningham said, other fire agencies, including his own, then end up responding to calls in those communities.

He argued that any contract to serve the rancheria and casino should have taken into consideration effects on the mutual-aid partners. In the event of a major disaster at the casino, Cunningham said, "There's not a fire department in the county that could handle it on its own."

The petition, originally filed in El Dorado County, was submitted to Sacramento Superior Court after El Dorado County Fire requested a change of venue.

Cunningham said Diamond Springs-El Dorado attempted to resolve the matter out of court, but the El Dorado County Fire board refused offers to negotiate a settlement.

Cremin said he had yet to file a formal response to the lawsuit.

The Diamond Springs-El Dorado district last month asked LAFCO to try to persuade the El Dorado County Fire board to participate in a mediation session. The commission declined to intervene after learning of the lawsuit.

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