



August 20, 2024

Honorable Kelly Neel, Presiding Judge
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

Humboldt County Civil Grand Jury
825 5th Street
Eureka, CA 95501

Dear Judge Neel and Humboldt County Civil Grand Jury:

On behalf of the Board of Directors of the Arcata Fire District, please find enclosed our response to the June 24, 2024, Humboldt County Civil Grand Jury report: Arcata Fire District, Dwindling Resources=Dwindling Services.

Overall, the District Board of Directors concurs with the findings and recommendations of the Civil Grand Jury. We believe the report, along with the anticipated Community Risk Assessment and Standard of Coverage being produced by independent public safety specialists will serve as an important starting point to educate and communicate with District constituents.

At this point the first priority of the District Board is to update the 2006 Benefit Assessment and secure beyond 2030 the revenue from the 2020 Special Tax. This should provide reasonable stability for our current staffing.

A second priority is to engage with the City of Arcata, Humboldt County and Cal Poly Humboldt to improve District infrastructure and expand response capacity to meet a growing District population. Ultimately, revenue for infrastructure and expanded staffing will require constituent approval and cooperation/coordination with Cal Poly Humboldt leadership, the Arcata City Council and the Humboldt County Board of Supervisors.

The Arcata Fire Protection District Board of Directors thanks the Humboldt Civil Grand Jury for their efforts to bring this important matter to the attention of the residents of our District.

Sincerely,

Eric J. Loudenslager
AFPD Board President

AFPD Board of Directors Response to Civil Grand Jury

FINDINGS

F1: The Arcata Fire Protection District can no longer invest in the Vehicle Replacement Fund to purchase new engines. This results in high maintenance costs for old equipment and periods of time when engines are out of service. **(R1, R2, R3)**

The AFPD Board agrees, in part, with this finding.

The District has a vehicle replacement fund that is sufficient for staff and utility vehicles. District revenues are not sufficient to contribute enough for the purchase of an engine or aerial ladder truck.

F2: Current staffing and equipment of the Arcata Fire District is not sufficient to respond to service calls. Increased population and higher structures in the District, including those at California Polytechnic University, Humboldt will result in greater danger and risk to people and property. **(R1, R2, R3)**

The AFPD Board agrees, in part, with this finding.

The District is currently funded to operate 3 stations and 3 fire engines, each staffed with only two firefighters per engine. The industry standard is to staff fire engines with a minimum of three firefighters. Aerial ladder trucks are staffed with a minimum of four firefighters. The District does not have funding to purchase or staff a ladder truck.

The current staffing is not sufficient to respond to a single family residential or first floor commercial building fire. Response to this type of incidence is accomplished with automatic aid and mutual aid agreements with adjacent fire protection agencies, many of whom are unpaid citizen volunteers with varying levels of training and experience.

A fire in the mid-rise 7 floor residential dorms under construction at Cal Poly Humboldt and mixed-use buildings envisioned in Arcata's Gateway Area Plan, would exceed the capacity of AFPD and mutual aid partners. As an example, staging for potential fire on the Cal Poly Humboldt campus during the recent protests involved bringing the Fortuna ladder truck to the McKinleyville Station and engines and firefighters from Sonoma County. Arrival of these resources would not be timely for a major fire or emergency such as a high magnitude earthquake or mass casualty event.

Further, while in mid-rise structures like the Cal Poly Humboldt dorms the focus is on "fire", there are also low to medium risk, medium to high frequency events that displace residents and become a challenge for fire agency response resources. For example in mid-rise college dormitories broken-off sprinklers heads take several engine and truck companies to mitigate the emergency.

F3: California State Polytechnic University, Humboldt receives services from, but is not required to financially contribute to the Arcata Fire District. This results in the Arcata Fire District provided services without receiving compensation, further diminishing Arcata Fire District resources. **(R1, R2, R3)**

The AFPD Board agrees, in part, with this finding.

Cal Poly Humboldt does not pay the ad-velorem property tax that Fire District property owners pay as a portion of their property tax. Cal Poly Humboldt does pay a proportionally small portion of what District taxpayers pay, the 2006 Benefit Assessment and 2020 Measure F special tax. For FY 23/24, Cal Poly Humboldt was billed for 38 parcels. Between the 2006 Benefit Assessment and 2020 Measure F Special Tax, Cal Poly Humboldt paid a total of \$20,896. In the opinion of the Board of Directors, Cal Poly Humboldt's nominal financial contributions for Fire District services is disproportional to the amounts local citizen property owners are paying for the services.

F4: The Measure F Special Tax will expire in 2030 which will eliminate over thirty percent of current Arcata Fire District revenue. A loss of that much income will force the Arcata Fire District to reduce staff and services, increasing the risk of personal injury and property damage during calls for emergency services. **(R1, R2, R3)**

The AFPD Board agrees with this finding.

F5: The 2006 Benefit Assessment Tax is not indexed to rise with inflation, resulting in the Benefit Assessment Tax becoming an increasingly insufficient source of revenue. This can result in a reduction in service and deterioration of Arcata Fire District facilities and capabilities to handle emergency calls. **(R1, R2, R3)**

The AFPD Board agrees with this finding.

The outdated Benefit Assessment is based on the cost of doing business in 2006. Using the Consumer Price Index (CPI) as a guide, the 2023 Benefit Assessment revenue would be 2,150,000 rather than 1,400,000 if indexed to inflation. This would be sufficient to staff at least one station with three firefighters on an engine each shift.

F6: The Arcata Fire District, with the cooperation of the City of Arcata and California State Polytechnic University, Humboldt, formed a working group and hired a consultant to develop a Standards of Cover report. The findings of this study will guide the Arcata Fire District in developing procedures and standards for ensuring and improving Arcata Fire District public safety. **(R4)**

The AFPD Board agrees, in part, with this finding.

The Community Risk Assessment and Standards of Cover (CRA/SOC) findings will provide a basis for the AFPD Board to seek appropriate station, staffing, and equipment for the District. District constituents using voter approved funding will ultimately determine the level of staffing that can be accomplished. City of Arcata, Cal Poly Humboldt, and Humboldt County zoning/land use authorities hold the responsibility of determining whether their policies and plans are within the Fire District's service capacity. If Cal Poly Humboldt, the City of Arcata and Humboldt County approve construction and occupancy of buildings whose height and mass exceed District response capacity the District lacks authority to stop them.

RECOMMENDATIONS

R1: The Arcata Fire District use social media, traditional print and electronic media, and radio to inform the public of impending financial difficulties. This is to take place by no later than December 31, 2024. **(F1, F2, F3, F4, F5)**

The recommendation has not yet been implemented, but will be implemented in the future, likely by July 1, 2025, and no later than December 31, 2025.

R2: By June 30, 2026, the Arcata Fire District propose a ballot measure revising the 2006 Benefit Assessment Tax by updating rates and including an inflation adjustment clause. **(F1, F2, F3, F4, F5)**

The recommendation is being implemented.

Annually, the AFPD Board sets objective goals for the District Fire Chief. In June 2024 the Board set as one of the goals for 2024/25:

Report to the Board by the March meeting, a roadmap for modifying/increasing the 2006 Benefit Assessment to keep up with inflation and to continue funding when the 2020 Measure F expires in 2030.

A Benefit Assessment is approved by a weighted vote of parcel owners, not by a general election ballot, and has a 50% plus 1 threshold for approval.

Briefly, a Benefit Assessment is a fee assigned to parcels based on the use type of the parcel (i.e. residential housing, commercial activity, industrial, etc). The assessment is for a specific purpose. For example, the 2006 Benefit Assessment was to obtain, furnish, operate, and maintain fire suppression equipment or for paying the salaries of firefighting and prevention personnel. An engineering study is required to estimate the costs and assign a level of benefit to different categories of parcels. The upcoming CRA/SOC **(R4)** should provide most of the necessary information for the engineering study.

The Board anticipates the roadmap will include the technical details of the engineering study and balloting, and District outreach requirements **(R1)** to gauge constituent willingness and ability to pay an updated assessment.

R3: The Arcata Fire District promote a ballot measure to generate a permanent special tax to, at minimum, match income generated by Measure F. This is to be completed by December 31, 2026 in order to be on the 2028 Humboldt County Election Ballot. **(F1, F2, F3, F4, F5)**

The recommendation is being implemented.

Annually, the AFD Board sets objective goals for the District Fire Chief. In June 2024 the Board set as one of the goals for 2024/25:

Report to the Board by the March meeting, a roadmap for modifying/increasing the 2006 Benefit Assessment to keep up with inflation and to continue funding when the 2020 Measure F expires in 2030.

A "Special Tax" is any tax imposed for specific purposes by a local agency, including fire protection equipment, facilities, and salaries and benefits. Also, a Special Tax is not considered a fee or assessment and therefore not limited to the relative benefit it provides to individual property owners. They are typically levied on parcels based on use.

Special taxes must be approved by 2/3rds majority vote in a general election.

The Board anticipates the roadmap will include the technical details of the balloting and District outreach requirements **(R1)** to gauge constituent willingness and ability to pay an updated assessment. Prior to passing Measure F, Measure R that was permanent, was rejected by voters. The AFD Board is sensitive to the tolerance of the District constituents for additional taxes and fees.

R4: The Arcata Fire District continue to coordinate the working group with the City of Arcata and California State Polytechnic University, Humboldt, to establish Standards of Cover. **(F6)**

The recommendation will be implemented.

Annually, the AFD Board sets objective goals for the District Fire Chief. In June 2024 the Board set as one of the goals for 2024/25:

Based on the AP Trident Standards of Cover Study, recommend to the Board, in the form of findings and a resolution, Fire Station, staffing, equipment and training facilities required to meet CalPoly Humboldt, City of Arcata, and Humboldt County growth plans.

The AFD Board anticipates adopting a resolution recommending Stations, staffing, equipment, and training (facilities) needed to provide fire suppression

and emergencies services to the District community based on review of the CRA/SOC by the AFPD Fire Chief. The AFPD Board also anticipates that this resolution will serve as the basis to consult with Cal Poly Humboldt, the City of Arcata, and Humboldt County – the entities in the District that regulate land use and zoning.

As a first principle, the AFPD Board concludes that infrastructure improvements (aka station remodeling, aerial truck(s) purchases, and training facilities) and staffing expansion need to be funded and construction/hiring underway before construction and occupancy be approved for additional residential buildings over 40 feet.

Further, the appropriate trusted expert/subject matter expert to recommend station, equipment, staffing is the CRA/SOC and AFPD Fire Chief. The appropriate local legislative body to adopt the recommendation is the AFPD Board. It would be desirable to have those recommendations subsequently adopted by the City, County and University. However, the District has no authority to compel such cooperation.

In California there are no statutory regulations establishing staffing and equipment requirements for different types of structure fire risk. Ultimately, the service capacity is determined by the local community reflecting a balance of what they are willing to fund together with the safety of firefighters, building occupants, and property.

Again as a first principle, the AFPD Board believes that new development must pay its own way. The increased costs of infrastructure can be at least partially accomplished using development impact fees (DIF). Special districts cannot directly implement a DIF, rather, the AFPD would rely on the City of Arcata and Humboldt County to approve such fees. If linked with an Enhanced Infrastructure Finance District established by the City and County for the benefit of the District, the District can begin infrastructure and equipment expansion. The cost of expanded staffing can be substantially covered with either a benefit assessment or special tax targeted at buildings taller than 40 feet. Actual costs would be estimated based on the upcoming CRA/SOC staffing recommendations and analysis of likely ad-velorem tax receipts.

R5: The Arcata Fire District explore with California State Polytechnic University, Humboldt, opportunities for the University to offer financial assistance or establish reimbursement fees in recognition of the impacts of its tax-exempt status to be initiated by December 31, 2024. **(F2, F3)**

To date, the Cal Poly Humboldt administration has not offered any remedies for the University to proportionately pay for the Fire District services the University relies upon. Given the expected enrollment and new build growth estimates associated with the University's unprecedented \$458 million investment, any

possible remedies would be at the discretion of the California State University Board of Trustees and/or the California Legislature.

As part of the public comment portion of the Draft Environmental Impact Report of the 7-story resident hall building construction project, the Arcata Fire Protection District submitted the attached letter to the California State University Board of Trustees. The CSU Board of Trustees subsequently approved the DEIR without addressing the substance of the letter from the AFPD Board.

More recently, the University cancelled a long-standing contract to conduct training on the campus.