

From: Michele Cerza <[REDACTED]>

Sent: Thursday, April 2, 2026 11:50 AM

To: Doug Mitarotonda <DMitarotonda@kmpud.com>; Rick Ansel <ransel@kmpud.com>

Cc: Brandi Benson <bbenson@kmpud.com>; twoodrow@alpinecountyca.gov; Chuck Beatty <cbeatty@amadorcounty.gov>; brendan.ferry@edcgov.us; sbooth@alpinecountyca.gov; [REDACTED]

Subject: Request to Pause Proposed Fire Assessment Pending Prop 218 Compliance, Updated Risk Planning and Accurate Cost Allocation

Dear Doug and Rick,

I am writing as a property owner and stakeholder in the Kirkwood community to respectfully request that the KMPUD Board **pause and reconsider the proposed fire services assessment.**

This request is based on four core concerns:

- (1) compliance with California Proposition 218 requirements,
- (2) the absence of current, data-driven service needs analysis,
- (3) the need to align planning with updated statewide wildfire hazard designations, and
- (4) potential inequities in cost allocation related to lodging and commercial use of residential units.

1. Proposition 218 Compliance – “Special Benefit” Requirement

Under Article XIII D of the California Constitution (Proposition 218), assessments may fund **only “special benefits” conferred on parcels**, not general public benefits.

California courts have emphasized that:

- Agencies must **separate and quantify general benefits** (those accruing to the public at large)
- Only **parcel-specific benefits** may be assessed to property owners
- Fire protection, wildfire mitigation, and emergency response services often include **substantial general benefit components**, particularly in areas with significant visitor populations and surrounding public lands

In a resort community such as Kirkwood—characterized by:

- heavy seasonal visitation,
- extensive surrounding wildland areas, and
- public road and infrastructure exposure—

it is not evident that fire protection services can be allocated solely as a **special benefit to parcels**, as required by Proposition 218.

2. Absence of Current Fire and EMS Needs Assessment

To date, it does not appear that a **current, comprehensive study** has been conducted to evaluate:

- Fire protection service levels needed for the Kirkwood community
- Emergency medical services (EMS) coverage, including off-hours conditions
- Seasonal population fluctuations (residents, visitors, and resort guests)
- Response times, staffing levels, and infrastructure capacity
- Evacuation constraints and access limitations

Existing planning documents for the community are in many cases **decades old** and may not reflect:

- current population and visitation patterns,
- modern wildfire behavior, or
- contemporary life-safety planning standards.

Proceeding with a funding mechanism **before establishing the actual service need** raises both policy and legal concerns.

3. Need to Incorporate Updated CAL FIRE (2024) Hazard Mapping

The State of California, through **CAL FIRE**, updated Fire Hazard Severity Zone maps effective in 2024.

These maps reflect:

- current wildfire science,
- climate-driven risk factors, and
- recent fire behavior patterns.

For the Kirkwood area, updated mapping indicates:

- portions of the developed village in Moderate zones, but
- the community broadly surrounded by **High and Very High hazard areas**

This creates a materially different risk context than earlier planning frameworks that characterized the area more generally as "moderate."

Any fire services funding proposal should therefore be grounded in:

- planning assumptions consistent with the **current hazard environment**, and
 - analysis that reflects the community's location within a **high-to-extreme wildfire landscape**.
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4. Cost Allocation Concerns – Lodging and Commercial Use of Residential Units

It is my understanding that a number of residential units across multiple HOAs within Kirkwood are being used, at least in part, as **short-term lodging accommodations associated with resort operations**.

This raises important questions regarding whether the current engineer's report:

- Adequately accounts for **commercial or lodging use intensity** of these units
- Distinguishes between:
 - purely residential use, and
 - units functioning as part-time lodging or hotel inventory
- Properly allocates fire and emergency service costs based on **actual demand drivers**, including:
 - transient occupancy,
 - higher turnover rates, and
 - increased service calls associated with visitor use

If residential units are functioning, in practice, as part of a broader lodging system serving resort visitors, then:

- A significant portion of fire and emergency service demand may be attributable to **commercial or visitor-serving activity**, rather than solely to residential parcel benefit
- There is a risk that **homeowners may be disproportionately bearing costs** associated with supporting lodging operations

Under Proposition 218, this distinction is critical. Costs attributable to:

- visitors,
- commercial operations, or
- broader community protection

must be carefully evaluated to determine whether they constitute **general benefit or non-assessable cost components**, or whether they should be allocated differently.

At minimum, the engineer's report should transparently address:

- how lodging use is treated in the analysis,
- whether different land use intensities are reflected in cost allocation, and
- how proportionality is ensured across parcel types.

5. Request for Action

Given the above, I respectfully request that the Board:

1. **Pause or cancel the current assessment process** until compliance with Proposition 218 can be clearly demonstrated
2. Commission an **independent, comprehensive Fire and EMS Needs Assessment**, addressing:
 - year-round and peak-season service demand
 - impacts of lodging and visitor use
 - response times, staffing, and infrastructure
 - evacuation planning and constraints

3. Prepare or revise a legally compliant **engineer's report** that:
 - distinguishes and quantifies general vs. special benefit
 - accounts for **lodging/commercial use of residential units**
 - allocates costs proportionally based on actual service demand drivers
 4. Update planning assumptions to align with:
 - 2024 CAL FIRE Fire Hazard Severity Zone maps
 - current wildfire and emergency management best practices
 5. Ensure that all future proposals are supported by **transparent, publicly available data and analysis**
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6. Closing

Fire protection and emergency services are critical to the safety of residents, visitors, and the broader region. Ensuring that these services are **properly studied, planned, and funded in compliance with California law** is in the best interest of the entire community.

A careful, data-driven approach will strengthen both the legal defensibility and long-term effectiveness of any future funding mechanism.

Thank you for your attention to these important issues.

Respectfully,

Michele Cerza, [REDACTED]

Mountain Club Owner since 2005

[Kirkwood Community Association](#) member since 2005

Sentinels West Owner since 2017

Member, [Educational Community for HOA Homeowners](#)

Member, [Community Associations Institute](#) and [CAI CA North Chapter \(includes Sacramento and Kirkwood\)](#)

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