



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-6

For the meeting of: June 16, 2015

Date: May 29, 2015
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer *PSH*
Subject: Local Fire District Allocations for Fiscal Year 2014-15 for the Fortuna Fire Protection District

RECOMMENDATION(S):

That the Board of Supervisors:

- 1) Authorizes the Chair of the Board to execute an agreement with Fortuna Fire Protection District for revenue-sharing of the county's fiscal year 2014-15 Proposition 172 (Prop 172) funding.
- 2) Directs the Clerk of the Board to submit one copy of the agreement to the County Administrative Office for processing.

SOURCE OF FUNDING:

General Fund (Prop 172)

Prepared by Elishia Hayes, Executive Secretary

CAO Approval *Amey Nissen*

REVIEW: Auditor *WJH* County Counsel *JS* Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Sundberg* Seconded by Supervisor *Bass*
Ayes *Sundberg, Lovelace, Fennell, Bass*
Nays _____
Abstain _____
Absent *Bohn*

PREVIOUS ACTION/REFERRAL:

Board Order No. F-2

Meeting of: 10/18/05

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *June 16, 2015*
By: *[Signature]*
Kathy Hayes, Clerk of the Board

DISCUSSION:

Prop 172 of 1993 enacted a one-half cent sales tax statewide, dedicated to public safety purposes. It was intended as partial compensation to counties and cities for property tax revenue that was shifted from local government to the State Education Revenue Augmentation Fund (ERAF). In October 2005, the Board of Supervisors voted to contribute Prop 172 funding to the recognized fire districts in the county.

The Fire Chiefs Association provided the county with an allocation formula for distribution of 2.0 percent of the Prop 172 revenue between the 23 fire districts. County Administrative Office staff prepared draft agreements with each fire district, based upon the fire chiefs' allocation formula. The Fortuna Protection District has returned signed copies of their revenue-sharing agreement to the county.

The following revenue-sharing agreements have not yet been returned to the County Administrative Office: Blue Lake, Samoa, Garberville and Redway Fire Protection Districts.

FINANCIAL IMPACT:

Pursuant to the allocation formula developed by the Fire Chiefs' Association: Fortuna Fire Protection District will receive the following percentage of total county Proposition 172 revenue:

Fortuna FD	0.18988%
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This percentage represents approximately \$18,770 of the \$197,698 expected to be allocated to the fire districts during FY 2014-15. These funds are currently budgeted in Fund 1100, Budget Unit 199 (Contributions to Other Funds) for FY 2014-15.

The recommendation before you supports your Board's strategic framework of creating opportunities for improved safety and health.

OTHER AGENCY INVOLVEMENT:

Arcata, Blue Lake, Samoa, Ferndale, Fortuna, Garberville, Humboldt, Kneeland, Loleta, Myers Flat, Petrolia, Redway, Rio Dell, Willow Creek, Whitethorn and Telegraph Ridge Fire Protection Districts, and Fieldbrook, Carlotta, Miranda, Orick, Orleans and Weott Community Service Districts, and Shelter Cove Resort Improvement District (RID).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the revenue-sharing agreements for the county's FY 2014-15 Prop 172 funding. This is not recommended as it would leave fire districts with reduced resources.

ATTACHMENTS:

- A. Allocation spreadsheet
- B. Contracts (two copies each)

Agency	% of County Receipts	FY 2014-15 Estimated
Arcata FD	0.08283%	\$8,188
Blue Lake FD	0.02337%	\$2,310
Samoa FD	0.00659%	\$653
Ferndale FD	0.05615%	\$5,551
Fortuna FD	0.18988%	\$18,770
Garberville FD	0.01506%	\$1,488
Humboldt FD	1.30896%	\$129,389
Kneeland FD	0.00865%	\$855
Loleta FD	0.01167%	\$1,154
Myers Flat FD	0.00667%	\$660
Petrolia FD	0.01181%	\$1,167
Redway FD	0.06437%	\$6,363
Rio Dell FD	0.01096%	\$1,083
Telegraph Ridge	0.00725%	\$717
Willow Creek FD	0.05909%	\$5,841
Whitethorn FD	0.00721%	\$713
FieldbrookCSD	0.01028%	\$1,016
Carlotta CSD	0.00791%	\$782
Miranda CSD	0.00712%	\$704
Orick CSD	0.00766%	\$757
Orleans CSD	0.00680%	\$672
RID #1 -SC	0.08283%	\$8,188
Weott CSD	0.00687%	\$679
Totals	2.00000%	\$197,698

**AGREEMENT BETWEEN
THE COUNTY OF HUMBOLDT
AND
FORTUNA FIRE PROTECTION DISTRICT
FOR
FISCAL YEAR 2014-15 ALLOCATION OF FUNDS**

This agreement is entered into by the County of Humboldt (**County**), a political subdivision of the State of California, and the Fortuna Fire Protection District (**Fire District**). The term of this agreement shall commence on the date this agreement is executed by the COUNTY and shall continue until June 30, 2015.

RECITALS

WHEREAS, Board of Supervisors Resolution No 85-40 was adopted by the Humboldt County Board of Supervisors, on April 2, 1985, delegating powers to the Board of the Fortuna Fire Protection District, to provide Fire Protection Services within the boundaries of the District;

WHEREAS, the Fire District provides fire protection services in Humboldt County, California, under the Fire Protection District Law of 1987;

WHEREAS, the Fire District has requested funding, through the Humboldt County Fire Chiefs Association, for fire protection services;

WHEREAS, the Humboldt County Board of Supervisors has agreed to appropriate 2% of total County Proposition 172 public safety sales tax revenue to certain recognized Fire Districts for fire protection services in Fiscal Year 2014-15; and

WHEREAS, the Humboldt County Fire Chiefs Association has submitted a distribution formula, for the 2% appropriation.

NOW, THEREFORE, the parties agree as follows:

1. The County agrees to appropriate 2% of the County's Proposition 172 revenue, in Fiscal Year 2014-15, to recognized local fire protection districts;
2. The County accepts the Humboldt County Fire Chiefs Association's distribution formula, as attached hereto, and incorporated herein;

3. The County agrees to make quarterly payments of 0.18988% of total County Proposition 172 revenue received during Fiscal Year 2014-15 to the Fortuna Fire Protection District;
4. The Fire District agrees to utilize the funds only for the purpose of local fire protection services;
5. The Fire District agrees to provide the County with a copy of its budget and revenue and expenditure detail for Fiscal Year 2014-15. Accounting records of Fire District shall be kept in a manner approved by the County Auditor-Controller and shall be open to inspection by the County Auditor-Controller at any time during business hours for the purpose of determining whether the funds were utilized only for the purpose of fire protection services as required by paragraph 4;
6. County shall have the right to monitor and audit expenditures made with funds distributed pursuant to this agreement. County will notify Fire District in writing within thirty (30) days of any potential exceptions discovered during such audits where such findings indicate that agreement requirements are not being met. Upon written notification, Fire District promises to take appropriate corrective action immediately;
7. The Fire District agrees to cooperate and supply any documentation reasonably necessary for the convenience and information of the County;
8. The Fire District agrees to indemnify, defend and hold harmless County, its Board of Supervisors, its officers, agents, employees, and volunteers from any and all claims and losses, whatsoever, accruing or resulting from any and all subcontractors, laborers, and any other person, firm or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged as a result of the Fire District, its agents, employees, and volunteers, pertaining to the performance of this agreement;
9. The Fire District shall comply with any and all applicable federal, state and local laws affecting the services covered by this agreement;

10. This agreement may only be modified by written agreement of the parties;
11. This agreement may be terminated by either party, with cause, upon thirty (30) days written notice from one party to the other. In the event of termination, Fire District shall return to County any unexpended funds;
12. The Fire District certifies by its signature below that Fire District is not a Nuclear Weapons Contractor, in that Fire District is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. The Fire District agrees to notify the County immediately if it becomes a nuclear weapons contractor, as defined above. The County may immediately terminate this Agreement if it determines that the foregoing certification is false or if the Fire District becomes a nuclear weapons contractor;
13. The term of this agreement shall commence on the date this agreement is executed by the County and shall continue until June 30, 2015;
14. The Fire District is a separate legal entity from the County with respect to all matters set forth in this agreement. This agreement is not intended, and shall not be construed to create the relationship of agent, servant, employee, joint venture, joint powers, or association between Fire District and County;
15. This agreement contains all the terms and conditions agreed upon by the parties for this fiscal year; and
16. Fire District shall not assign any interest in the agreement without the prior consent of County and any attempted assignment without such consent shall be void.

Notices shall be given to Fire District:

Fortuna Fire Protection District
P. O. Box 614
Fortuna, CA 95540

Notices shall be given to County:

County of Humboldt
County Administrative Office
825 Fifth Street, Room 112
Eureka, CA 95501-1153

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers, on this 16th day of June, 2015.

COUNTY OF HUMBOLDT

Estelle Fennell

Estelle Fennell, Chair of the Board of Supervisors, County of Humboldt, State of California

Fortuna Fire Protection District

By Randall Stone
Title Chairman