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## **County Prevails in Court Appeal over Use of Fire Funds**

A plan by the Orange County Fire Authority (OCFA) to allow revenues received for fire protection to be used for any purpose has been struck down by the state Court of Appeal, which upheld a County challenge to the proposal.

The Orange County Board of Supervisors voted in January 2014 to oppose the OCFA plan, which would have diverted at least \$134.5 million in fire funds to the city of Irvine through June 30, 2030, with no restrictions on its use. The city argued that the transfer was appropriate because Irvine property taxes allocated by the County for fire protection now far exceed its share of OCFA costs. A Superior Court judge disagreed in August 2014, ruling for the County.

In his March 15 ruling, appellate Justice Raymond J. Ikola wrote that state law is clear: the money that the County pays to OCFA to provide fire protection cannot be redistributed for non-fire purposes. Even though the authority insisted that only non-tax revenues paid by some cities would be used, the court labeled the argument “insincere” and “clever accounting.”

Further, the court ruled that the County, not OCFA or cities, is the proper forum for adjusting the allocation of tax revenues for fire services since taxes are paid to the County and then distributed to OCFA. If excess tax funds are collected, “perhaps there are other county-wide services that need additional funding more than Irvine,” Justice Ikola wrote.

“The ruling confirms the County’s authority over how tax dollars are used for fire protection, which is one of the most important responsibilities we have in keeping our residents safe,” Board of Supervisors Chairwoman Lisa Bartlett, Fifth District, said.

“This is welcome vindication from the court that tax money controlled by the County cannot be diverted for whatever reason,” said Supervisor Shawn Nelson, Fourth District, who chaired the Board when the court challenge was filed.

“Hopefully now we can reach an amicable agreement to ensure equity to the City of Irvine and preserve the longevity of the OCFA,” said Supervisor Todd Spitzer, Third District, who represents Irvine and is the County’s representative on the OCFA Executive Committee.

The Orange County Fire Authority, comprised of 23 cities and the County, was created in 1995. Fire services in some cities are paid through a portion of property taxes while other cities pay for firefighting directly from general city funds. Irvine has threatened to withdraw from OCFA unless the additional payments are made.

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