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## County Prevails in Lawsuit Challenging Fire Funds Rebate

(Santa Ana, CA) — An Orange County Superior Court judge has invalidated a plan by the Orange County Fire Authority (OCFA) to redirect revenues paid to the Authority for fire protection, delivering a victory to County attorneys who claimed the payments constituted a gift of public funds.

The County Board of Supervisors voted in January to challenge the OCFA's so-called "equity" plan, which would have allowed OCFA revenue to be spent on non-fire-protection purposes, with most of the rebates going to the city of Irvine.

In his ruling on August 4, Superior Court Judge William D. Claster said the equity payments amounted to a "blank check" to be used "on virtually any conceivable municipal purpose" instead of toward required fire protection services. The authority argued that the rebates were necessary or Irvine would withdraw from and imperil the future of OCFA, which is comprised of 23 cities and the County.

Under that logic, Claster wrote, "the appropriation of OCFA funds for new cars for Irvine city officials would be for fire protection services if they were made to preclude a threatened departure of Irvine from the OCFA."

The County's opposition was intended to "put the brakes" on OCFA's intended implementation of the plan, according to Board of Supervisors Chairman Shawn Nelson. He said the County, which has responsibility for assuring fire protection countywide, believed the plan improperly transferred money that should have been used for fire protection.

The Orange County Fire Authority was created in 1995 with money from the County General Fund earmarked for fire protection. The County determined amounts that should be appropriated for fire services based on estimates for what the services would cost. Fire services in some cities are paid through a portion of property taxes while other cities pay for firefighting from general city funds.

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