Felton Fire Protection District & SCI:

An objection to the proposed 218 assessment

I. Background

To evaluate the legality of this measure, it is essential to first understand the structural nature of California Proposition 218. Passed by voters in 1996, Proposition 218 was designed to restrict the unbridled taxing power of local governments by forcing public agencies to obtain direct property-owner approval before raising special parcel assessments, fees, or taxes.

Under Article XIII D, Section 2(i), an assessment can only be imposed if it provides a "special benefit" to a specific, identifiable parcel of **real property**. The District's assessment completely fails this test by attempting to fund everyday labor, personnel, and general station operations.

A fire district's daily operations—specifically staffing stations, paying salaries, and providing medical or rescue responses—are services directed at **people, occupants, and their personal belongings, not the physical dirt or real estate structure.** When an engine responds to an emergency, it is providing a general public safety service to whoever is inside the building, regardless of who owns the land.

Furthermore, in rented residential and commercial properties throughout Felton, those interior contents belong exclusively to tenants who are entirely excluded from this weighted voting process. A well-staffed fire station improves the safety of the entire community, drivers passing through on the highway, and un-assessed renters; it does not provide a discrete, measurable advantage to a specific piece of real estate structure. Because operational expenses are indistinguishable from general public safety, funding them through a property-owner assessment is constitutionally prohibited.

However, because the Felton Fire Protection District originally explored a standard **Parcel Tax**—which carries a high constitutional hurdle requiring a two-thirds (66.6%) voter supermajority—the District intentionally pivoted to a **Proposition 218 Benefit Assessment**. This strategic shift was explicitly executed to circumvent the democratic process: an assessment replaces the standard electorate with a closed group of land-owning voters, requires a mere simple majority (50% + 1), and weights votes based on the dollar amount of the assessment rather than the principle of "one person, one vote."

While utilizing this legal loophole, the District and its consultant, SCI Consulting Group, have constructed a closed-loop procedural framework that completely lacks independent oversight, violates fundamental principles of due process, and hides compounding long-term liabilities from the public.

The proposed 218 assessment is regressive, both to representative democracy and to the expansion of public service benefits all in this country

The expansion of American suffrage transformed voting from an exclusive privilege of the "landed gentry" into a fundamental right belonging to all citizens. Rooted in the founding promise that people must be represented if they are taxed, this evolution proved that a citizen's stake in their democracy is measured by their contributions and humanity, not their property lines. The ratification of the 14th and 15th Amendments marked a critical constitutional turning point, anchoring equal protection under the law and explicitly forbidding the denial of the ballot based on race. By dismantling wealth and racial barriers, the United States moved closer to its democratic ideal: a nation where everyone who contributes to society holds the power to shape its future. Prop 218(after the *Salyer* decision) turns these ideals on their head. Renters are disenfranchised while the cost of the assessments are passed on to them in rent bills. Furthermore, the contents of a house are described not as specific benefits, which are the only assets a renter has inside a structure. So they have no claim to a special benefit, while receiving the financial burden. Large property owners receive outsized votes, in this district up to 50x that of a normal homeowner. You can call it a ballot proceeding all you want vs a ballot initiative, but the lived reality is the rich get more say, and the renter class gets none.

The evolution of the American fire service represents a profound shift in how society defines public safety. What began as a fractured, "pay-to-play" system—where private brigades protected only the properties of wealthy citizens holding insurance—eventually matured into a universal public good. Driven by the devastating reality of urban conflagrations and the advent of complex firefighting technology, cities realized that a fire at one home threatened the entire community. Over the past 300 years municipalities transformed fire protection from a private commodity into an essential component of the social safety net, ensuring that lifesaving emergency response is a guaranteed right for every citizen, regardless of status or wealth. This 218 assessment now says that the rental class, the indigent, and the tourists definitionally should only receive 25% of the benefit of the fire service in Felton, that 75% of resources should be allocated to protecting the real property of the owner class. This means that fire protection in Felton after the 218s success is no longer a public service; that firefighters are definitionally no longer public servants, they are servants of capital.

With this regressive 218 process we are returning full circle to a time when votes belonged mostly to the "landed gentry" and fire protection was a benefit to those who could pay.

The reality is that 218 were never supposed to fund general public services like the fire department. Zayante and Ben Lomond know that, and successfully passed ⅔ approval tax measures approved by ALL votes, not just those lucky enough to own real estate.
Why does a 218 need an engineer? So they can twist themselves into knots with legalese to shakily manufacture justification for a funding mechanism that was never supposed to provide general benefits like the fire service in the first place.

For statewide propositions (initiatives, referendums, and constitutional amendments), California Elections Code Section 9064 explicitly dictates that the Secretary of State must request arguments both in favor of and against the measure for the Official Voter Information Guide. Because of this, every proposition in your statewide voter guide follows a highly predictable, four-part structure:

1. **Argument in Favor**
2. **Rebuttal to Argument in Favor**
3. **Argument Against**
4. **Rebuttal to Argument Against**

Proposition 218 assessment votes don't have to follow the Elections Code Section 9064.

The reason Proposition 218 assessment votes do not have to follow California Elections Code Section 9064 is rooted in a fundamental legal and constitutional distinction: A Proposition 218 assessment vote is not legally considered an "election," and Section 9064 applies strictly to traditional elections.

When California voters passed Proposition 218 in 1996 (adding Articles XIII C and XIII D to the California Constitution), it created an entirely separate universe for local property assessments.

1. It is a "Ballot Proceeding," Not an "Election".

2. The Votes are Weighted, Not "One Person, One Vote".

Section 9064 is built for a democratic election where every registered voter gets one equal vote. Proposition 218 assessments are completely different. Only property owners vote: Registered voters who rent property in the affected area do not get a ballot. Votes are weighted by dollar amount: If Owner A's parcel will be assessed $1,000 and Owner B's parcel will be assessed $100, Owner A's ballot carries ten times the financial weight of Owner B's ballot.

3. Constitutional Law Trumps Statutory Law

4. Prop 218 Has Its Own Notice Rules.

Instead of a standard voter guide with "pro" and "con" arguments, Proposition 218 mandates its own distinct informational packet. Local agencies must mail a notice directly to every affected property owner that includes:

- The total amount of the proposed assessment chargeable to the entire district.
- The specific amount chargeable to *their* particular parcel.
- The duration, basis, and reason for the assessment.
- The date, time, and location of the public hearing where the ballots will be tabulated.

While local agencies often include an explanation of *why* they believe the assessment is necessary (the "pro" side), the constitutional requirement is to provide data and financial transparency to the property owner, rather than acting as a forum for balanced political debate.

There are strong legal arguments that Proposition 218's assessment voting process is unconstitutional under the United States Constitution. While it is firmly established in the California State Constitution, parts of Prop 218 exist in a state of ongoing tension with federal law.

The primary arguments that Prop 218 (using *Salyer* as justification for its existence) is unconstitutional center on two main concepts: the Fourteenth Amendment's Equal Protection Clause and the principle of "One Person, One Vote."

The "One Person, One Vote" Argument (Equal Protection)

The most potent constitutional argument against Prop 218 is that it violates the Equal Protection Clause of the Fourteenth Amendment by weighting votes based on property value and ownership rather than granting equal voting power to all citizens. In standard American elections, the Supreme Court has repeatedly affirmed that every citizen's vote must carry equal weight (*Reynolds v. Sims*). Under Prop 218, if a commercial real estate developer owns land assessed at $50,000, and a homeowner owns a house assessed at $500, the developer's ballot carries 100 times the voting power of the homeowner's ballot. Critics argue this creates a wealth-based voting hierarchy that is fundamentally un-American and unconstitutional.

The Disenfranchisement of Renters

Prop 218 completely excludes individuals who do not own property from participating in the ballot proceeding. Renters make up a massive portion of California's population. When a city passes a Prop 218 assessment for things like street lighting, flood control, or stormwater systems, landlords almost always pass those costs directly onto tenants via rent increases. Therefore, renters are financially burdened by the law but are completely denied the right to vote on it. Denying a citizen the right to vote on a matter that directly impacts their finances and local infrastructure can be argued as an unconstitutional infringement on voting rights.

Prop 218 still exists in tension with the 14th Amendment. The U.S. Supreme Court created a narrow exception to Equal Protection in a 1973 case called *Salyer Land Co. v. Tulare Lake Basin Water Storage District*. The Court ruled that for "special-purpose districts" that provide a specific benefit to land (like agricultural water storage) and do not perform general governmental functions (like running schools or police departments), voting power *can* be limited to property owners and weighted by land value.

In Salyer *Land Co. v. Tulare Lake Basin Water Storage District* (1973), the U.S. Supreme Court ruled 6–3 in favor of the water storage district. Justice William Rehnquist wrote the majority opinion, establishing a massive exception to the standard "one person, one vote" doctrine.

The most critical winning argument of *Salyer* was that the water district was **not a general-purpose government**. The plaintiffs argued that because the district had some governmental powers (like condemnation and project management), it should have to follow the standard "one person, one vote" rules. The defense successfully argued that the district lacked the vital hallmarks of a typical government body. It provided no schools, no police or fire protection, no social services, and maintained no public roads. Because its sole function was the narrow, technical task of acquiring, storing, and distributing water for agricultural purposes, it was a "special-purpose unit" that did not require a broad public electorate

Disproportionate Financial Burden. The defense argued that it was fundamentally fair to limit voting to landowners because landowners bore 100% of the financial risk. The district's operations were not funded by general sales taxes or income taxes paid by the public; they were funded exclusively by specific assessments levied directly against the land. If a project failed or went over budget, the landowners were legally and financially responsible for the debt. The Court agreed with this logic, stating that because the economic burdens fell so disproportionately on landowners, it was entirely rational for the statutory framework to focus on the land being benefited rather than on people as individuals.

Here in Felton, the 218 assessment will be passed on to renters or lessees, who likely had no time to reach agreements in the limited window with landlords to come up with proxy voting even though they would ultimately be responsible for shouldering the financial burden, and be the direct recipients for the majority of the fire departments services. Unless you believe that 1.8 million of a 2.8 millions dollar budget for fire protection is going to be **solely** benefiting the landowner's land and the physical structure, you must agree that the benefit as proposed is NOT special, and therefore unconstitutional.

The "Rational Basis" Standard of Review. In most voting rights cases involving equal protection, the Supreme Court applies "strict scrutiny," meaning the law is presumed unconstitutional unless the government can prove a compelling reason for it.

The defense in Salyer successfully argued that strict scrutiny should not apply here. Because the water district was essentially a business-like collective designed to manage agricultural infrastructure, the court should use the much lower "rational basis" test. Under this standard, the state of California only had to show that its voting scheme was *reasonably related* to a legitimate state interest. The Court agreed, ruling that the state had a rational reason for structuring the district this way to incentivize landowners to invest in vital flood control and irrigation.

Permissible Exclusion of Non-Owning Lessees and Renters. The plaintiffs argued that tenant farmers (lessees) and non-landowning residents were unconstitutionally disenfranchised despite living and working in the basin. The defense defeated this argument with two points: First, a short-term lessee's financial interest in the long-term infrastructure of the basin is significantly less permanent than that of a property owner. Second, under California law, lessees could easily acquire voting rights through a proxy agreement negotiated into their leases if they truly wanted a say in the district's management.

Furthermore, the general population of the Tulare Lake Basin at the time was incredibly tiny (only 77 residents, most of whom were employees of the major farming corporations). The Court noted that the operations of the district primarily affected the land itself, rather than the day-to-day lives of the few people living there.

The Ruling's Legacy:

By accepting these arguments, the Supreme Court ruled that when an agency has a **limited purpose** and its costs are **disproportionately borne by property owners**, voting can legally be tied to acres rather than citizens. This exact legal framework became the foundation that allowed California's Proposition 218 to operate decades later.

Opponents of Prop 218 argue that local agencies have stretched this loophole far past its breaking point. While a water storage district might fit the *Salyer* exception, applying weighted property-owner-only voting to city-wide park maintenance, wildland fire prevention, or urban stormwater systems stretches "special purpose" into general governance, meaning it should be subject to standard "one person, one vote" rules.

The argument that Prop 218 is unconstitutional is robust: it creates a system where a person's voting power is tied directly to their wealth and land ownership while disenfranchising renters who ultimately pay the bill. For now, it survives on a narrow legal loophole regarding "special-purpose" districts, but it remains one of the most structurally vulnerable parts of California law to a federal challenge.

There is a massive, structural tension in California public finance because of Prop 218 and the *Salyer* decision.

If the U.S. Supreme Court explicitly said in *Salyer* that property-owner-only, weighted voting is only allowed for **"special-purpose districts"** that do **not** provide general government services, how can a fire district—which provides a quintessentially general government service (public safety)—legally use a Proposition 218 assessment?

Fire departments manage to argue this by walking a legal tightrope. They take advantage of a structural split between federal constitutional law (14th) and California state constitutional law (VIIID), combined with high-priced engineering reports – just like the one SCI produced at a very high cost to the Felton Fire Protection District – to attempt to justify this funding mechanism precisely because it requires a lower voter approval threshold..

The most practical reason fire districts do this is that the U.S. Supreme Court has never explicitly ruled on whether a *fire district* violates the *Salyer* exception.

Because Proposition 218 is built directly into the California Constitution (VIII-D), California courts treat it as valid state law. For a fire district's assessment to be struck down on federal *Salyer* grounds, a well-funded plaintiff would have to sue in federal court and drag the case all the way up to the U.S. Supreme Court to prove that fire protection crosses the line into "general governance." Until someone successfully does that, fire districts will continue to use the tool because the state framework permits it.

To survive a legal challenge under California's strict Proposition 218 rules, a fire department cannot just say, "We need money to run the department." That would be a general tax, requiring a two-thirds vote of all registered voters. Instead, they hire "assessment engineers" to write complex reports arguing that fire protection directly services **the structure and the land**, not the general public. Their argument goes like this:

> An open park or a public school benefits people. But a fire engine rushing to put out a fire on a specific parcel is protecting a *tangible asset* (the building and the land value).
>
> They argue that having a fire station nearby lowers response times, which directly prevents a specific piece of real estate from burning to the ground and decreases the owner's commercial fire insurance premiums. They legally classify this as a "particular and distinct benefit" to the property itself.

Under California law (*Silicon Valley Taxpayers Assn. v. Santa Clara County Open Space Authority*), an agency cannot charge property owners for "general benefits" to the public.

To bypass this, fire districts use a math formula to split their budget into two buckets.

> They calculate how many of their calls are for public medical emergencies, car accidents on the freeway, or rescuing cats from trees. They label this **"General Benefit"** and pay for it using traditional property taxes.
>
> They calculate the exact cost of fighting structural fires or protecting land from wildfires. They label this **"Special Benefit."**

They argue that the Proposition 218 assessment is *only* funding that narrow, property-protecting slice of their budget, thereby trying to stay within the spirit of a "special purpose" mechanism.

While fire districts *make* these arguments, they are on incredibly shaky legal ground. When small, rural fire districts try to pass Prop 218 assessments to fund general operations—like hiring full-time paramedics or buying a new standard fire engine—watchdog groups routinely sue them. California appellate courts have struck down multiple fire district assessments (such as in *Concerned Citizens v. West Point Fire Protection District*) because the districts failed to prove that the money was truly providing a "special benefit" to the land rather than a general safety benefit to the community.

Fire departments argue that they are protecting *structures and land equity* (a special property benefit), not just people. It is a highly fragile legal fiction designed to avoid the nearly impossible two-thirds voter threshold required for standard tax increases, and it survives only because it hasn't faced a definitive showdown in federal court. A legal fiction that is NOT substantiated by SCIs engineering report, the ballot mailer, Feltons Town halls, or the“third party” consulting documents of Western Confluence Group.

Concerned Citizens v. West Point Fire Protection District is a directly applicable parallel to the Felton situation.

Concerned Citizens for Responsible Government v. West Point Fire Protection District (2011) is a textbook example of what happens when a local agency tries to stretch the legal boundaries of a Proposition 218 special assessment—and gets smacked down by the courts.

The case perfectly illustrates the exact friction point between a fire department trying to fund general public safety operations and the strict constitutional requirements of Proposition 218.

Here is a breakdown of what happened, why the fire district lost, and why the case remains highly relevant to California municipal finance:

The West Point Fire Protection District is a tiny, rural special district in Calaveras County. Formed in 1948, it is responsible for structural fires, wildland fires, vehicle accidents, and medical emergencies across its borders.

Like many rural districts, it found itself deeply squeezed by a lack of traditional property tax revenue. It didn’t have enough money to staff its stations 24 hours a day, 7 days a week, resulting in "missed calls" for assistance. Sound familiar?

To fix this, the district hired an assessment engineer to draft a plan for a Proposition 218 special assessment to raise $146,000 per year. The stated goals of the new money were explicitly operational:

> Hire at least one full-time Emergency Medical Technician (EMT)/senior firefighter to be on duty at all times.
>
> Increase the number of volunteer firefighters on duty.

The district held a Prop 218 parcel owner vote. It passed with about 62% approval from the property owners. A taxpayer advocate group called Concerned Citizens for Responsible Government sued, claiming the assessment violated Proposition 218.

At the trial court level, the fire district won completely. The local judge ruled that the assessment was legally created and valid. To make matters worse for the taxpayers, the judge punished the Concerned Citizens group by ordering them to pay the attorney's fees of the fire district.

The citizens appealed—and that's where the legal landscape shifted. The Third District Court of Appeal in Sacramento completely reversed the trial court's decision, stripping the fire district of its assessment and wiping out the attorney's fee penalty.

The appellate court looked at the engineer's report and ruled that the fire district had committed two major violations of the California Constitution:

> **Violation 1: It was a General Benefit, Not a "Special Benefit."** The court ruled that providing round-the-clock emergency medical services, staffing stations, and having more firefighters on duty are quintessentially **general benefits** to the entire community, not a "particular and distinct special benefit" to a specific parcel of land. The court noted that because the service essentially benefited people generally, the charge was actually a "special tax" in disguise (which requires a 2/3 vote of *all registered voters*, not just a property owner ballot).
>
> **Violation 2: The Math Was "Cost-Driven," Not "Benefit-Driven."** Under Prop 218, an agency must calculate the exact value of the *benefit* to a property and charge based on that. The court found that the fire district's engineer had worked backward: they decided they needed $146,000 to hire staff, and then reverse-engineered a formula to divide that cost among improved and unimproved property owners.

The *West Point* case is famous in California because the appellate court went a step further than expected. The court held that **only capital improvements** (permanent infrastructure like streetlights, water mains, or sewers) could qualify as "special benefits" under Proposition 218. It ruled that **non-capital expenses** (like operational costs, firefighting personnel, park maintenance, and library upkeep) could *not* legally be funded through special assessments.

This ruling sent shockwaves through local governments across California because dozens of cities and districts used Prop 218 to fund ongoing operations (like private security for Business Improvement Districts or city park landscapers).

Because the *West Point* ruling directly contradicted other appellate court decisions (which had allowed operational expenses to be funded via assessments), the California Supreme Court granted review of the case.

However, before the Supreme Court could issue a definitive ruling on the matter, the appeal was dismissed as moot in late 2012, <u>only</u> because West Point Fire Protection District abandoned their attempt at levying a 218 benefit assessment on their community. Despite the case being dismissed at the highest level, *West Point* remains a powerful cautionary tale. It warns fire districts that if they try to use property assessments to fund everyday employee salaries and general emergency responses, they are highly likely to face legal challenges to reverse their work.

Because of the way legal proceedings unfold, the appeal was mooted because West Point abandoned their attempt at a 218 assessment, making the ruling of the court unable to be cited or relied on for other court decisions. Still, we know that when this battle made it to the highest court in California, the Judicial opinion at that time was that using 218 assessments to fund non-capital expenses – >80% of Felton's proposed 218 budget are non-capital expenses – is not legal. The merits of the arguments in that decision against West point FPD stand.

While the *West Point* opinion itself has no legal authority, it reveals exactly how California appellate judges analyze fire assessments. The judges' logic—that everyday emergency staffing is a general benefit to *people*, not a special benefit to *dirt*—remains a highly persuasive argument. If a there was a new lawsuit against a different fire district, they cannot cite *West Point*, but they can copy the exact same legal arguments and logic used in that case.

Because *West Point* was wiped off the books, the leading, binding authority on Proposition 218 assessments remains the California Supreme Court case ***Silicon Valley Taxpayers' Assn. v. Santa Clara County Open Space Authority* (2008)**.

Under *Silicon Valley*, the established law is that courts must apply strict, independent review to local assessments. To be legal, an agency must explicitly prove:

1. The assessed parcels receive a "particular and distinct" **special benefit** over and above the general benefits provided to the public at large.
2. The assessment is strictly **proportional** to the exact benefit that specific parcel receives.

Felton Fire Protection district chose to engage SCI without RFP, costing the citizens of FFPD approx $100,000 with more to come after passage. SCI engineers twist themselves into knots to provide the shaky math used to justify these assessments. Make no mistake, SCI does NOT work for the taxpayers and they are NOT independent. They make their money providing these engineers reports and services to special districts across the state.

I will use the remainder of this paper to attempt to dismantle the SCI engineering report. If this case were to go before the Court, SCI would likely lose this case. However, Prop 218 requires that objections be made according to the California Constitution, taking into account law established in *Silicon Valley*.

The SCI Engineers report has:

1. Incorrectly defined the special benefit and failed to separate it appropriately from the general benefit.
2. Justifying information that is divorced from the reality of current firefighting operations as well as a general ignorance of what it means to provide the public service of fire protection.
3. Failed to apply proportionality.
4. Compounding ethical concerns, procedural issues, and conflicts of interest.

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II. The RV Test

Under Article XIII D of the California Constitution, a special assessment is legally valid only if it provides a "particular and distinct" benefit to a specific, identifiable parcel of real property. This benefit must be demonstrably "over and above" any general benefits received by the public at large.

I contend that the Felton Fire Protection District's (FPD) proposed staffing model fails this test. The primary outputs of this assessment—rapid emergency response, scene management, and life-safety intervention—are inherently **general public benefits** provided universally to everyone within the District, regardless of property ownership or tax status. Forcing property owners to exclusively fund a universal public safety net constitutes an unconstitutional cost-shifting scheme.

The California Supreme Court in *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431 established that an assessment cannot fund services that are general in nature.

Because the District is legally and ethically mandated to provide identical emergency services to every individual within its jurisdiction—including renters, tourists, commuters, and transient populations—the funded service completely lacks the property-specific particularity required by law. The primary beneficiary of an emergency response is the public at large, making this an impermissible application of a special assessment. To evaluate whether a service provides a genuine "special benefit" to a taxed parcel, one must look at the actual operational outcome of a 911 dispatch. To illustrate this point we can utilize what I like to call "The RV Fire test".

Consider an incident where a fire occurs in an un-assessed recreational vehicle (RV) parked on Highway 9, located one block from the fire station. This hypothetical RV is essentially the owner's primary residence, and contains all their worldly possessions.

Upon dispatch, the District's proposed staffing model provides an un-assessed vehicle with the exact same response time, firefighting apparatus, and personnel as a single-family home assessed at the maximum **$697 SFE** rate right across the street from the RV. Furthermore, while crews remain legally barred from entering a residential structure until a fourth firefighter arrives to satisfy the OSHA "2-in/2-out" threshold, the compact configuration of an RV allows an exterior defensive attack a greater probability of effectively achieving complete interior extinguishment. Consequently, an un-assessed "free rider RV" receives an even *greater* property-preservation benefit for **$0** than a taxed homeowner receives for full price, completely dismantling the constitutional claim of a particularized special benefit.

If the purported "special benefit" of rapid response and structural preservation is conferred equally upon an un-assessed asset for **$0**, then that benefit is not particular and distinct to taxed real property. The property owner is receiving zero advantage "over and above" what the non-paying public receives for free on the roadside.

The Engineer’s Report relies on the flawed legal fiction that a fire department staffing enhancement primarily benefits the underlying land. Operational realities refute this premise:

> Fire and rescue operations are primarily services for the *occupants* and transient visitors within a structure or roadway, not a localized enhancement to a parcel's real estate value. When the District – and any Fire Department nationwide – responds to an emergency, its priority is preserving human life, then personal belongings, and then the environment.
>
> Because the safety net is completely non-excludable, transient populations utilizing the regional highway corridors or visiting the local State Parks receive the full protection of this enhanced staffing model. Under Proposition 218, a service that is delivered indiscriminately to all cannot be repackaged as a special property benefit to tax a select group of landowners.

Charging property owners a premium for a service that is delivered universally without regard to tax status constitutes an illegal cross-subsidization:

> Under Proposition 218, an assessment must be proportional to the distinct special benefit received. If a property owner pays $697 for the exact same response speed and staffing level that a non-paying resident or transient vehicle owner receives for $0, the assessment is completely unproportional.
>
> Local residents already fund core fire protection through their standard fractional <1% Ad Valorem property tax allocation. Forcing property owners to pay for those exact same core operational costs via a new special assessment—while the general public utilizes those enhanced resources for free—unlawfully shifts the burden of a general public service onto a property-based assessment.

The proposed assessment is an improperly formed general tax masquerading as a special benefit assessment. A fire service framework that provides identical operational outputs to the general public for free while charging property owners a premium fails the constitutional definitions established by Proposition 218.

Ask yourself *"If the District deploys its funded staffing and apparatus to suppress a fire involving a non-assessed vehicle on a public roadway, does that operational response provide a 'special benefit' to the owner of that vehicle? If the answer is 'no,' then what is the specific, quantifiable legal justification for taxing my real property parcel for the exact same response speed and staffing level that the general public receives for free?"*

Because the District's primary output is a universal public safety net, it cannot be funded through a property-based special assessment.

III. Procedural Issues

There are procedural issues with the whole assessment that weaken its validity:

The costs are **Reverse Engineered.**
There is a problem with the **proposed budget vs payroll.**
There is a **phantom benefit.**
There is a **problem with institutional, governmental, and religious properties.**
There are promises of **immeasurable benefits**, in a process that must be quantifiable.
There is a **disenfranchisement of renters** and lessees.

Reverse Engineering

Under California Constitution Article XIII D, Section 4(a), a local agency is strictly prohibited from using a special assessment to plug a budget shortfall. The law mandates that an agency must first isolate and compute the actual, distinct dollar-value special benefit delivered strictly to the real estate structure of each individual parcel *before* calculating any charge. The amount levied must be strictly "proportionate to" and "no greater than" the reasonable cost of that specific special benefit.

The Felton Fire Protection District and its consultant, SCI Consulting Group, have completely flipped this constitutional mandate on its head. The District has operated a legally deficient, reverse-engineered model—admitting on the record that the entire assessment was designed backward to fund a pre-packaged budget target.

This is the exact legal failure exposed by California appellate courts (*West Point*). Because the District began with a predetermined spending goal and manipulated the apportionment metrics to match it, this is an unconstitutional cost-driven assessment rather than a benefit-driven one.

The administrative record demonstrates that the District identified a fixed budgetary target—specifically the desired funding to expand payroll, increase administrative and operational salaries, and fund internal training goals—and subsequently reverse-engineered an assessment formula to backward-extract that exact cost from local property owners.
This is the exact operational failure exposed and routinely invalidated by California appellate courts. Because the District began with a predetermined spending goal and subsequently manipulated the apportionment metrics to match it, this is an unconstitutional cost-driven assessment rather than a benefit-driven evaluation. An assessment cannot legally serve as an accounting vehicle to backfill a custom expense profile.

This unlawful reverse-engineering is not a matter of outside speculation; it is an established fact openly admitted by agency leadership. During an official June town hall meeting, Interim Fire Chief Isaac Blum explicitly stated on the record that he developed the draft budget first, and then went to the engineering firm (SCI Consulting Group) to get that specific dollar amount funded using a Proposition 218 assessment.

"*All the engineering has come off of these draft budget numbers*" - Isaac Blum 6-17-26 Town Hall

This admission reveals a procedural violation of California law:

> Under Proposition 218, the Assessment Engineer must independently, neutrally, and objectively evaluate the special benefits to parcels and derive the costs from that study.
>
> Hiring an engineering firm for the explicit purpose of manufacturing a mathematical methodology to justify a pre-written, top-heavy staff budget turns a constitutional protection into an empty rubber-stamp exercise. The Engineer's Report does not represent an independent evaluation of localized property advantages; it is a paid-for financial cover designed to extract a predetermined sum of money.

During the same 6-17-26 public forum, Chief Blum attempted to deflect from this structural irregularity by asserting that "the public" was who originally initiated the request to him to pursue a Proposition 218 special assessment instead of a standard ballot tax measure. This defense fails on both statutory and logical grounds:

A standard ballot tax measure (a general or special tax) requires a high threshold of voter approval and places strict transparency boundaries on public general funds. A Proposition 218 special assessment lowers the voting threshold to a weighted property-owner protest ballot.

Even if members of the public expressed an interest in restructuring district revenues, a public request cannot authorize an agency head to bypass constitutional property law. An administrative chief cannot draft a custom budget target in isolation, choose a specialized property tax vehicle because it is easier to pass than a standard ballot measure, and then order an engineering firm to manipulate single-family equivalent (SFE) values to clear that number.

The proposed Felton FPD assessment is a constitutional failure. By starting with a predetermined spending goal and forcing an engineering consultant to backward-engineer a formula to extract that exact figure, the District has violated the foundational legal pillars of Proposition 218. The resulting rate structures are arbitrary, capricious, and legally void.
If the District cannot produce an independent, benefit-first operational study that entirely predates the formulation of the custom budget, the assessment lacks legal standing.

Budget Vs Payroll

Under California Constitution Article XIII D and the strict standards established by the California Supreme Court in *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431, a valid special assessment must pass a strict proportionality test: the financial burden placed on a parcel cannot exceed the proportional cost of the specific, deliverable special benefit that property receives. Furthermore, an assessment must explicitly fund the distinct improvements or services used to justify its passage.

The proposed assessment facially violates this constitutional requirement by operating a bait-and-switch budgetary framework. The District funnels nearly the entire tax revenue into fixed payroll costs, leaving the physical capital infrastructure—which was used as the primary marketing justification to secure votes—fundamentally unfunded.

The official Ballot Information Guide explicitly promises voters that this assessment is operationally necessary to *"repair, replace, and maintain firefighting equipment and apparatus to ensure operational readiness."* The Engineer's Report heavily reinforces this narrative, claiming the assessment is legally justified because funding equipment maintenance is crucial for safety compliance, extending apparatus lifespans, and emergency preparedness.

However, a strict analysis of the District's proposed budget tables exposes a massive, irreconcilable financial disconnect:

> Approximately **88% ($1.5 million)** of the proposed $1.7 million assessment budget is allocated entirely to fixed salaries, benefits, and training.
>
> This leaves a meager, nominal sum of roughly $200,000 of the assessment funds to cover everything else—including facilities, utilities, professional services, and the actual maintenance or replacement of heavy equipment.

Modern, compliant fire engines cost upwards of $1 million each. By dedicating nearly 90% of the new assessment revenue to rigid, recurring personnel costs, the remaining $200,000 allocation across the entire district is mathematically insufficient to safely maintain, let alone replace, the heavy rolling apparatus required to protect local properties.

This creates a legal vulnerability for the District under Proposition 218: a fully staffed three-person crew cannot save a home if they lack a functional, reliable fire engine to transport them and pump water. The District cannot legally claim this assessment provides a proportional "special benefit" of structural defense if it fails to adequately fund the million-dollar physical tools necessary to actually deliver that defense. Without a mathematically sound mechanism to fund the apparatus, the promised special benefit is entirely illusory.

This measure represents a disproportionate, general tax to fund payroll, not an equitable property-specific assessment. Because the Engineer's Report utilizes a deceptive budgetary structure that fails to secure the necessary capital funding for the very apparatus used to justify the tax, it lacks the "Substantial Evidence" required by law and fails the constitutional test of proportionality.

If the District cannot provide an audited cost-allocation model that proportionally balances capital equipment survival with personnel growth, the assessment is invalid.

Phantom Benefit

This assessment is constitutionally defective because it attempts to charge property owners for an "enhanced" 24/7 staffing service that is completely unfunded for the first two years of the assessment. Furthermore, the proposed model is operationally barred from performing immediate interior structural preservation, resulting in an unlawful over-collection of taxes for a "phantom benefit" that the District lacks the legal and operational capacity to deliver.

The official Ballot Guide and the Engineer's Report (Page 15) legally justify the proposed $697 assessment on the explicit promise that it will *"enable the District to staff a minimum of three (3) personnel on an initial response, 24 hours a day, for fire protection."* However, the District's own internal *Draft Five-Year Staffing Pay Scale* reveals a stark budgetary bait-and-switch:

> The $0.00 Staffing Allocation: For the fiscal years 2026 and 2027, the District has budgeted exactly $0.00 for full-time hourly career firefighters. The target rate of $24.03/hour does not get funded until the year 2028.
>
> Instead of hiring full-time personnel, the District intends to fill the critical 3rd seat on the engine entirely with Paid Call Firefighters (PCFs) receiving a $250 stipend per shift, capping the total annual expenditure at just $99,048. By definition, PCF and volunteer staffing is transient and relies strictly on variable availability. If a PCF does not sign up or show up for a shift, the engine drops back to the current 2-person baseline. The District cannot operationally or mathematically guarantee "24/7 staffing" using a volunteer-dependent stipend model.
>
> Under Proposition 218, an assessment cannot exceed the reasonable cost of the proportional special benefit *actually provided* at the time of the assessment. Charging property owners the maximum $1.7 million assessment rate starting in 2026 for a full-time career staffing model that will not exist until 2028 is a direct violation of this principle. The tax rate is deliberately inflated from Day 1, suppressing actual labor costs in Years 1 and 2 to artificially engineer a million-dollar contingency hoard at the expense of taxpayers.

The proposed assessment is a constitutional failure. It forces property owners to pay a maximum initial tax rate for a career staffing model that is completely unfunded for the first twenty-four months of the assessment. Because the "Special Benefit" advertised by the District is a structural phantom, the assessment constitutes an arbitrary and unlawful over-collection of public finances.

Institutional Properties

Under California Constitution Article XIII D (Proposition 218), an assessment and its apportionment must be applied fairly, uniformly, and proportionally. The Engineer's Report, authored by SCI Consulting Group, justifies the current assessment on the premise that the financial burden is shared equally, claiming that "all public properties that are specially benefited are assessed" at the same rate as privately owned property.

However, the district's proposed enforcement methodology exposes a fatal structural contradiction that renders the Engineer's Report legally invalid. For an assessment to meet the "substantial evidence" standard, it must prove proportional payment based on special benefits. If the district and its consultant know beforehand that institutional properties cannot be forced to pay, the legal foundation of "equitable apportionment" collapses.

At a public meeting, an SCI representative admitted the district generally lacks the legal mechanism to enforce collections or place tax liens on institutional properties, stating: "We send with expectation they pay, they may not come back to us... generally we can't lien a church or county building." This inability to enforce collections, compounded by reports of off-the-record assurances to institutional entities that collection would not be enforced against them, creates a double standard. The district threatens private homeowners with foreclosure while knowing the assessment is toothless against massive institutional parcels, violating the constitutional requirement for proportionality.

This creates a secondary crisis regarding ballot integrity. Under Proposition 218, voting power is linked to financial liability; consequently, large institutional properties—such as schools, churches, and government buildings—carry voting weights equivalent to hundreds of single-family homes. Allowing these entities to cast heavily weighted ballots while knowing the district cannot enforce their payments corrupts the election. A church could vote "Yes" with the weight of 50 homes, pass the assessment, and then ignore the bill, while a local family faces foreclosure for the same action.

Ultimately, the Engineer's Report is materially misleading. It obscures the fact that this assessment is not a uniform parcel levy but a general public service tax. Felton's fire funding should be properly pursued as a two-thirds voter-approved general tax—a mechanism that does not rely on unconstitutionally assessing schools or tax-exempt entities. The fact that the assessment relies on an unenforceable collection system is the "smoking gun" that proves the methodology is fundamentally flawed.

Immeasurable benefits

Under well-established California constitutional law, an agency cannot levy a special assessment based on abstract administrative goals, subjective benchmarks, or empty organizational buzzwords. The California Supreme Court’s landmark ruling in *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431 explicitly established that any "Special Benefit" funded by an assessment must be **concrete, distinct, and strictly measurable** to the specific assessed properties.

The Felton Fire Protection District (FPD) Engineer’s Report falsely claims compliance with this standard by asserting that its services are "clearly defined" and provide a "direct advantage... over and above general benefits." In operational reality, the District is attempting to pass a "Fluff Tax"—charging property owners for vague, unquantifiable, and conditional concepts that feature zero tracking, zero metrics, and zero legal accountability.

The Engineer’s Report and official mailer attempt to justify this $1.7 million annual tax burden by promising to "preserve rapid response times," "increase firefighter training," and "improve apparatus maintenance and replacement." Under Proposition 218, to legally tax a parcel for an operational improvement, the District must provide the specific empirical metrics used to quantify the baseline versus the enhanced tier of service. The current administrative record completely fails this test:

> The District promises to "preserve and improve rapid response times," yet the report contains **no information** of baseline response data. It fails to document the current average response time down to the second or provide a quantitative projection of the improvement. Without a "before" and "after" metric, the claimed special benefit is an unscientific guess.
>
> The District fails to define how it will measure "improved retention." It offers no specific certification standards, performance milestones, or mandatory training hours to clarify what constitutes the promised "increased training." Without clear metrics, the assessment funds an organizational goal, not a trackable property service. In fact, in 2024 Director Anderson directly argued that paying the IAFF local Felton firefighters, while maintaining volunteers would DECREASE volunteer retention. Now Director Anderson supports this increased funding mechanism, and the associated separation of paid and volunteer staff, that would guarantee that situation occurs.
>
> **T**he report promises "improved maintenance and replacement of firefighting equipment and apparatus to ensure operational readiness." However, the budget reveals a massive imbalance: **approximately 88% ($1.5 million) of the total assessment revenue is entirely swallowed by fixed payroll and training costs.** This leaves a mere fraction (roughly $200,000) to cover facilities, utilities, professional services, and actual equipment. The District provides no objective metric or schedule proving that maintenance will increase in frequency or exceed current manufacturer recommendations. An assessment cannot claim a special benefit of structural

> preservation when it channels nearly 90% of its funds into payroll, leaving mathematically insufficient capital to maintain the million-dollar tools required to execute that preservation.

In a bizarre attempt to satisfy the "particular and distinct" legal threshold, the Engineer's Report lists "community engagement, outreach, and familiarity with district neighborhoods and access routes" as parcel-specific special benefits:

> Memorizing local roads, studying maps, and understanding localized access routes are foundational requirements of standard public safety administration. These represent general public benefits delivered to the public at large and the traveling public, not unique enhancements to a specific parcel's property value.
>
> "Neighborhood familiarity" is an entirely subjective, anecdotal human trait. The District lacks any operational mechanism to quantify or audit a firefighter's internal geographic knowledge base. To challenge this, I demand to know: *Will time be formally documented and logged for district familiarization for every member? If this data is not tracked and recorded, how can a property owner verify that this specific benefit is actually being delivered to their parcel?* Attempting to label a firefighter's memory of local streets as a specialized property benefit to inflate a tax bill is legally indefensible.

The District's Ballot Guide promises an enhanced layer of safety by ensuring "24/7 fire and emergency response by a fully staffed fire station." However, because the District operates out of a single station with an isolated deployment model, this "guarantee" creates a severe constitutional paradox:

> A single fire station staffed by a single crew cannot, by definition, respond to two places at once. The Fire Chief's own monthly operational updates explicitly confirm regular instances where multiple emergency calls occur simultaneously. When the primary crew is sidelined due to staff illness, sudden personnel turnover, or tied up on an extended incident (such as a multi-hour medical rescue at the Garden of Eden), local property owners are left with zero guarantee of localized station coverage.
>
> If a citizen purchases a commercial service and that service is not delivered, they are legally entitled to a prorated remedy. Under this assessment framework, when localized service drops below the advertised career staffing baseline due to simultaneous incidents or understaffing, there is absolutely no mechanism to issue property owners a prorated refund. Because the District cannot guarantee the service level day in and day out, the advantage to any given parcel is strictly conditional. Under California law, a conditional guess cannot serve as a valid special benefit.

The "Summary of Proposed Benefits" relies heavily on broad, corporate public safety jargon like "All-Risk Agency" to project an aura of technical authority. However, this entire summary is printed directly on the Fire District's own organizational letterhead:

> The placement of this text on District letterhead demonstrates that these claims were generated as an internal marketing asset by the department itself, rather than being independently verified, mathematically modeled, or audited by a neutral, third-party professional engineer. Using unverified promotional catchphrases to bypass the constitutional mandate for a "strict mathematical nexus" is an attempt to mask a total lack of empirical data.

The Felton Fire Protection District's proposed assessment fails the legal requirements of Proposition 218. It relies on a series of unquantifiable, intangible organizational goals that are legally distinct from property-specific property enhancements.

Ask yourself or the department - *"If this assessment passes, what is the exact, quantifiable metric down to the second, hour, or documented log entry by which my individual property can verify that it is receiving its 'special benefit' of improved response, training, and neighborhood familiarity on any given day—and if that metric is not met, what is the District's administrative mechanism for providing my parcel a prorated refund for that failure of service?"*

If the District cannot provide an exact, trackable metric or an operational refund mechanism to account for localized service deficits, it concedes that this measure is an arbitrary, invalid property tax.

Disenfranchisement of Renters

Under Proposition 218, a special assessment is constitutionally distinct from a general tax because it must only charge property owners for a "special benefit" delivered directly to their specific parcels of real estate. The Engineer's Report authored by SCI Consulting Group attempts to legally justify the high financial burden of this assessment by explicitly claiming that the district's operational services protect not just real property structures, but also the "contents" within those residences and commercial buildings.

Throughout the Felton Fire Protection District, a substantial portion of residential and commercial units are occupied by tenants, not property owners. In every rented property, the physical structure belongs to the landlord, but the entire interior content—furniture, electronics, clothing, business inventory, and personal worldly goods—belongs exclusively to the renter.

If the District's emergency service explicitly protects the personal property and contents of renters, then renters are the direct, primary beneficiaries of that protection. By entirely excluding these impacted citizens from the voting process while simultaneously claiming to fund a service that safeguards their personal possessions, the District is operating an unconstitutional voting hierarchy. Under the Equal Protection Clause of the Fourteenth Amendment, a government entity cannot restrict the right to vote to a closed group of land-owning voters if the service being funded is a general safety net that directly impacts and protects the broader, non-property-owning public.

This double standard exposes a flaw in the legal vehicle the District selected. If the operational capacity of the fire department is intended to protect all occupants, visitors, and their personal belongings regardless of property ownership, it does not provide a parcel-specific "special benefit." Instead, it provides a general public safety benefit.

Under California law, a general safety net that protects the entire community and their possessions cannot be passed via a closed, land-weighted Proposition 218 assessment. It must instead be framed as a **Special Tax**, which requires a two-thirds vote of the *entire registered electorate*, explicitly including renters.

By attempting to pass a general community safety tax under the guise of a property assessment, the District has unconstitutionally disenfranchised local renters. The District cannot legally have it both ways: they cannot use the protection of renters' personal contents to justify a massive assessment rate while denying those same renters the constitutional right to cast a ballot. Because the voting structure relies on an unconstitutional exclusion of a massive class of beneficiaries, the election process is structurally defective and legally invalid.

Final additions to procedural complaints:

The District and SCI have marketed this assessment as a stable, predictable funding source capped by an annual Consumer Price Index (CPI) adjustment of up to 3% with no sunset provision. This means the tax is permanent; it will never expire unless local property owners successfully organize against it.

The financial compounding of this permanent escalator is massive:

> Starting at the base single-family rate of **$641.00**, a 3% annual compounding escalator forces that single tax to balloon to **$861.34** in 10 years, **$1,157.70** in 20 years, and a staggering **$2,098.24** after 40 years.

Even more egregious is the "CPI Catch-Up" mechanism that was intentionally glossed over during public town halls. While District representatives repeatedly assured the public that they cannot raise the assessment by 3% if the actual annual CPI inflation rate is lower, they deliberately failed to disclose the structural catch-up clause. If inflation is 1% in Year 1, 1% in Year 2, and subsequently spikes to 10% in Year 3, the District retains the legal authority to hit property owners with a massive 7% spike in a single year to retroactively capture the unlevied percentages from previous sub-cap years. This hidden compounding mechanism turns a marketed “cap” into a volatile financial liability.

Board records indicate that SCI Consulting Group was formally approved by the Board on February 13, yet archival correspondence reveals that SCI had already listed the Felton Fire Protection District as an active client as early as January. This discrepancy indicates that the District was conducting business and utilizing public funds for special services prior to official public board authorization, completely bypassing local purchasing manuals and municipal codes that mandate competitive Request for Proposal (RFP) processes when contracting thresholds exceed localized limits (typically $25,000 to $50,000 in Santa Cruz County). Independent Special districts do not have to follow these thresholds, but it remains a reasonable local standard. Due diligence and financial responsibility often prescribe seeking multiple bids for a service that will cost such a significant amount.

The entire process has been compressed into a hyper-accelerated timeline from board approval to ballot distribution, explicitly designed to ram the assessment through before the public could exercise substantial scrutiny over the parcel roll, which leadership actively refused to publish openly for public comparison until *after* they approved moving forward on it in April.

To assuage public concern regarding financial management, the District has repeatedly claimed that funds will be monitored by a newly formed "Felton Citizen Oversight Committee." This is a legally toothless, administrative misdirection.

Under California law, independent citizen oversight committees with statutory reporting requirements are strictly mandated by **Proposition 39** for school construction bonds—they are completely unmentioned, unrecognized, and **not required** under Proposition 218. The District's promised committee is an entirely voluntary, non-binding creation of the fire board that can be dissolved or ignored at any time.

Furthermore, under the framework of a benefit assessment, any such committee is legally barred from holding operational or executive authority. A local citizen committee cannot veto a spending project, change a line-item budget, select or fire contractors, freeze misappropriated funds, or take proactive measures to halt waste. At best, such a committee can only look in the rearview mirror, reviewing expenditures after they have already occurred. Attempting to placate public skepticism by promising an "oversight committee" that possesses zero legal teeth to stop financial malfeasance is fundamentally deceptive.

The entire apparatus of this Proposition 218 proceeding is structurally corrupt. It utilizes a private consultant incentivized like a commission-driven salesperson to validate its own math; it installs a financially interested Fire Chief as the gatekeeper for legal objections; it denies residents independent ballot tabulation; and it cloaks a permanent, compounding tax spike behind the illusion of toothless citizen oversight. Because the execution of this proceeding violates basic administrative due process and relies on a systemic strategy of obfuscation, the entire assessment mechanism is constitutionally invalid.

IV: Mathematical and Engineering defects

The SCI engineers report has multiple mathematical and engineering deficiencies to provide proof of a distinct and measurable specific benefit including:

Inability to account for **EMS services**

2 in 2 outs effect on the ability to provide stated benefit
Significant differences in **Travel time** and growth
Inability to separate **general benefit to tourists**
Inability to separate **general benefit of traffic**
Arbitrary use of NFPA **proxy data**
Unsupported claim of **0% indirect benefit**
Budget hoarding

EMS Service

The Felton Fire Protection District (FPD) Engineer's Report, authored by SCI Consulting Group, violates California Constitution Article XIII D (Proposition 218). Under the law, a special benefit assessment cannot fund general public benefits, such as non-fire emergency medical services (EMS), and must exclude these costs from the assessment based on "substantial evidence." The District's proposed assessment fails the "strict mathematical nexus" and "proportionality" tests because it utilizes an artificially suppressed **2.56% (rounded to 3%)** EMS General Benefit deduction. This is achieved by explicitly omitting massive personnel labor costs, thereby unlawfully shifting the financial burden of a community-wide medical response system onto the special benefit assessments of private property owners.

To evaluate whether the Engineer's Report accurately isolates "special benefits," the assessment methodology must be contrasted against the District's actual, stated operational reality. The Felton FPD website and official organizing documents thoroughly contradict the report's premise that the District exists "primarily" for fire suppression and that EMS is merely an incidental, secondary service:

> **Official Mission Statement:** The District's formal mandate places fire suppression and emergency medical services on completely equal footing, explicitly stating its mission is to provide:
> *"...quality fire suppression, emergency medical services, rescue, fire prevention, and public education."*
>
> **Public Declarations of Scope:** Under the District's public disclosure of *What Volunteer Firefighters Do*, the District explicitly acknowledges the true driver of its daily operations, stating:
> **"Emergency medical responses — Most calls are medical;** *volunteers assist patients alongside EMTs."*

The Engineer’s Report uses a structural sleight-of-hand to keep the EMS General Benefit deduction at a nominal 3%. This is achieved by explicitly excluding the largest component of the entire budget: **Personnel.**

On page 27, in the section titled *"Adjustment to Account for Emergency Medical Services as General Benefit,"* the report explicitly admits to ignoring firefighter payroll, stating that incremental EMS costs include *"almost exclusively the operating costs associated with transportation."* The report openly confesses:

> *"...these are costs that are only incurred because of EMS, and* ***do not include fixed costs such as personnel who would be on active duty in any case****, as well as the associated training, and would therefore be incurred in any event in satisfying Felton FPD’s primary responsibility of fire protection."*

This assumption is a fatal logical fallacy. The District continuously touts the need for increased 24/7 staffing and improved response times due to an overall volume of roughly 900 calls a year. However, implicit in that justification is the fact that they need increased staffing because they are running 600+ medical aid calls per year, *not* fires. Increasing staffing levels benefits those who call 911 for medical emergencies at an amount extremely disproportionate to fire-related calls. Stripping these labor costs out of the EMS calculation under the pretext that firefighters "would be there anyway" is an intentional distortion of cost allocation.

If an individual works 300 days a year fishing on a boat and spends two weekends a year working on a car, they are a fisherman, not a mechanic. Because approximately **65% to 80%** of the District’s call volume consists of non-fire medical aid, the full-time personnel staffed on the 3-person engine companies are, in operational reality, EMS responders who happen to be cross-trained in fire suppression.

A direct juxtaposition of the report’s own itemized budget tables mathematically exposes this cost-shifting manipulation:

Table 3 (Emergency Medical Expenses, Page 29): This table calculates the total annual EMS cost as exactly **$71,453**. The specific line items making up that total are strictly restricted to non-labor operational expenses:

- EMS Fuel Cost: *$11,432*
- EMS Apparatus Operations and Maintenance: *$36,589*
- EMS Supplies, Equipment, and PPE: *$12,000*
- Annual EMS Training and Certification: *$11,432*

There is **definitively zero money allocated** for firefighter wages or benefits in this calculation. By stripping away all labor, SCI fabricates a claim that EMS represents a negligible 2.56% of the District's total $2.79 million budget.

Table 2 (Cost and Budget): This table outlines the true destination of the District's funds, listing **"Firefighter Staffing, Training and Retention" at $1,645,734**.

By explicitly excluding the $1.64 million personnel cost, SCI limits the EMS deduction to fuel and vehicle maintenance. This intentionally hides the massive labor cost of firefighters responding to community medical calls, unlawfully shifting a general public benefit onto the property tax assessment.

The methodology used to calculate the 3% deduction lacks a rational basis and fails the nexus test required for special assessments:

> The $71,453 attributed to EMS is limited to fuel, supplies, and maintenance. It ignores the fact that the high volume of EMS calls (65%+) directly drives the wear and tear on apparatus, accelerates the vehicle replacement lifecycle, and necessitates the very staffing levels the District claims are required.
>
> The District's own ballot guide admits that overall call volume has risen by over **180%**, driven largely by EMS needs. Attributing a 180% rise in emergency calls to a mere 3% budgetary deduction is a mathematical fabrication. The District cannot logically claim that a massive call surge justifies a property tax increase, while simultaneously claiming those same calls represent only 3% of the cost.

The Felton FPD Engineer's Report intentionally hides the labor costs associated with EMS to minimize the "General Benefit" deduction and maximize the tax burden on homeowners. By failing to proportionally allocate personnel costs relative to true medical call volume, the report fails to provide the legally required **"Substantial Evidence"** to justify the assessment. This methodology does not meet the legal standards of Proposition 218 and must be rejected.

2 in 2 out

The proposed Proposition 218 assessment relies on the foundational legal premise that funding an upgraded 3-person engine company provides a "particular and distinct" special benefit to individual assessed properties. I submit that this claim is an operational and legal fiction that fails the strict constitutional requirements established by Article XIII D of the California Constitution and the California Supreme Court's ruling in *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431.

The District's actual operational reality, state and federal safety mandates, and official public disclosures demonstrate that the proposed staffing model cannot independently execute its stated primary function—interior structural preservation. Therefore, it fails to provide any measurable "special benefit" over and above existing baseline services.

The Engineer's Report claims that upgrading from the current two-person baseline to a guaranteed 3-person engine company provides a distinct, measurable special benefit via "increased safety and protection of real property assets." However, the "Math of Interior Attack" under federal and state law renders this proposed model legally insufficient to protect a home's interior:

Under Federal OSHA regulation **29 CFR 1910.134(g)(4)** and California OSHA regulation **Title 8, CCR, Section 5144**, interior firefighting within an environment Immediately Dangerous to Life and Health (IDLH)—such as a burning home—strictly mandates a minimum of four (4) personnel on scene before entering:

- **"2-In":** A minimum of two firefighters must enter the structure as a team to attack the fire.
- **"2-Out":** A minimum of two fully equipped firefighters must remain outside on standby, ready to perform an immediate rescue if the interior team becomes trapped or injured.

When a 3-person engine company arrives at a structure fire, one individual must remain with the apparatus to operate the pump and manage the water supply. This leaves only two firefighters available. Because they lack the mandatory four personnel required to establish the "2-out" rescue team, those two firefighters are **legally prohibited from crossing the threshold of the burning home.**

This operational deficit is explicitly validated by SCI Consulting Group's own confession on page 15 of the Engineer's Report:
"Adhering to the '2 in, 2 out' standard recommended by the National Fire Protection Association (NFPA) requires four (4) personnel... Due to budget constraints, the District cannot currently meet that standard."

Zero Operational Delta: Because a 3-person crew is just as legally barred from initiating an interior structural attack as a 2-person crew, the mathematical difference—or operational "delta"—in actual interior structural preservation between the baseline service and the assessed service is precisely zero. Property owners cannot be assessed a specialized tax to fund an "enhancement" that fails to alter the legal or operational outcome for their specific home upon arrival.

The District and its consultant may attempt to argue that a 3-person crew still provides a special benefit by rapidly initiating an exterior defensive attack, prepping hose lines, or spraying water on the roof. In the operational reality of the fire service, backed by insurance claims adjusters and firefighting experts, this defense completely collapses:

Pulling a hose line to spray water from the yard is defined by fire service standards as "exposure protection." On page 25 of its own Engineer's Report, SCI explicitly defines the act of preventing a fire from "jumping" to an adjacent structure as a benefit to the *adjacent* property, not the burning property.

If a crew is legally restricted to exterior exposure protection because they cannot enter the structure, their tactical priority is the safety of neighboring parcels over the suppression of the fire within the assessed parcel. Consequently, if the assessed property owner faces a total structural and asset loss while the District limits its actions to protecting the neighbor, the assessed parcel receives zero distinct, localized special benefit. Under Proposition 218, an assessment cannot be levied on a parcel if the primary beneficiary of the funded action is actually the property next door.

Because a 3-person crew is structurally incapable of performing interior structural suppression alone, the physical preservation of a home's interior remains **100% dependent on mutual aid** or volunteer callbacks from neighboring jurisdictions (e.g., Zayante, Ben Lomond) to provide the missing fourth person required by OSHA.

> Mutual aid infrastructure, regional emergency coordination, and multi-agency response networks are system-wide operations that protect the public at large. By attempting to fund a staffing model that is completely dependent on external, regional assistance to clear the OSHA threshold, the District is effectively using a localized special assessment to bankroll its participation in a regional "General Benefit" safety net.
>
> Under *Beutz v. County of Riverside* (2010) 184 Cal.App.4th 1516, special assessments are strictly forbidden from funding general benefits. Packaging a deep regional dependency as a localized property-specific benefit fails the "strict mathematical nexus" standard. It serves as an unlawful attempt to bypass the constitutional requirement that general public safety services be funded through general revenues (such as a two-thirds voter-approved general tax).

The Felton FPD Engineer's Report attempts to bend fire service legalese to walk a tightrope of technical compliance, but it fails the reality of firefighting operations and constitutional law. The District cannot legally tax property owners for an "enhanced" service that is barred by OSHA from performing its primary interior preservation function without relying on general-benefit regional networks.

Because the report fails to provide a strict mathematical nexus between the dollars levied and a concrete, distinct advantage to the assessed parcel, it lacks the legally required **"Substantial Evidence"** to justify the assessment. The methodology is fundamentally defective, arbitrary, and constitutionally invalid.

Travel time

The assessment model relies on arbitrary multipliers that lack any rational basis or mathematical nexus. Table 8 of the inserts a **"Travel Time Premium Factor"** as a multiplier that artificially drives up assessment rates based on proximity to the fire station. The District has provided no substantial evidence or strict mathematical nexus demonstrating that it costs more to deliver an identical unit of fire service to "Zone A" versus "Zone B." This arbitrary rate manipulation fails the "strict proportionality" mandates required under *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431.

Under the landmark California Supreme Court ruling in *Silicon Valley Taxpayers' Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431, property assessments cannot be based on arbitrary, generalized, or fabricated figures. The District must prove a distinct, measurable, and proportional relationship between the exact dollar amount charged to a parcel and the actual, localized special benefit that parcel receives.

An analysis of the Felton Fire Protection District (FPD) Engineer's Report demonstrates that its billing formula and apportionment methodology fail this constitutional mandate. The report utilizes an unscientific, revenue-driven "Travel Time Factor" formula that charges remote property owners **82%** of the maximum tax rate for a service level that physically and mathematically guarantees a total structural loss.

According to Table 8 (Page 40) of the Engineer's Report, the District establishes a "Travel Time Premium Factor" multiplier to determine parcel-specific assessment rates based on proximity to the fire station. The distribution of these multipliers is entirely arbitrary and lacks a valid cost-of-service basis:

> A property located within an immediate, rapid-response 5-minute zone is assigned a baseline multiplier factor of 1.00. Conversely, a remote property located **20 or more minutes away** from the fire station is assigned a multiplier factor of **0.82**.
>
> This formula forces a homeowner living in a remote zone to pay a staggering **82%** of the full base Single-Family Equivalent (**$697.43**) rate.

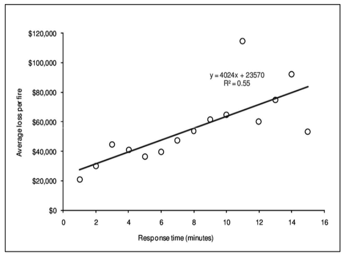
SCI's calculation asserts that a property facing near certain total destruction receives nearly the exact same "special benefit" as a property located directly next door to the station. Assessing a property for an enhanced career service that cannot physically arrive in time to perform a legal interior attack fails the distinct and measurable benefit test required by law.

The assessment engineer is not a firefighter and has constructed a mathematical model that completely disregards the physical and scientific realities of fire behavior:

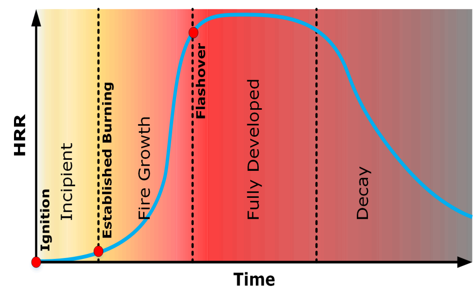
> In real-world fire behavior, modern structural fires do not grow on a predictable, linear line; they grow exponentially, doubling in size and heat intensity approximately every single minute. Because fire growth is highly parabolic, the closest houses to the station receive almost the entirety of the operational asset-preservation benefit. The actual benefit curve drops off vertically—not smoothly or linearly—as travel times extend away from the station.
>
> On page 40, the Engineer's Report features a fire growth chart illustrating how structural loss correlates to emergency response times. However, the report's analysis deliberately cuts off the X-axis prematurely before reaching the 20-minute mark. If the chart's trend line were logically extended to the 20-minute mark, the curve would go entirely parabolic, representing a **100% total structural loss**.
>
> Because the graph cuts off early, the report provides absolutely zero substantive evidence to justify the 0.82 modifier. The consultant simply manufactured a linear progression out of thin air to ensure remote properties could be heavily assessed to

maximize district revenue, ignoring the fact that a 20-minute response time is effectively a total loss scenario.

Travel Time versus Property Loss



Source: Neil Challands "The Relationships Between Fire Service Response Time and Fire Outcomes," Fire Technology, July 2010.



Assessing a remote parcel at nearly full price assumes that an engine arriving at the 20+ minute mark can still deliver an "enhanced level of service" or structural preservation. In real-world fire service deployments, a 20-minute response time yields an operational delta of zero:

> Because a fire burns unchecked and intensifies parabolically over a 20-minute duration, the incident will be profoundly harder to control upon arrival. Even with a fully staffed engine, a fire with this much free-burn time cannot be suppressed by a single crew, forcing total operational reliance on multi-engine regional mutual aid provided by neighboring jurisdictions.
>
> By the time an engine arrives at the 20-minute mark, the fire has actively destroyed core structural elements. Wood trusses, columns, and support beams will have faced prolonged thermal exposure, creating an extreme risk of structural failure and imminent collapse. This further hampers the abilities for firefighters to safely go interior, increasing probability of total loss.
>
> Long before the 20-minute mark is reached, an uncontained structural fire will achieve flashover—the rapid, catastrophic penultimate stage of "fire growth" where all combustible materials in a room simultaneously ignite from radiant heat. Once flashover occurs, firefighters are typically operationally barred from performing an interior offensive attack as it is entirely too dangerous to enter. Crews are forced to take exterior defensive positions to protect surrounding wildland exposures.

If the crew is restricted to standing in the yard spraying water on the trees while the home finishes burning into a total loss, the assessed parcel receives zero specialized property preservation.

The 0.82 travel time multiplier is a non-scientific, fabricated figure designed to secure property tax revenue from parcels that the District cannot operationally protect from total destruction. Because a 20-minute response time offers zero measurable structural defense for an active fire, this formula fails the distinct benefit test, violates the proportionality standard, and relies on an arbitrary methodology.

Ask yourself- *“If the report applies a 'Travel Time Factor' to determine how much a parcel should be assessed based on its distance from the station. According to Table 8, a house that is over 20 minutes away is still charged 82% of the base rate. Fire doubles in size every minute. Given that a 20-minute response time almost guarantees a total structural loss, what is the strict mathematical nexus that justifies charging a homeowner 82% of the tax for a house that will burn to the ground before an engine arrives?"*

These calculations represent the fundamental mathematical and legal pillars of your Proposition 218 assessment and must be verifiable by the public right now. If the District cannot produce a strict, peer-reviewed fire science formula or actuarial data for that 0.82 multiplier, it concedes that the figure is legally arbitrary, capricious, and void.

Addendum: Unconstitutional Failure to Account for Mitigating Assets (Sprinkler Systems)

The arbitrary nature of the District’s apportionment methodology is further proven by its complete failure to account for active fire mitigation systems. According to data from the National Fire Protection Association (NFPA), the presence of automatic fire sprinkler systems reduces fire-related property damage by **40% to 70%**, and contains **97%** of structural fires entirely to the single room of origin.

Properties outfitted with fully functional sprinkler infrastructure possess an immediate, built-in line of defense that dramatically minimizes the department's operational deployment strain, structural degradation risk, and suppression resource load. Yet, under the SCI Engineer's Report, **sprinklered buildings receive a 0% discount** on their assessment.

Charging a sprinklered property 100% of its allocation while charging a remote, un-sprinklered home facing certain total destruction 82% of the tax rate confirms that this assessment is a revenue-driven mechanism completely detached from a true mathematical nexus of actual risk, cost of service, or property-specific benefit.

Tourists

To legally pass this assessment, the District was mandated to accurately separate, calculate, and deduct the "General Benefit" provided to the massive influx of tourists and regional commuters. However, instead of using scientifically valid metrics, SCI calculated this general public benefit by measuring dirt.

On page 26 of the Engineer's Report, SCI notes that public parkland makes up 10.81% of the District's land area and highways make up 0.37%, totaling an exact land-use figure of **11.18%**. However, in the very next paragraph, the report states that because of "significant non-resident traffic" and "seasonal visitation," the engineer simply *"assigns a 20.0% contribution"* as the general benefit to the public at large.

SCI takes a mathematically proven land-use figure of 11.18% and arbitrarily pads it by nearly 9% based on subjective "feelings" about traffic, without citing a single traffic apportionment formula. The landmark California Supreme Court ruling in *Silicon Valley Taxpayers' Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431 demands a **"strict mathematical nexus."** This arbitrary 20% assignment is a non-scientific, fabricated figure designed to create a legally defensive buffer rather than accurately measure benefit. By substituting crude, padded acreage guesswork in place of a strict mathematical nexus of service demand, the report fails the constitutional separation test.

Under California Constitution Article XIII D and established Supreme Court and Appellate precedent—including *Beutz v. County of Riverside* (2010) 184 Cal.App.4th 1516 and *Golden Hill Neighborhood Association v. City of San Diego* (2011) 199 Cal.App.4th 416—a local agency must explicitly isolate, quantify, and exclude the "general benefit" a public safety infrastructure provides to the public at large. It is constitutionally impermissible to cross-subsidize services provided to the general public by taxing a small subset of private property owners.

The Engineer's Report authored by SCI Consulting Group fundamentally mischaracterizes the nature of "Special Benefit" by tethering its general benefit calculations almost exclusively to raw land acreage rather than actual human service demand. By utilizing a flawed geographical model, the District is attempting to force local property owners to foot the bill for the massive operational readiness required to protect millions of non-taxpaying transient tourists.

The Engineer's Report notes that public parklands—including Henry Cowell Redwoods State Park, Fall Creek State Park, Felton Covered Bridge Park, Felton Discovery Park, and Felton Deck Park—represent 10.81% of the District's land area, and adds highways for a total of 11.18% public-use land area. SCI subsequently uses this static acreage to justify an arbitrary, compressed general benefit deduction of only 25.8% (Table 2).

This methodology represents a facial violation of Proposition 218's strict mathematical nexus requirements:

> Fire and emergency medical services (EMS) do not expend operational resources to protect vacant acreage; they protect human activity, occupants, and visitors.
>
> A 400-acre state park or a commercial tourist attraction creates zero operational load on a fire station until a human being requires medical aid, a technical rescue, or fire suppression. Land does not call 911.
>
> Measuring regional general benefit by land square footage rather than human service demand is a non-scientific framework designed to artificially minimize the required general benefit deduction and maximize the tax levy on private homeowners.

When evaluated against the District's own publicly distributed data and official Ballot Information Guide, the true human population served by the Felton Fire Protection District completely invalidates the acreage-based calculation:

> Approximately 6,000 residents.
>
> Between 1.5 million and 1.7 million tourists (Midpoint: **1.6 million annual visitors**) frequent the local state parks, downtown corridors, and major regional commercial attractions like Roaring Camp Railroads.
>
> Dividing 1.6 million annual visitors by 365 days reveals an average of **4,383 to 4,657 non-residents** present within the District bounds every single day.
>
> On any given day, the true human asset pool requiring emergency response readiness is approximately **10,657 people**.

Consequently, the non-assessed general public (transient tourists and commuters) routinely constitutes approximately **43.7% to 45% of the total daily human population** requiring active emergency response positioning. Because nearly half of the District's daily operational footprint consists of non-taxpayers, any general benefit deduction lower than 45% is mathematically and constitutionally indefensible. Applying SCI's mathematical model to the physical structures purportedly protected by this funding reveals that these structures represent less than 10% of the district's total acreage, yet they receive the entirety of the benefit. This demonstrates the arbitrary nature of using acreage as an assessment metric.

Proposition 218 mandates that an assessment be backed by **"Substantial Evidence"** within the administrative record. The District has historically failed to provide clear, audited metrics separating resident versus non-resident call logs:

> By failing to isolate and report specific dispatch data for the millions of state park visitors, Roaring Camp tourists, and Highway 9 traffic incidents, the Engineer's Report abandons hard empirical facts.
>
> The District cannot legally assess private property owners for the extensive, year-round staffing capacity required to cover regional tourist infrastructure. Because the Engineer's Report suppresses the true scale of the service demand driven by the general public to protect its revenue targets, the entire apportionment methodology is arbitrary, capricious, and legally void.

The proposed assessment leverages a defective, land-based calculation that fails to separate localized property protection from regional public safety. Local homeowners are being unconstitutionally forced to cross-subsidize a high-volume tourist environment that should properly be funded through general revenues or a two-thirds voter-approved general tax.

Ask yourself "*Given that the report uses a 25.8% general benefit deduction based on raw public land acreage, but the own data shows that 1.6 million annual tourists drive the District's true* *daily human population up by over 43%, what is the explicit mathematical data or specific dispatch study within the administrative record that proves tourists only account for 25.8% of emergency service readiness costs—and how does forcing local property owners to fund the remaining operational gap for millions of non-taxpayers comply with the strict separation mandates of Beutz v. County of Riverside?"*

If the District cannot provide an audited Computer-Aided Dispatch (CAD) log analysis and NFIRS/NERIS historical call data proving that non-residents account for less than the deducted amount, the general benefit calculation lacks substantial evidence.

Traffic

Under California Constitution Article XIII D and established Supreme Court precedent—including *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431 and *Beutz v. County of Riverside* (2010) 184 Cal.App.4th 1516—any benefit provided to the public at large, including non-resident motorists traveling through a jurisdiction, constitutes a "General Benefit" that must be explicitly quantified, isolated, and completely deducted from the assessment burden.

The Engineer's Report authored by SCI Consulting Group facially violates this constitutional requirement. The report utilizes an arbitrary, non-scientific methodology that bases the highway and throughway general benefit strictly on the physical square footage of pavement relative to overall district land area. By again substituting a surface-area gimmick in place of actual, traffic-driven service demand, the District is attempting to execute an illegal cross-subsidization, forcing a small pool of local homeowners to underwrite the emergency response infrastructure required to protect tens of thousands of regional commuters daily.

To minimize the required General Benefit deduction and maximize the tax levy on local parcels, the Engineer's Report reduces major state highways and regional thoroughfares down to a mere fraction of a percent of the District's raw land acreage. This represents a fatal logical and legal flaw:

> Pavement and asphalt do not call 911; people in moving vehicles do.
>
> The operational readiness required to respond to high-speed motor vehicle accidents, vehicle fires, and hazardous material spills along major regional arteries is driven entirely by traffic volume and human transit activity, not by the physical width of the road.
>
> Measuring a property-specific special benefit based on structural square footage of roadways completely separates the assessment from the actual cost of service, failing the constitutional requirement for a strict mathematical nexus.

When evaluated against objective regional transportation metrics, the massive volume of non-resident, cut-through traffic running directly through the Felton Fire Protection District completely obliterates the acreage-based model:

Graham Hill Road at State Route 9: Experiences an average of **24,600 daily vehicle trips**.

State Route 9 Corridor: Experiences between **4,390 and 8,656 daily vehicle trips** along segments running directly through the heart of the District.

The Felton Fire Protection District encompasses a small local population with a theoretical maximum of approximately **5,000 driving-age residents**.

Even if we apply the highly generous assumption that every single one of Felton's 5,000 driving-age residents owns an active vehicle and drives through these regional intersections once every single day, local property owners would account for **less than 15%** of the total daily traffic load.

Statistically, this traffic imbalance establishes an approximate **6 or 7-to-1 likelihood** that any given vehicle traveling through these transit corridors—or involved in a major collision requiring an emergency response—belongs to a non-resident, non-taxpaying motorist.

The public at large utilizes these critical regional corridors daily to commute across the county without living, working, shopping, or paying property taxes within the Felton Fire Protection District.
Based on actual service demand, only **15% to 20%** of the department's traffic-related emergency responses involve local property owners who are being targeted by this assessment. The remaining **80% to 85%** of traffic-related operational strain is a pure general benefit provided directly to the regional traveling public. Under *Beutz*, an agency cannot offload the cost of a systemic public service onto local property assessments simply because isolating traffic data requires administrative rigor. By suppressing the true scale of this transit-driven load, the Engineer's Report fails to provide the "Substantial Evidence" required to validate the assessment rate.

The proposed assessment forces local property owners to subsidize an expansive regional thoroughfare safety net under the guise of an independent localized property benefit. Because the mathematical model relies on an arbitrary geographic asset framework rather than a strict mathematical nexus of actual service demand, the apportionment is unconstitutional.

Ask yourself or The District - *"Given that Graham Hill Road and State Route 9 experience over 30,000 collective daily vehicle trips while the District only has a theoretical maximum of 5,000 driving-age residents—establishing an approximate 7-to-1 likelihood that roadway emergencies involve non-taxpayers—what is the specific, empirical dispatch data within your report that proves regional commuters only account for a fraction of a percent of your general benefit cost, and how does basing a property tax on the square footage of pavement rather than actual traffic service demand satisfy the strict mathematical nexus requirements."*

Proxy data

Under Article XIII D of the California Constitution and the landmark California Supreme Court ruling in *Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431, a public agency must demonstrate a **strict mathematical nexus** between the exact dollar amount assessed to a specific parcel and the proportional special benefit conferred upon that unique property. Vague estimations, speculative assumptions, and broad regional or national generalizations are constitutionally insufficient to support a specialized property tax.

An analysis of the Felton Fire Protection District (FPD) Engineer's Report demonstrates that it fails this constitutional benchmark. The District and its consultant, SCI Consulting Group, have opted for administrative convenience over legal precision, abandoning localized, empirical evidence in favor of national averages and arbitrary data "proxies."

The Engineer's Report constructs its entire "Fire Risk Factor" methodology not upon the actual, historical call volume and structural profiles of Felton, but on generic national data sets:

> The report imports macro-level national statistics from the National Fire Protection Association (NFPA) to weight localized property risk and calculate the baseline cost of fire protection services.
>
> National statistics are not a legally viable substitute for localized, verifiable call data and actual structural risk profiles. Substituting Felton's specific geographical realities with aggregated national statistics fails the constitutional requirement to isolate the specific cost of providing a localized property benefit. By anchoring the proposed assessment rate to a foundation of national conjecture, the District fails to calculate the cost of service relative to the actual benefits received by Felton property owners.

The most egregious failure of the "strict mathematical nexus" standard is found in the report's explicit admission that it failed to analyze specific property classifications, substituting real-world data with arbitrary placeholder values:

> In detailing the breakdown of unique property classifications (such as Table 4), the report openly confesses that because it lacked sufficient data to evaluate specific land uses like commercial parking lots, it simply utilized *"the vacant property type... as a proxy."*
>
> Assigning a specialized property tax rate to a distinct commercial land use by using an unverified "proxy" is the antithesis of a strict mathematical nexus. The District cannot constitutionally levy an assessment on a parcel if it cannot or will not perform the engineering analysis necessary to quantify that parcel's distinct risk and benefit profile. Treating active commercial parcels identically to un-cleared vacant land is arbitrary, capricious, and facially invalidates the underlying mathematical model.

This reliance on acreage-based guesswork is a direct consequence of administrative failure. The District has historically failed to maintain compliance with the National Fire Incident Reporting System (NFIRS) and the National Emergency Response Information System (NERIS). Because the District lacks accurate, localized, data-driven tracking of its own historical dispatch records, it is structurally incapable of separating in-district resident service calls from calls driven by transient tourist populations and highway incidents.

Under Proposition 218, the burden of proof rests entirely on the agency to provide "Substantial Evidence" supported by hard facts. The District cannot use its own long-term failure to accurately report and maintain emergency response logs as a legal license to make up arbitrary numbers and guess on its general benefit calculations.

Because the entire mathematical engine driving this assessment relies on non-specific proxies and broad national assumptions, the final dollar amount assessed to each parcel fails the proportionality test:

> The calculation of the single-family equivalent (SFE) assessment rate is structurally warped by these data substitutions. If the baseline inputs are built on a series of administrative guesses rather than localized, empirical facts, the resulting cost allocation cannot be legally classified as a "reasonable cost" under Article XIII D. The final dollar amount assessed to each parcel lacks the evidentiary support required by law, rendering the assessment arbitrary and legally void.

The Felton FPD Engineer’s Report has compromised constitutional compliance for the sake of administrative expedience. An assessment that relies on speculative placeholders and generic national macro-trends cannot legally support the imposition of a specialized tax.

Ask yourself or the district *"Given that Table 4 of the Engineer's Report explicitly admits to using 'vacant property' as an unverified proxy for other distinct property types due to a lack of data, what is the exact, empirical mathematical nexus showing that this proxy rate matches the actual, proportional cost of service to those specific parcels—and how does substituting localized data with generic NFPA national averages comply with the strict-nexus mandates of the Silicon Valley Supreme Court decision?"*

If the District cannot provide a localized, audited mathematical model devoid of arbitrary proxies, it concedes that this assessment fails the strict requirements of Proposition 218.

0 % Indirect

On page 25, the Engineer's Report calculates that the "Indirect and Derivative" benefit to properties outside the district is exactly **0.0%**. This claim is an operational and logical impossibility that invalidates the assessment under *Silicon Valley Taxpayers Association*.

To justify its staffing expansion, the District heavily references the OSHA "Two-In/Two-Out" rule, which legally bars a 3-person crew from executing an interior structural fire attack until a 4th firefighter arrives. Because Felton crews cannot legally enter a burning home independently, the actual preservation of an assessed structure remains 100% dependent on the arrival of regional mutual aid from neighboring jurisdictions (e.g., Ben Lomond, Zayante).

Mutual aid is a reciprocal, system-wide network. By using assessment funds to increase staffing, Felton's crews will undeniably respond outside district lines to aid neighboring communities. To claim that Felton's participation in this county-wide safety net provides exactly 0.0% benefit to the surrounding region is factually indefensible.

More importantly, it proves an unlawful packaging of general services: the District is attempting to levy a localized property assessment for a "special benefit" (interior structural defense) that it is legally and operationally incapable of delivering on its own without relying on general public regional networks.

Under Article XIII D of the California Constitution and the strict standards established in *Beutz v. County of Riverside* (2010) 184 Cal.App.4th 1516, a public agency is strictly mandated to isolate, explicitly quantify, and deduct all general benefits from an assessment. This includes any "indirect and derivative" benefits provided to the region or public at large.

The Engineer’s Report authored by SCI Consulting Group facially violates this constitutional requirement. On page 25, the report utilizes a fabricated placeholder, asserting that the indirect and derivative general benefit provided by this assessment is exactly **0.0%**.

Under California law, an agency cannot claim that a regional, systemic benefit is exactly zero simply because it is complex to calculate. By declaring the indirect and derivative regional benefit to be precisely 0.0%, the Engineer's Report makes the legally indefensible assertion that:

> Felton FPD personnel and assets will never cross district lines to respond to regional emergencies.
>
> Enhanced local staffing and operational readiness provide absolutely zero financial, tactical, or safety value to the county-wide emergency network surrounding Felton.

This 0.0% accounting metric creates a fatal operational contradiction with the District's own core justification for the assessment:

> To justify the need for enhanced staffing, the District points to the state and federal OSHA "2-in/2-out" safety mandates, which require four firefighters on scene before an interior attack can begin. The District admits it must rely entirely on a reciprocal, multi-agency mutual aid network to hit this safety threshold.
>
> Mutual aid is a two-way street. By using local assessment funds to increase staffing and operational capacity, Felton’s units will inevitably respond to incidents outside the district to assist neighboring communities. This expanded capacity provides a direct, measurable benefit to the regional emergency network at large.

The 0.0% figure is an unscientific fabrication designed to intentionally suppress the total General Benefit deduction, thereby unlawfully maximizing the special assessment financial burden placed on local property owners.

Because the Engineer’s Report fails to isolate and explicitly subtract the substantial derivative benefits this staffing model provides to the surrounding regional mutual aid network, it fails the strict separation requirements of Proposition 218 and lacks the required **"Substantial Evidence."**

Budget Hoarding

This 218 assessment is constitutionally and structurally invalid due to a strategic financial "shell game" embedded within the District's budgetary projections. The District is attempting to execute an unlawful over-collection of taxes, manipulating its accounting structures to create an artificial fiscal emergency while systematically hoarding public general fund revenues.

The proposed assessment relies on an artificial decoupling of revenue streams designed to force property owners to pay for 100% of the District's core operational costs—Salaries, Benefits, and Supplies—while the District systematically liberates and conceals its existing general fund revenues.

> The District and its consultant, SCI Consulting Group, publicly assert that any excess Proposition 218 assessment revenue will be returned to the community. However, the Engineer’s Report explicitly allocates the anticipated **$1,708,422** in annual assessment revenue to cover the District's most rigid fixed costs: personnel. Table 2 sets the "Firefighter Staffing, Training and Retention" budget at **$1,645,734**. By dedicating nearly the entire assessment revenue to baseline payroll expenses, the District ensures this specific fund is drained to zero every single year, making a community refund a mathematical impossibility.
>
> By shifting the entire burden of employee payroll onto the new special assessment, the District instantly frees up its existing general fund allocations. The Engineer's Report confirms the District currently receives **$1,088,724** annually from dedicated property taxes and existing revenues. Instead of using this liberated money to reduce the overall tax burden on property owners, the District's "Five-Year Amortized Funding Summary" reveals that this general revenue is being swept out of operations and into an unallocated contingency fund.

The table below demonstrates that the assessment revenue alone is structured to completely swallow the core personnel operations across a five-year period, establishing a massive **$1.6 million Excess Assessment Revenue Gap** that should have been offset by existing general revenues:

‘

Analysis of Assessment Revenue vs. Core Personnel Costs

Fiscal Year	Proposed Assessment Revenue	Allocated Budget: Salaries & Benefits	Excess Assessment Revenue Gap
2026	$1,708,422.00	$1,249,427.34	$458,994.66
2027	$1,708,422.00	$1,283,387.37	$425,034.63
2028	$1,708,422.00	$1,447,755.29	$260,666.71
2029	$1,708,422.00	$1,466,931.58	$241,490.42
2030	$1,708,422.00	$1,492,207.54	$216,214.46
5-Year Cumulative	**$8,542,110.00**	**$6,939,709.12**	**$1,602,400.88**

This accounting framework creates an egregious, unconstitutional double-charge on property owners, who already fund the District's primary fire protection services through their <1% ad valorem property tax allocation.

> The District's "Five Year Amortized Funding Summary" (Attachment B) proves that the proposed $697 assessment rate is designed to deliberately generate massive annual surpluses. The "Total projected District carry over for contingencies - annually" rapidly balloons:

- In **2026**, the unassigned contingency carry-over starts at **$582,025.66**.
- By **2031**, this unallocated cash stockpile nearly doubles, reaching a staggering **$1,094,003.34**.

To evaluate whether this reserve is "reasonable," it must be measured against actual operating expenses. The District projects its total operating expenses for the year 2031 will be $2,629,265.54. Stockpiling a cash reserve of **$1.09 million** means the District intends to build an unassigned savings account equal to **more than 41% of its entire annual operating budget**, which represents an entire year's worth of its standard general revenue. Furthermore, the annual ad valorem tax revenue is expected to grow significantly as an aging Felton population begins to die off and property changes hands, ending Prop 13 protections on each of those parcels. Finally, Chief Blum admitted in a June 27th Town Hall that the PERS buyout they have been planning and attempting for years will come out of the Ad Valorem property tax revenue. This budget hoarding will allow them to recover a hit to their reserves that was committed to well before the 218 process was ever considered.

> Article XIII D, Section 4(a) mandates that no assessment shall be imposed on any parcel which exceeds the *"reasonable cost of the proportional special benefit conferred on that parcel."* Deliberately taxing residents at an initial rate high enough to hoard over a million dollars in unassigned carry-over cash inherently exceeds the actual cost of providing the fire service in those given years, rendering the assessment legally excessive.

The Engineer's Report legally mandates that the District's 25.8% "General Benefit" obligations (services provided to the public at large, State Parks, and non-fire medical calls, calculated at $440,772 for 2026) must be funded exclusively by non-assessment sources. Because money is fungible, the District's budget layout reveals an illegal cross-subsidization:

> If the District is pulling its existing general revenues out of daily operations to build a private, $1.09 million capital surplus fund, the new Proposition 218 assessment revenue is directly backfilling and cross-subsidizing the "General Benefit" operations of the fire department. Property owners cannot legally be taxed $1.7 million for payroll solely to enable the District to stash $1.09 million of its own general revenue into a rainy-day fund.
>
> This financial strategy completely invalidates the District's official public election messaging. The official Voter Ballot Guide explicitly tells voters: *"The Fire District is not funded by the State or County..."* and claims it survives on a small portion of property taxes set in 1947. This is a provable falsehood. The introduction of the Engineer's Report admits that the District *"is currently funded primarily through its share of local ad valorem property taxes, which provide approximately $1.01 million annually,"* accounting for **93% of its recurring revenue**. Table 2 lists **$989,243** in existing "Est. Dedicated Property Taxes." Distributing official election materials that claim the District receives no county/tax base funding while simultaneously relying on nearly $1 million in ad valorem property taxes to justify a secondary tax represents a material misrepresentation to the voting public.

The Engineer's Report claims that the total general benefit is 25.8% (the 20% public-at-large assignment plus nominal adjustments for EMS and out-of-district line jumping), requiring the

District to cover at least $1,088,724 from existing revenues. While the report claims this overestimation protects property owners, the District's actual financial management exposes a flagrant violation of *Beutz v. County of Riverside* (2010). Under *Beutz*, the separation of general benefits is meaningless if the agency does not actually apply its existing general funds to cover that identified public portion.
A review of the District's financials reveals it possesses **$1,088,724 in existing annual revenue**—the exact amount needed to cover the public's share. However, rather than utilizing its current tax base to fund this general benefit, the District's Draft Five-Year Funding Summary reveals an intentional plan to accumulate and hoard an unallocated **$1.09 million contingency reserve by 2031**.

The District's staffing plan reveals a deceptive budgetary gap: while the assessment is structured to immediately (year one) fund all staff positions at the top step of the pay scale—as confirmed by Chief Blum at a Town Hall—the initial two-year plan does not actually compensate firefighters at all, and none of the staff will be actually receiving top step until appropriate to their tenure of service beyond the second year. Consequently, the District will collect full assessment revenues while under-spending on the promised payroll. Rather than returning this surplus to property owners, the District intends to divert these funds into its vaguely defined services (see the Immeasurables section), effectively converting the excess assessment revenue into an unallocated reserve for non-specified operational costs.

An agency cannot legally use special assessment revenue to pay for 100% of an operational budget while simultaneously diverting its general fund property taxes to a corporate savings account. This structural displacement proves the assessment is mathematically greater than the amount required to provide the special benefit, stripping the District of any legal standing to assert that an additional $1.7 million property tax is a "necessary" cost.

The Felton Fire Protection District's claim that this assessment is "necessary to prevent insolvency" is completely refuted by its own financial projections. The assessment is a mathematically engineered mechanism designed to generate massive annual surpluses exceeding the reasonable cost of service, resulting in an unconstitutional over-collection of taxes.

V. Conflicts of interest / Partisan Advocacy

The commission of this assessment is based on conflicts of interest, and the support of it has been obscured by bad information and partisan advocacy.

Misleading Ballot guide

Partisan Advocacy

Self Dealing in the creation of the budget and positions the assessment would fund

Western Confluence Group (**WCG**) conflict of interest

Assessment objections directed to an interested party

Board Connections

Misleading Ballot guide

Under California law, an agency is strictly prohibited from using public funds to disseminate promotional, campaign-style materials or false financial claims to secure a favorable election outcome. Article XIII D of the California Constitution requires full, transparent disclosure and mandates that every factual claim used to justify an assessment must be backed by independent, verifiable **"Substantial Evidence"** within the administrative record.

An analysis of the official Ballot Information Guide distributed to voters reveals a pervasive pattern of unauthorized advocacy, unsubstantiated scare tactics, and material misrepresentations. The District has crossed the legal line from neutral education to promotional campaigning, rendering the entire voter notification and election process constitutionally defective.

The official Ballot Information Guide contains a blatant financial contradiction designed to manipulate the electorate by manufacturing a false sense of fiscal isolation:

> The Ballot Guide explicitly tells voters, *"The Fire District is not funded by the State or County..."* and asserts it survives almost entirely on a small fraction of local fees set in 1947. This is a provable falsehood. Table 2 ("Cost and Budget") of the District's own Engineer's Report explicitly outlines that the District relies on **$989,243** in existing "Est. Dedicated Property Taxes." Nearly $1 million—representing approximately **35%** of the District's total $2.79 million budget—comes directly from dedicated property taxes allocated through the county. Distributing material falsehoods about the agency's primary revenue baseline violates the transparent disclosure requirements of Proposition 218.
>
> The Ballot Guide repeatedly claims that assessment revenues are desperately required for "essential life-saving services" and "boots on the ground" safety. However, the guide completely fails to disclose that a significant chunk of this revenue is allocated to fund an estimated **$50,000 salary increase** for a single administrative position (the permanent Fire Chief). Under Proposition 218, assessments can only fund the "reasonable cost" of a proportional special benefit. Masking an executive raise under the umbrella of emergency operations misleads the voters and causes the assessment to exceed the proportionate cost of the service actually delivered.

Under the legal standards established in *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, public agencies are strictly prohibited from using public funds to publish promotional, non-neutral assertions. The District’s attempt to shield its claims behind qualifying legal language like "could" or "may" fails under constitutional scrutiny if its intent is to persuade but does not have any documented basis:

> The Ballot Guide attempts to coerce a "Yes" vote by threatening that alternative governance paths—specifically, annexation into Santa Cruz County Service Area 48 (CSA 48)—*"could result in charges that may, in some instances, exceed the amount"* of the proposed assessment.
>
> This claim is entirely unsupported by the administrative record. The term "County Service Area 48" appears only once in the entire Engineer's Report, buried within a footnote on Page 36 (Table 5). The Assessment Engineer strictly used CSA 48 as a statistical reference point to increase the sample size for land valuations; the report contains **zero financial analysis or comparative cost studies** comparing Felton's tax structures to CSA 48.
>
> Independent data indicates that actual CSA 48 rates are currently approximately half the proposed Felton assessment rate. Utilizing public funds to print unverified financial threats that are completely absent from the Engineer's Report constitutes illegal, promotional advocacy rather than neutral voter education.

To assure voters of fiscal accountability, the official Ballot Information Guide explicitly promises that all assessment revenues *"WILL be reviewed annually by a citizen review panel."*

> During public town halls and board meetings, District leadership openly admitted that this oversight panel does not currently exist, has not been structured, and possesses no legally binding bylaws.
>
> Promising a non-existent oversight mechanism to neutralize taxpayer opposition is a bad-faith marketing tactic. Under Government Code § 53753, the official information distributed to voters must be factually verifiable at the time the ballots are cast. Courting votes using fabricated compliance structures invalidates the integrity of the ballot process.

The "Summary of Proposed Benefits" featured in the guide relies entirely on vague, corporate public safety jargon printed on the Fire District's own organizational letterhead, proving it is an internal marketing tool rather than independently verified engineering data. The District fails to provide a "strict mathematical nexus" or any quantifiable metrics for its primary claims:

> The guide claims the tax will "preserve rapid response times" and "repair equipment," yet provides **no current baseline performance metrics**. Without down-to-the-second baseline response data or documented equipment lifecycles, it is legally impossible to quantify an improvement.
>
> The guide claims "familiarity with district neighborhoods and access routes" as a specialized parcel benefit. Geographic familiarity is a basic prerequisite of public safety administration, not a trackable property service.
>
> The guide presents staffing upgrades as a measurable benefit to individual structures. However, fire service reality defeats this:

*A*n exterior attack is an inherently defensive "exposure protection" tactic. On page 25, the Engineer's Report defines preventing a fire from jumping as a benefit to the *adjacent* property, meaning the primary beneficiary of this tactic is the neighbor, not the burning parcel.

Upgrading from 2 to 3 personnel creates an operational delta of precisely zero for interior structural preservation, as state and federal OSHA "2-in/2-out" mandates strictly require a minimum of 4 personnel on scene before entering a burning building.

Because these operational outputs are unquantified, conditional, or operationally ineffective on their own, they stand as administrative slogans rather than the "particular and distinct" special benefits required by the *Silicon Valley Taxpayers Association* Supreme Court mandate.

The official Ballot Information Guide is a biased, promotional document that misrepresents the District's primary funding baseline, fabricates an oversight panel, and utilizes unsubstantiated financial threats to coerce a "Yes" vote. The District has failed to anchor its public assertions to the legally mandated "Substantial Evidence" required in a Proposition 218 proceeding.

Ask yourself or the district *"Given that the official Ballot Guide claims the District is not county-funded and that CSA 48 annexation could exceed the proposed tax, where is the specific, audited financial data within the pages of the Engineer's Report that substantiates these assertions—and if no such comparative study exists within the legal record, how does the dissemination of these unverified claims comply with the strict neutral disclosure mandates of Government Code § 53753 and the substantial evidence standard of the California Constitution?"*

If the District cannot substantiate its ballot materials using the official, audited engineering record, the election process is terminally flawed.

Partisan Advocacy

Under California Government Code § 54964 and the foundational California Supreme Court precedent established in *Stanson v. Mott* (1976) 17 Cal.3d 206, public agencies and officials are strictly prohibited from using public funds, taxpayer resources, or official forums to promote, advertise, or advocate for the passage of a ballot measure. While an agency may expend public funds to provide a purely objective, neutral, and balanced informational presentation of facts, it cannot legally operate or underwrite a promotional campaign.

The Felton Fire Protection District and its consultants have flagrantly violated this statutory boundary. The District has deployed selective disclosures, coordinated data manipulation, and unsubstantiated fear-mongering through official channels, while actively permitting official informational forums to be co-opted into a partisan advocacy campaign.

The District's official public communications have systematically relied on a distorted narrative regarding its current operational and fiscal baseline to improperly influence voter sentiment:

> Official informational handouts emphasize that from 2024 to the present, the department operates strictly as a *"Volunteer Fire Chief and Volunteer Firefighters with no permanent paid employees."* * Internal financial records expose that **$260,000** has already been explicitly allocated out of current operational revenues to fund personnel staffing for the current 2025–2026 fiscal year.
>
> While the public Ballot Guide purports that the assessment is strictly required to secure basic "boots on the ground" operational readiness, the District failed to transparently disclose that a substantial portion of the assessment revenue is explicitly structured to absorb an approximately **$50,000 salary increase** for a single administrative position. Masking a top-heavy, fixed payroll expansion behind the emotional veneer of an underfunded volunteer force constitutes a material misrepresentation that misleads the voting public.

To actively campaign for "Yes" votes, District leadership has abandoned objective neutrality in official mailers and public presentations, substituting hard data with misleading talking points:

> **The "90% Will Pay Less" Manipulation:** Presenters have repeatedly declared to property owners that "90% of residents will pay less than $642." However, an independent mathematical audit of the actual, certified parcel roll reveals that **64% of property owners will pay more than $640**. This intentional inversion of data serves a promotional campaign agenda, not an educational one.
>
> **Unsubstantiated Alternative Governance Threats:** The official "Information Guide" threatens residents with a hyper-expensive alternative governance model under county oversight (CSA 48) if the measure fails. This alarming assertion is completely unsupported by any comparative analysis, fiscal study, or "Substantial Evidence" within the actual Engineer's Report or WCG report. Finally, an agency cannot make factual claims in a ballot guide that are not supported by the "Substantial Evidence" contained within the actual administrative record. The official Ballot Information Guide distributed to voters utilizes explicit financial threats, claiming that if the assessment fails, the District faces "Possible Annexation into CSA 48," which would impose charges that "may, in some instances, exceed" the proposed assessment. This is a material misrepresentation of the administrative record. A review of the actual Engineer's Report reveals that **CSA 48 is only mentioned as a source for sample-size data to calculate property values.** The report contains absolutely zero comparative cost studies, zero financial analyses, and zero empirical data comparing Felton's proposed $697.43 rate to the actual cost of being under county oversight.

Coercing property owners into a "Yes" vote by using public funds to mail out unsubstantiated, un-engineered financial threats regarding alternative governance models crosses the line from legal education into illegal, deceptive advocacy.

Fabricated Insurance Coercion: Presenters have repeatedly stated on the record that homeowners' insurance policies will face immediate cancellation due to a drop in the department's ISO rating if the assessment fails. This is a bad-faith scare tactic. Neighboring CSA 48 operates at an ISO Class 4 rating—the exact same classification Felton currently maintains. The District has produced zero actuarial data or empirical evidence linking the failure of a localized payroll assessment to immediate insurance cancellations.

Under the standards reinforced in *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, public agencies are prohibited from turning taxpayer-funded informational workshops into campaign-style echo chambers:

While the District and SCI Consulting Group marketed their public town halls as neutral, non-advocacy informational forums, the District actively permitted these events to be co-opted by a political action group, "Felton Citizens for Emergency Response" (FC4ER).

FC4ER maintains significant, undisclosed structural overlap with a sitting District Board Member through local Firewise committees. This special interest group was permitted to dominate public comment periods, validate the Chief's presentations without opposition, and systematically steer official administrative meetings into promotional campaign rallies.

By providing a taxpayer-funded platform for a coordinated political group to drive a partisan agenda without providing balanced, equal pushback or alternative data, the District converted an official informational forum into an unlawful public advocacy mechanism. Review of multiple Town Hall meetings found repeated instances of Chief Blum engaging in opinion, editorialization, commentary, and advocacy.

The official Ballot Information Guide and the town hall presentation frameworks represent a severe procedural violation of California public contracting and election laws. The District has utilized public funds to print and mail promotional materials containing unsubstantiated financial threats, while operating official informational forums as partisan campaign rallies.
Because the District substituted objective transparency with selective disclosure and coordinated political advocacy, the information presented to the electorate is compromised. The entire path to this election is structurally invalid.

Self dealing

This entire assessment proceeding is terminally compromised by a severe, disqualifying conflict of interest and institutional self-dealing. The budget, staffing structures, and executive salary scales—which serve as the primary cost drivers of this assessment—were developed with the direct, active participation of Interim Fire Chief Isaac Blum, who stands to personally profit from the outcome. Consequently, this assessment lacks the requisite legal standing to be imposed upon the property owners of this District.

California **Government Code § 1090** is the state's primary strict-liability law against self-dealing, prohibiting public officers from being *"financially interested in any contract made by them in their official capacity."* * **Participation in the "Making" of a Contract:** Well-established California case law dictates that the "making" of a contract is not limited to the final signature; it comprehensively includes preliminary stages such as planning, discussions, budget development, and the formulation of salary scales.

> Interim Chief Isaac Blum used his official authority to develop the salary and benefit framework for the permanent Fire Chief position. Simultaneously, Blum is a declared applicant for that exact role. The proposed budget includes an artificially inflated salary increase for the permanent position—estimated at **$50,000 above current scales**—from which Blum stands to personally and directly profit.
>
> While the District has publicly presented the Interim Chief as a "volunteer," official records confirm that Blum receives a **$2,500 monthly stipend**. Utilizing an official interim position to architect and advocate for a new property assessment that establishes a high-paying, career position for oneself violates the narrow legal exceptions for government salaries. An official cannot use public authority to design their own future financial windfall; doing so renders the resulting budgetary expenditures legally voidable.

Under California Constitution Article XIII D, a special assessment is legally valid only if it does not exceed the **"reasonable cost"** of the proportional special benefit conferred, and must be supported by independent **"Substantial Evidence."** The introduction of personal financial bias invalidates these core mandates:

> When the primary cost driver of an assessment is formulated by an official with a direct financial stake in the maximizing of that budget, the resulting figures cannot legally be classified as "reasonable." The cost data is inherently tainted by an incentive for personal enrichment.
>
> An Engineer's Report must serve as an independent, objective, and neutral evaluation of costs and benefits. Because the baseline staffing and budgetary numbers provided to SCI Consulting Group were developed by a biased party (Blum), the integrity of the entire report is broken. The report relies on compromised data, stripping it of the legally required "Substantial Evidence" necessary to justify taxing property owners.

The District's administrative mechanism for receiving and processing property owner protests represents a severe violation of due process and state transparency mandates:

> Under state law **AB 2257**, property owners are granted the right to submit formal written objections to the District. However, directing residents to submit their administrative legal objections directly to Chief Blum creates an egregious procedural conflict.
>
> Forcing property owners to hand their protests to the very individual who stands to secure a $50,000 salary increase if those protests are overcome completely destroys

> administrative neutrality. A semi-judicial administrative process where the recipient of the objections stands to directly profit from the "ruling" and the passage of the tax is fundamentally unfair, violates basic due process, and invalidates the integrity of the election.
>
> This assessment is not a neutral, mathematical calculation of localized property benefits. It is a defective administrative project designed, in part, to facilitate the financial advancement of the Interim Fire Chief at the expense of local property owners. Because the underlying budget was constructed under a severe conflict of interest, the assessment fails both statutory and constitutional protections. The District lacks the legal authority to adopt this flawed framework or enforce a tax born from self-dealing.

WCG

Under Article XIII D of the California Constitution, a special assessment must be supported by independent, localized, and rigorous "Substantial Evidence" within the administrative record.

Furthermore, public contracting laws and ethics mandates require absolute administrative neutrality. The administrative record for this proceeding demonstrates that the District's operational and financial justifications rely on a deficient, AI-generated report purchased through an egregious conflict of interest, while more cost-effective alternatives were deliberately bypassed. Consequently, this proceeding is legally invalid and cannot be imposed upon the property owners of this District.

The district relies primarily on SCI engineering report to justify the assessment. The District's secondary operational justification for imposing a permanent, $1.7 million annual tax burden relies on a report prepared by the Western Confluence Group (WCG). This document completely fails to meet the legal threshold for "Substantial Evidence" required by Proposition 218:

> On page 4 of the WCG Report, the authors explicitly admit that the entire operational and financial assessment of the Reorganization Plan was based on a mere **"16-hour assessment."** Two days of superficial review is legally insufficient to justify a massive, permanent tax increase on local residents. The WCG report references a list of documents used to produce the report, but no list was ever attached to the final draft, leading one to surmise that Chief Blum served as the sole principle source for the information in the report.
>
> The lack of rigorous, localized analysis is exposed on page 16 of the WCG Report, where the core staffing section is explicitly titled **"900 CALLS PER YEAR AI ANALYSIS."** Basing a localized tax methodology on generic, AI-generated prompts regarding national fire trends rather than verifiable local data is arbitrary and capricious. This reliance on AI resulted in glaring factual errors, such as recommending the "cross-staffing of ambulances"—a service Felton FPD does not even provide.

On page 12 of the WCG Report, the comparative budget pie charts utilize mismatched, deceptive color-coding and flawed financial data. An Engineer’s Report is "facially invalid" if it relies on a purchased, AI-generated summary filled with broken charts and irrelevant data to fabricate a calculation of property costs.

The WCG report is not an independent, neutral document; it is the compromised product of an irreconcilable conflict of interest involving Interim Fire Chief Isaac Blum:

The District utilized public taxpayer funds to steer a consulting contract to WCG—a firm whose fire consulting division employs personnel with direct professional ties to Interim Chief Blum at the NASA Ames Fire Department. Specifically, the CEO of WCG is a firefighter at NASA Ames, making him the direct professional colleague (and potentially a reporting subordinate) of Chief Blum, who serves as a Captain at that same federal agency. Steering public funds to a colleague’s firm to manufacture a "third-party" endorsement for a tax that funds one's own potential pay raise represents severe institutional cronyism.

Under **Government Code § 1090**, public officials are strictly prohibited from participating in the "making" of any contract in which they have a financial interest, including preliminary planning and budget formulation phases. Chief Blum used his official authority to help set the salary and benefit structure for the permanent Fire Chief position—a role he publicly intends to apply for—which includes a significant salary increase estimated at **$50,000 above current scales**. Utilizing his interim position to direct public contracts to professional associates to justify a tax that funds his own future career advancement is a direct violation of GC § 1090.

The California Fair Political Practices Commission (FPPC) strictly prohibits officials from using their official position to influence a governmental decision for personal financial gain. While general government salaries fall under a narrow loophole, an official cannot participate in an administrative decision that shapes a specialized salary structure for a position they are actively seeking. Furthermore, Chief Blum has apparently failed to file his legally mandated **Form 700 (Statement of Economic Interests)**, an explicit violation of disclosure requirements under the Political Reform Act that strips the proceeding of required transparency.

Proposition 218 dictates that an assessment cannot exceed the "reasonable cost" of the service provided. The District's own commissioned consultant explicitly conceded that this assessment violates that standard. In the SWOT Analysis on page 13 of the WCG Report, under the "Weaknesses" category, the consultant admits in writing:*is c*

"Cost — While in line for a Fire Department its size, the parcel fee is several times that of neighboring volunteer FD’s and more expensive than other options proposed."

By explicitly acknowledging that this assessment is "several times" more expensive than neighboring volunteer fire departments and out-costs alternative reorganization models, the District has effectively confessed that this tax fails the constitutional "reasonable cost" threshold. The District has deliberately bypassed cheaper, proven, and viable operational options to force an inflated tax burden onto residents—a structure designed around the personal career path and financial advancement of the Interim Chief rather than the fiscal protection of the taxpayers.

This assessment proceeding is unconstitutional, statutorily defective, and tattered by self-dealing. The District has failed to provide a neutral, verifiable administrative record, choosing instead to utilize public funds to purchase an AI-generated justification from a conflicted firm. Because the underlying operational data is factually flawed and compiled under a severe conflict of interest, the District lacks the legal authority to adopt the Engineer's Report or levy this assessment upon property owners.

Objections to an interested party

The most severe constitutional defect in this proceeding is the total elimination of the separation of powers and the weaponization of a direct conflict of interest. According to the Engineer's Report and official mailers, any property owner who believes their individual assessment was calculated in error or contains incorrect information must file a formal written appeal or submit their legal objection directly to the **Felton Fire Protection District Fire Chief or his designee**.

This requirement is a flagrant violation of administrative due process. As previously established by internal budget records, the current Interim Fire Chief stands to personally receive a massive **$50,000 salary increase** out of the first-year revenues generated by this exact assessment. Forcing private property owners to submit their administrative remedies, assessment appeals, and legal objections directly to the email inbox or physical desk of the precise individual who stands to realize immediate, immense personal financial gain from the passage of the tax is an irreconcilable conflict of interest. It deprives property owners of a neutral, detached arbitrator.

This compromise of ballot integrity is worsened by the physical chain of custody of the votes. Completed ballots are mailed back to the local fire station under the physical control of the department, and the ultimate tabulation of these weighted ballots is performed directly by **SCI Consulting Group**—with no independent, third-party public registrar oversight.

SCI Consulting Group operates under a distinct commercial bias; they are a private, for-profit firm hired by the District specifically to design, market, and pass revenue-generating tax structures. To claim that a private firm with immense financial incentive to secure future municipal contracts can objectively tabulate ballots in a closed firehouse, under the physical custody of an administration poised for massive personal raises, destroys the legal standards of election transparency required under the California Constitution.

Board Connections

The Board’s approval of the proposed Proposition 218 assessment is shadowed by serious conflict-of-interest and governance concerns. Three of the five directors appear to have close family members who stand to benefit financially if the assessment passes and the District moves toward a higher-cost, fully paid departmental model: one director’s husband is a volunteer firefighter, another director’s son is a volunteer firefighter, and a third director’s sister is the District’s paid administrative assistant. California conflict-of-interest guidance generally turns on whether an official participates in a decision that has a financial effect on the official or immediate family, and public-agency ethics materials emphasize disclosure and disqualification where such interests are present.

These relationships present an obvious appearance problem and raise substantial doubt about the independence of the Board’s judgment. A five-member board in which a majority has close family ties to positions that may gain pay, hours, job security, or advancement from a new revenue stream cannot credibly ask the public to ignore the possibility of insider benefit. That concern is heightened in Felton Fire’s case because outside review has already flagged governance weaknesses and discouraged informal, insider-style management practices within the District.

These facts are relevant to any protest because they bear directly on the fairness, credibility, and integrity of the assessment proceeding. The same Board that voted to advance the assessment also approved the future salary structure and staffing vision that would financially benefit households connected to a majority of its members, creating a strong appearance that the assessment is being pursued not solely for parcel-specific public need, but also to support a compensation structure from which insiders and their families may benefit. At a minimum, these relationships warranted full disclosure, legal review, and recusals where appropriate before the Board took action.

VI. Conclusion and commentary

The evolution of the American fire service transformed emergency response from a private, "pay-to-play" model into a universal public good—an essential safety net. This Proposition 218 assessment process, however, contradicts these democratic ideals by disenfranchising the renting class. While renters—whose personal belongings and housing security are protected by these emergency services—are denied a vote, large institutional property owners are granted outsized influence. This regressive voting hierarchy effectively forces a financial burden onto residents while stripping them of their right to participate in the democratic process.

Furthermore, the methodology utilized by SCI Consulting Group to classify a universal public safety service as a property-specific "special benefit" is inconsistent with the functional reality of fire protection. Fire departments provide a general benefit to the public at large—protecting residents, renters, commuters, and visitors alike. Treating fire protection as a general public service is not merely a matter of policy; it is a fundamental necessity for an equitable and transparent government.

Public trust is the cornerstone of any fire department. This trust is maintained through consistent accountability and transparent fiscal practices. Unfortunately, the current district leadership has struggled to maintain this standard. The persistence of unresolved governance issues—including concerns regarding oversight, past actions that eroded community confidence, and a lack of transparency—has created a significant divide between the District and the public it serves. When an agency's leadership is perceived as prioritizing specific funding outcomes over inclusive public discourse, it leads to decreased trust, higher community scrutiny, and a fracturing of the support necessary for long-term operational success.

A proactive approach to district governance is essential. The District's current reliance on a divisive funding mechanism has effectively blocked other, more sustainable options. The board voted down a parallel strategy of pursuing funding while leaving other options open through dissolution should the funding not be secured. This created a stark choice, success or catastrophic failure with no alternatives. One of the cornerstones of operations within a fire department is redundancy: a repeller gets two safety belay lines attached, two people are outside to rescue while two are inside to fight fire, backup gear and multiple layers of protective gear are used in emergencies. The board failed to provide us with this basic firefighting standard, redundancy or a backup plan. Moving forward, the District should consider the benefits of a valley-wide consolidated approach, which could offer greater operational efficiency and professional oversight. If consolidation is not immediately feasible, the District must prioritize rebuilding community trust through a change in board leadership and a shift toward a hybrid operational model.

Therefore, the District should return to the drawing board and pursue a transparent, democratic Special Tax ballot initiative.

Under California law, a general safety net that protects the entire community is best framed as a Special Tax, which requires a two-thirds vote of the entire registered electorate, including renters. Neighboring districts such as Zayante and Boulder Creek have demonstrated that transparent, two-thirds approval tax measures can successfully secure necessary funding when they are presented to the entire community.

If the Felton Fire Protection District abandons this flawed assessment and proposes a fair, democratic ballot initiative that provides every citizen a voice, it will foster the public engagement and support necessary to move the District forward. We urge the District to stop the current mathematical and legal contortions, abandon this unconstitutional Proposition 218 assessment, and provide the community the opportunity to vote on a solution that is both legal and equitable. Together, we can support a board and a funding strategy that serves the public interest with the transparency and integrity that this community deserves.

Luke Moeller

Felton Resident