

Amador Fire Protection District
Special Benefits Assessment Process

Summary

The Grand Jury received Citizen Complaint Forms from nine residents of Amador County. The complaints centered around actions taken by Amador Fire Protection District (AFPD) Board with respect to the Special Benefits Assessment process. Given the nature and volume of the complaints, the Grand Jury chose to investigate the assessment and ballot process.

Background

AFPD is the largest full-time fire department in Amador County, which encompasses approximately 491 square miles. AFPD serves a population of approximately 23,000, or approximately 57% of the Amador County population. AFPD responds to approximately 3,000 calls each year. The voters approved AFPD's existing benefit assessment in 1990. In 2022, AFPD proposed to replace the existing benefit assessment to provide additional funding for fire suppression services.

Scope

The Grand Jury limited the scope of its investigation to evaluating AFPD's compliance with Proposition 218 including the transparency of the assessment and ballot process. The investigation did not include the legality of the assessment, an audit of the methodology used in determining the individual assessments, or the individual parcel assessment calculations, as these elements are beyond the Grand Jury's jurisdiction or capacity.

Methodology

The Grand Jury's investigation methodology included review of publicly available documents on the AFPD website, review of documents requested from AFPD and other relevant entities, and interviews with county staff and other individuals with firsthand knowledge of the procedures used in the assessment and ballot processes.

Investigation

The following describes the requirements of Proposition 218 and the investigative steps taken by the Grand Jury:

Proposition 218 Requirements

Proposition 218 requires a detailed Engineer's Report, and it contains information requirements for the notice and ballot. It also requires a public hearing on the assessment. The Grand Jury examined the Engineer's Report, the notice and ballot, and the record of public hearing and found they all satisfied the requirements of California Constitution article XIII D section 4 (Proposition 218).

The investigation centered around three areas 1) AFPD Actions 2) the Engineer's Report and 3) the Ballot Process.

AFPD Actions

The AFPD Board of Directors (Board) holds a public meeting once a month. Its actions are well documented and readily available on the AFPD website. The Board's actions in relation to the Special Benefits Assessment began in early 2022 with the recognition of staff attrition issues. The evaluation of financial needs progressed in August and September as the annual budgeting process commenced. The Board identified the consulting firm of SCI Consulting Group (SCI) in September. SCI's credentials include extensive experience in assisting rural counties with Special Benefit Assessments. SCI was engaged in November 2022 to assist with the AFPD benefit assessment implementation. SCI's scope of work included supporting AFPD with community outreach and coordination, and ballot services.

As demonstrated in the Board minutes, AFPD initiates and/or participates in numerous public events to ensure the community is, or has access to become, knowledgeable about the actions of AFPD.

In early 2023, the then Fire Chief resigned. After review of documentation, timelines, events, and interviews, it appears communication efforts stalled during this period, but that this did not result in a Proposition 218 violation or a reduction in transparency of the Board's actions.

As required by Proposition 218, AFPD held a public hearing in Jackson. Additionally, two (2) town halls were held in Fiddletown and Pioneer. These public hearings are an example of AFPD going beyond the requirements of Proposition 218 to provide information to the public about the benefit assessment. In addition to AFPD staff, SCI was present to answer questions on the benefit assessment calculation at the public hearing and town halls. In addition to what was required by Proposition 218, AFPD attended six other public events around the county to

explain the assessment process. An interview with Chief Withrow on KVGC was played four times, and the Public Information Officer explained the assessment on her regular FireWise radio programs. Information was also available from the *Ledger Dispatch*, Facebook, NextDoor, and the AFD website. Also, the AFD office had someone available at the counter to answer questions from the public.

Engineer's Report(s)

At the Board meeting on November 9, 2022, the Board approved the authorization to enter into a consulting agreement with SCI Consulting Group to provide an Engineer's Report and the following scope of work:

- 1) Preliminary Feasibility Analysis
- 2) Public Opinion Research and Polling
- 3) Benefit Assessment Engineering and Engineer's Report
- 4) Ballot Services
- 5) Communications and Outreach Services

The AFD Fire Chief executed the contract on November 11, 2022.

On May 16, 2023, SCI presented the Preliminary Engineer Report, Assessment Ballot Procedures, Notice of Hearing, and Mailing Ballots for review and approval by the Board. The Board approved the second and third proposals as presented and approved the Preliminary Engineer's Report subject to some revisions including disclosures of the assessment calculation. As of the date of this report, the Engineer's Report is still available on the Amadorfire.org website under the Governance/Board Meetings/2023/May 16, 2023/Agenda.

On August 8, 2023, SCI presented the Final Engineer's Report for review and approval by the Board at a Special Meeting. The Preliminary Engineer's Report has been available on the AFD website since May 16, 2023, under the Board Meeting Agenda link. The Final Engineer's Report, which is substantially the same as the Preliminary Report, is available under the Governance/Board Meetings/2023/August 8, 2023/Agenda.

The Engineer's Report provides:

- 1) Legal analysis of Proposition 218
- 2) Description of the Assessment Process
- 3) Description of Services provided by AFD
- 4) Costs and Budget

- 5) Method of Apportionment
- 6) Assessment and Assessment Diagrams.

The Engineer's Report does not provide specific parcel calculations. However, AFPD and SCI invited property owners to contact SCI for clarification on their individual assessment calculation. The scope of the Grand Jury Inquiry did not include the calculation methodology or validation of individual assessment calculations.

Ballot Measure Process

SCI mailed the notice and ballots containing all required elements on May 26, 2023, or 53 days before the hearing, in compliance with Proposition 218. Ballots included all of a landowner's parcels and the proposed benefit assessment. In a special district ballot of this type, only landowners within the district are entitled to vote. SCI sent ballots to all landowners within the district on file with the County Assessor's Office with a valid address. If a parcel was owned by more than one individual, each individual received a ballot for the parcel. In these cases, if more than one ballot was returned, each voter's ballot was weighed according to their percentage of ownership.

Initially, AFPD sought assistance from the Amador County Elections Department. However, the Elections Department informed AFPD that it was not equipped to perform this type of election. Per section 10502 of the Election Code, the use of the county election office for distribution and tabulation of the ballots is not required. The Election Code allows a district to administer ballots internally. To ensure transparency AFPD investigated other resources after the Amador County Elections Department decided not to administer the ballot. As a result, AFPD engaged the League of Women Voters – Mother Lode (LWV) to assist with opening and processing ballots during the tabulation. The LWV regularly assists with ballot processing in Tuolumne County. The LWV members who assisted with the ballot processing were neutral third parties who were not residents of Amador County. As provided in the scope of work, SCI provided ballot services including oversight of the ballot process and tabulation.

Ballots were collected at the AFPD office beginning in May through the public hearing date of July 18, 2023. The ballots were held in a secure ballot box provided by the Elections Department, which then delivered the ballot box to a county conference room where the ballots were processed on July 20, 2023. The role of the LWV members was to open and feed each ballot into the voting machines. The

LWV members engaged in quality control to ensure each ballot would be counted. All ballots eligible to be counted were processed. Tabulation including weighing votes was computer calculated. SCI reported the results to the Board, and on August 2, 2023, the AFDPD filed a public notice as required by Proposition 218 in the *Ledger Dispatch*.

Conclusions and Findings

Based on the results of the investigation, the AFDPD Board of Directors' actions complied with Proposition 218 and the assessment and ballot process was transparent.

Recommendations

The Grand Jury has no recommendations.

Invitation to Respond

No response is required.