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FIRE FEE FOES FIGHT BACK FIERCELY

Opponents of the rural fire fee are attacking the recently-enacted imposition on several fronts.

The Howard Jarvis Taxpayers Association (HJTA) has filed a class action lawsuit to provide relief to nearly one million California property owners who received bills from the State for a new “fire prevention fee” which the lawsuit claims is illegal.

The class action complaint, filed in October in Superior Court in Sacramento, seeks to overturn the fire fee, which costs property owners an additional \$150 per year for each habitable structure on their property. The class action names plaintiffs from nine affected counties, including El Dorado County, who together represent a cross-section of the roughly 825,000 property owners subject to the new fee. As the state’s largest taxpayers’ association, HJTA is challenging the constitutionality of the fee on the grounds it is really a tax that needed a two-thirds vote in the Legislature to pass, but garnered only a bare majority and therefore never became law.

The complaint was filed against the California Department of Forestry and the Board of Equalization, as the two agencies responsible for identifying owners of the parcels subject to the new tax and collecting the tax, respectively. If the class action suit is successful, approximately 825,000 homeowners could be eligible for refunds.

“This tax was dreamed up by politicians in Sacramento who are so desperate for revenue that they were willing to ram this through the Legislature without the proper two-thirds vote,” said Jon Coupal, President

of the Howard Jarvis Taxpayers Association. “The fire tax is a direct violation of Prop. 13. It is our goal to overturn this tax, prevent the politicians from taking more money from hardworking people for a program they were already paying for, and help taxpayers to get a refund from the government.”

To be eligible for a refund, property owners must first pay their bill, then file a protest with the State. HJTA has established a website firtaxprotest.org that shows how to protest the fee and provides the necessary forms. Property owners can also sign up with HJTA for free e-mail bulletins that will keep them informed of the progress of the class action suit at hjta.org.

On the legislative front, Senator Ted Gaines (R–Rocklin), introduced legislation in December that would repeal the fire tax. “This \$150 fire tax is illegal and unfair – plain and simple,” said Gaines. “Many rural property owners already pay local fire agencies for protection so it is clearly double-taxation and it is being dumped on the backs of rural Californians when the state has 10-percent unemployment and families are struggling just to make ends meet.”

Senate Bill 17 would reverse the Governor’s and legislative Democrats’ decision to raise \$84 million in taxes by charging rural property owners a “fee” for fire prevention services as part of the 2011-12 budget. These communities are located in “State Responsibility Areas” (SRA) designated by the California Department of Forestry and Fire Protection (CAL FIRE), even though their property taxes already contribute to the service contracts that counties have with CAL FIRE.

Senator Gaines has been a chief critic of the fire “fee” since its inception, leading a referendum attempting to overturn the tax and co-authoring legislation last session to see it reversed. He also strongly supports the Howard Jarvis Taxpayers Association’s class action lawsuit to overturn the fire fee. Gaines represents the 1st Senate District, which includes all or parts of Alpine, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra and Siskiyou counties. ~



FIRE TAX REVENUES LAGGING ESTIMATES

Many Bill Recipients Slow To Pay, Figures Show

Not surprisingly, a high number of California property owners have opted thus far not to pay a \$150 state-imposed fire fee, keeping revenue below expectations, recent statistics from Board of Equalization (BOE) member George Runner indicate.

In fact, Runner said, the noncompliance rate to the fee—which he calls “an illegal tax”—is so far more than three times the rate the BOE expected when it began collection efforts.

In his November Fire Prevention Fee Weekly Report, Runner said that while notices of the fee have been mailed to all but six of California’s 58 counties, only \$41.1 million of the anticipated \$84.4 million has been mailed back to Sacramento so far.

“This is an unusually high noncompliance rate,” according to Runner. “Twenty to twenty-five percent of people who were billed are not paying. That’s unusually high.”

Runner said the normal tax compliance rate in California is 97 percent. When it learned it would have to collect the fire fee, he said, the BOE anticipated a 7-percent noncompliance rate.

According to the BOE website, the El Dorado County fire tax bills for 2013-14 were mailed out between August 30th and September 7th. ~

Credit: Glenn Barr, Mountain News



PRESIDENT'S LETTER

Hello All,

This month I would like to take some time to thank some of the people that do a lot for BLAC.

Member Andi Stuchell is in charge of the outreach mailings of the Bass Lake Bulletin. Every month she folds, addresses, and stamps a number of the Bulletins to be sent to various individuals and officials. Thank you, Andi.

Vice-President Kathy Prevost lines up all of our speakers and is our liaison with government officials. I think Kathy has done a marvelous job. Thank you Kathy.

Our Treasurer, Tasha Boutselis-Camacho, keeps the books and pays the bills. Her treasurer's report every meeting keeps us up to date on our finances. Thank you, Tasha.

Director at Large Hal Erpenbeck is also our webmaster, keeping our website in order and posting the on-line Bulletin and any attachments very promptly. Thank you, Hal.

I would be remiss (and also in trouble) if I didn't mention our Secretary, Fran Thomson, who keeps the minutes and does the membership renewals. Thank you, Fran

I would also like to thank those members who are gracious enough to open their homes to us for meetings: the D'Amicos, the Sulzbergers, the Stuchells and the Olberdings.

And I would like to extend my thanks to the membership. Without your financial support BLAC could not survive, especially those of you who add a little extra to your membership dues. Thank you, BLAC members!

I hope that everyone has a Happy and Prosperous New Year.

Sincerely,

John Thomson

President



PHONE BILL FOLLIES

Your AT&T telephone bill lists a lot of taxes and government fees. However, there are two charges that may appear to go to the government, but do not: the Federal Subscriber Line Charge and the Federal Universal Service Fee.

The Federal Subscriber Line Charge goes right into AT&T's pockets. When Judge Herbert Greene broke up the phone company back in 1984, he set a business change in motion that was supposed to be useful and helpful to consumers. In fact, it was; we no longer pay 25 cents per minute for long distance, and AT&T had no incentive to change that before competition was created. Thank you, Judge Greene.

But in order to make it "fair" to the phone companies that were still responsible for maintaining the phone lines even while other companies delivered service over those lines, Judge Greene allowed them to charge various fees. This makes sense in a way; why should AT&T have to subsidize the business actions of their competitors?

One of the ways this was addressed was implementation of the Federal Subscriber Line Charge. The name suggests that it's a tax, doesn't it? Or at least a "fee" paid to the Federal Government to have a phone line.

It's not. The Federal Subscriber Line Charge is a fee that Judge Greene's order allows phone companies to charge you, and keep. In other words, when AT&T tells you that your phone line costs \$10 per month, but the bill is \$16 once the Federal Subscriber Line Charge is added in, the truth is that AT&T is charging you \$16 per month, and not \$10. So why don't they just charge you \$16?

Because they can't. The amount the phone companies can charge for "phone service" is still tightly regulated, generally at the state level and sometimes at an even lower level than that. The reality is that even though phone companies might wish to simplify this by raising their prices and might be OK forgoing the Federal Subscriber Line Charge

in exchange, there is no such exchange possible; they'd have to get each state to allow them to raise their price for the phone line, and then give up federally-allowed money to compensate.

The Federal Universal Service Fee (USF) is a fee imposed on telephone companies, not their consumers. The fee is set by the Federal Communication Commission and is a percentage of the companies' revenues from interstate and international services. The percentage is reset each calendar quarter. The rate for the first quarter of 2013 is 16.1 percent, and can be found at the FCC website <http://www.fcc.gov/omd/contribution-factor.html>.

The money collected goes to the Universal Service Administrative Company (USAC), an independent, not-for-profit corporation created by Congress in 1997. USAC uses the money to fund programs designed to support carriers that are providing communication services to remote areas, low income communities, and schools and libraries.

The FCC does not prohibit a telephone company from recovering its contributions directly from its customers through a line-item charge on telephone bills. Each company makes a business decision about whether to pass the cost of the USF on to its customers.

AT&T has chosen to pass the cost of the USF on to its customers. AT&T says that, "In the competitive industry we are in, we cannot afford to absorb the costs associated with the USF that have been imposed on AT&T. Therefore, AT&T has chosen to recover these costs by charging a separate monthly charge called the Federal Universal Service Fee. AT&T says that it will not provide advance notice of changes to the Federal Universal Service Fee except as required by law.

Under the FCC's so-called Truth In Billing rules, carriers must bill the fee as a direct pass-through with no mark-up. Any "cost-recovery" (i.e. additional profit) must be imposed as a separate charge and cannot appear to be government-mandated. Internet access or informational services are generally exempt from USF charges because the carriers don't have to pay fees to the government for these services, so neither should you.

So the Federal Subscriber Line Charge goes straight into AT&T's pockets, and the Federal Universal Service Fee replaces money that AT&T pays out of its own pocket. ~

Happy New Year!



GREEN VALLEY CENTER PROJECT DENIED

The County Planning Commission denied approval of the proposed Green Valley Commercial Center, which would be located on the southwest corner of Francisco Drive and Green Valley Road. Proposed tenants include a big-box drug store and fast food restaurant with a drive-thru. Outgoing El Dorado Hills Planning Commissioner Lou Rain voiced the loudest criticism of the development.

The project also took heavy criticism from neighbors, who wrote letters, signed petitions, and lined up to oppose it at the commission’s October and December meetings. They claimed that its anchor tenant, a big box drug store, was redundant, and that traffic coming to and from the center would clog local transportation arteries.

Clogged arteries also came up in the discussion of the fast food outlet, which would generate 80 percent of the center’s traffic, according to the project’s traffic study. But the loudest fast food complaints were environmental: smell, litter, noise and light, all of which residents said would leak into the adjacent Francisco Oaks subdivision.

Rain cited the 6.8-acre parcel’s access constraints and impact on local residents, reminding the developer that the El Dorado Hills Area Planning Advisory Committee conducted a thorough and highly critical analysis of the project’s traffic impacts, and the Planning Commission echoed many of those same concerns in October.

The project’s traffic study conducted in 2011 by Kimley Horn and Associates stated that adding dedicated right turn lanes and other relatively minor enhancements to surrounding intersections would mitigate the project’s traffic impact.

Rain questioned those conclusions and insisted, despite the proposed mitigations, Cambria Way would bear the brunt of the projected 3,388 daily trips to the center, prohibiting left turns onto Francisco Drive

and impacting residents of the Francisco Oaks subdivision, which borders the project to the south.

Rain, who lives in the area, but not in Francisco Oaks, reiterated that he and his neighbors don’t need or want another drug store, especially on that site. He then moved to deny support of the project, the first denial he could recall in his four-year tenure on the Planning Commission.

Developer Winn defended the project as the best use of the parcel, and asked that he be given the same opportunity as those who came before him, saying, “The last six acres has the same right to develop ... as the first six acres.”

But Winn’s 6.8 acres are running the entitlement gauntlet in a far stricter regulatory climate than their predecessors. The project requires a General Plan amendment and a rezone in a post-Measure Y era that is far more traffic-sensitive than the earlier regulatory climate.

Complicating matters even more, the parcel’s southern border, Cambria Way, is 480 feet from Green Valley Road, according to Google Maps.

“Normally we want a minimum of 700 feet,” said DOT spokeswoman Eileen Crawford, who stood by her department’s condition of approval with the prohibition of left turns onto Francisco Drive from both Cambria Way and Embarcadero Drive.

The gated northern entrance to Francisco Oaks is located on Cambria Way, 340 feet from Francisco Drive. The left turn onto Francisco Drive is currently allowed, and residents testified that they do so routinely to get to the popular Safeway Center, elementary and middle schools and points west, including Folsom.

The developer reminded the commissioners that Francisco Oaks residents were welcome to turn left into the project, then right on Green Valley Road, then quickly merge left across two lanes to turn left on Francisco Drive, or possibly even make a U-turn.

Francisco Oaks resident and outspoken project opponent Clair LeBeaux called the proposed maneuver “dangerous, especially with kids in the car.”

Alternatively, residents can exit Francisco Oaks to the south via Brittany Way, which connects to both El Dorado Hills Boulevard and Mormon Island Drive, a local street that already suffers high traffic volumes as a commuter shortcut between Folsom and El Dorado Hills.

Some residents argued that two of the three commercial centers at the intersection of Green Valley Road and Francisco Drive suffer perennial vacancies, and another such project would only cannibalize those two centers, dragging prospering businesses down with them.

Other project concerns include the removal of 3.14 acres of oak canopy. The State Appeals Court overturned the offsite mitigation provision in the county’s Oak Woodlands Management Plan earlier this year, throwing a major wrench in proposed projects, including the Green Valley Center, with no room to mitigate onsite.

Any county approval of the project would contain the large caveat that some sort of off-site oak mitigation be allowed.

Area resident Tara McCann questioned why the project was moving through the approval process with the oak mitigation outstanding, and also took aim at the traffic study’s corner site distance measurements, calling them “egregiously dangerous.”

Rain’s motion to oppose passed unanimously. A separate 4-1 vote to recommend a General Plan amendment and rezone of the parcel from residential to commercial use passed 4-1 over Rain’s opposition.

The El Dorado County Board of Supervisors will have the last word. ~

Credit: Mike Roberts, Mt. Democrat



NEW EID RATES STARTED JANUARY 1

Effective January 1, 2013, El Dorado Irrigation District water rates will increase by 11%, and wastewater rates will increase by 5%. New recreational turf rates will be in effect as well on January 1, and the Domestic Irrigation rate will be phased out. See the details of these rate increases by using the rate tables, or call the billing department at the number listed below.

For residential single-family water customers, the two-month base rate for water is now \$52.73 for .625- and .75-inch meters, and \$77.23 for 1-inch meters. Your meter size is shown on your EID bill. The residential commodity (variable) water rate is \$0.1281 per cubic foot for up to 1,800 cubic feet; \$0.01546 per cubic foot from 1,801 up

(continued on page 4)

EID RATES *(continued)*

to 4,500; and \$0.01813 per cubic foot above 4,500 cubic feet. A cubic foot contains about 7.5 gallons of water.

The residential sewer commodity charge is based on what is called the Winter Quarter Average, or the water consumption during the winter months. For billing cycles 1, 2, 3, or 4 the water consumption on the February bill is used to calculate a new sewer commodity charge to go into effect on the April bill. For billing cycles 5, 6, 7, or 8 the water consumption on the January bill is used to calculate the new sewer commodity charge to go into effect on the March bill. The new commodity charge will remain in effect for one full year. For 2013, the charge will be \$0.03693 per cubic foot.

Bills that include 2012 consumption will be prorated at the old and new rates for the time periods indicated on your statement. Although the prorated charges will not show as a printed line item, the total amount due is the correct amount billed. For more details on the proration, or for any questions regarding your account, contact the EID billing department at (530) 642-4000. ~



Happy New Year

The first of January rolls around
Like clockwork it appears
I find it's timing most profound
As it brings us each new year

Right on time,
It's never late

Has never ever blown it
Apparently this wise old date
Refuses to postpone it

Drink a toast to January one
For annual consistence
It's coming means the old year's done
Let's drink to it's persistence.

— Stanley Cooper, 1926

BLAC MEMBERSHIP RENEWALS FOR 2013

Bass Lake Action Committee members are reminded that they will be receiving their 2013 membership renewals this month. Dues will remain at \$10.00 for 2013.

Renewal notices will be sent out by email this year, in an effort to save on the cost of postage. So watch your email inbox.

Members are asked to send in their renewals at their earliest convenience.

Contact Kathy Prevost, Vice President, with any renewal questions. ~

PROPANE UPDATE

With colder weather in the offing, most folks along Bass Lake Road are keeping a weather eye on the price of propane.

The contract price of JS West propane for the communities of Bridlewood Canyon, Sierra Crossing and Woodridge as of January 9, 2013, was \$1.74 per gallon. JS West propane general market price was \$2.59 per gallon.

The Mont Belvieu, Texas benchmark wholesale price was \$0.8353 per gallon on January 8, 2013. Last year at this time was \$1.2800 per gallon.

The U.S. Energy Information Administration reported that the average residential retail price on January 7, 2013, was \$2.433 per gallon. Note that the EIA tracks propane prices only in the Midwest and the East.

Energy market analysts expect the price of propane to increase over the next few years, as demand catches up with supply

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

Bass Lake Action Committee
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BLAC BOARD MET IN JANUARY, SETS FEBRUARY SPECIAL MEETING

The January meeting of the Board of Directors of Bass Lake Action Committee met on January 7, 2013, at the home of John and Fran Thomson.

The February Meeting will be held on February 4, 2013, at 7:00 PM. The meeting will be a special meeting that will take place at the offices of Parker Development Company. Kirk Bone, Parker's Director of Government Relations, will present Parker's plans and proposals for the development of Marble Valley and Central El Dorado Hills. All BLAC members are invited.

Parker Development Company's offices are located in the Seranno Visitor's Center, 4525 Serrano Parkway, El Dorado Hills (corner of Seranno Parkway and Silva Valley Parkway).

For additional information, contact Kathy Prevost at 530-672-6836. ~

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