

**Letter: Taxpayers were warned** - Published Dec 19 in Appeal Democrat

I can remember when our auditor-controller, back in 2005, warned our so-called supervisors that the pay and pension raises were excessive. Of course, the Sutter County administrator, who was supreme ruler at the time, calmly advised our naive supervisors that Sutter County could easily afford the increases.

A certain taxpayers association, which you don't want me to name, was present to support our auditor-controller and protested the extreme increases. The taxpayers group had many California State retirees who adamantly opposed the increases. They were ridiculed, because their pension increases paled in comparison to those who were receiving the greater increases. No real story came out in your newspaper that justified these overly generous pay and pension increases.

All I can say is we have too many people who are tax-supported and they want all that they can get. Those who profit in the private sector soon will go broke — then what?

On Sunday, Dec. 12, your front page featured a story about the extreme wages benefits and pensions that our county officials are being paid. Where were you in 2005?

Ron Reavis

Sutter

**SCTA's responses to Supervisor Gallagher's comments are in bold text below.**

**Subject:** Gallagher's Floodplain Management Fact Sheet

Fact #1: Sutter County's floodplain management ordinance as of today (before any changes) is already more restrictive on building in the floodplain than FEMA's own regulations.

**While the proposed ordinance may be more restrictive than FEMA's minimum regulations for flood insurance, the minimum requirements are not restrictive enough to maintain our "6" rating on the Community Rating System and thus continue the 20% discount for "high risk" areas and 10% for "standard risk" areas on flood insurance rates. If Sutter County does not meet FEMA's minimum regulation, we will not be able to buy flood insurance period!! Further, if we do not implement the "above minimum" requirements, we will lose some of our Community Rating System percentage discounts.**

Fact #2: The changes proposed by Sutter County Water Resources will make building even more restrictive.

**Perhaps, but they are necessary in order to maintain our "6" rating under the Community Rating System, thus maintaining our 20% and 10% discounts on flood insurance.**

Fact #3: At this time the restrictions primarily burden agricultural buildings because the areas that have been re-mapped into a floodplain are the unincorporated, mostly agricultural, areas in south Sutter County. In these areas there is not much in the way of new houses being built (though there are some). Homes that have already been built are not effected (unless they have the misfortune of burning down and can only be rebuilt if they are elevated). Farmers, however, consistently need to re-invest in their shops, processing facilities, and other out buildings. FEMA rules allow us to grant variances to wetfloodproof such buildings (meaning they can be built at grade below the Base Flood Elevation (BFE), but constructed of flood-resistant materials and with "venting" that allows water to flow through the buildings in the event of a flood).

**True, south county has been mapped into a flood plain, but the variances Supervisor Gallagher wants implemented for wet floodproofing do not include the FEMA "above minimum" requirements as far as the size of openings in relation to the size of the building and the type of coverings. Supervisor Gallagher is also requesting that electrical and other service units not be required to be placed 1' above the base flood elevation. These are FEMA "above minimum" requirements for the Community Rating Service credits. To ignore them would cost us points on the Community Rating Service which could cost us a reduction in our discount rates.**

**Further, the rest of Sutter County is expected to be mapped into a floodplain in 2012. We expect to have the "preferred risk" rates in effect until 2014. In 2014 most of the rest of Sutter County will lose their "preferred rate" and will be paying the "standard rate". A 5% or 10% discount on a flood insurance rate of \$1200 plus a year is significant. So what Supervisor Gallagher is saying is that the property owners in the rest of the county should subsidize the property owners in south county, who may or may not be building new facilities.**

Fact #4: Sutter County has already achieved a rating of "6" from FEMA and the associated discount based on the existing ordinance and other activities (outreach, etc.) that it has incorporated into its floodplain management. So the obvious question is: why add further regulation? Staff has represented that we may need to continue ramping up our enforcement and regulations if we want to keep this rating. I'm not sure this is the case, but if true it seems to be an argument for increased over-regulation of our citizens in pursuit of a rating that "may or may not" be given to us in the future.

**Yes, we currently have a "6" rating. However, FEMA is continually strengthening flood protection requirements and has already changed some of its Community Service Rating requirements which will decrease the number of points we currently have. That will put us on the brink of going below the number of points for a "6" rating. The current ordinance was adopted in 2008. FEMA requires the update with the "above minimum" restrictions for the Community Rating System discounts. We can lose more points and lose the "6" rating if we do not comply with FEMA's current "above minimum" requirements. The current "6" rating is in jeopardy! Is it being responsible to jeopardize all insureds receiving insurance discounts because a supervisor is philosophically opposed to regulation?**

Fact #5: As a practical matter, the discount works out like this. For a residential homeowner who had flood insurance before being re-mapped from X to an A zone, he goes from paying the Preferred Risk Rate (\$315) to a mandatory Standard Risk Rate of \$1350. With the discount he pays \$1215. It's the difference of having his costs increase by 420% or ONLY 385%. Sure it's better than nothing, but you can see why my constituents haven't been that excited.

**Goodness, Supervisor Gallagher is saying that \$135 which would be lost if we lose the "6" rating is nothing and that the property owners in Sutter County should subsidize the property owners in south county. The \$135 is a savings for the average residential structure. The discount savings will be much greater for higher end homes, commercial and industrial properties. We are appalled at this suggestion.**

Fact #6: I have expressed opposition to the additional requirements being proposed by Water Resources most notably: 1) making farmers sign a deed restriction and indemnity agreement that will be recorded and further encumber their property in order to obtain a variance that allows them to wetfloodproof a building, and 2) new language in our ordinance requiring extra consideration and review of the type of louvre, grill, or screen used for the venting. I also don't understand requiring "wetfloodproofing" 1 foot above the BFE when the theory is that these buildings are designed to get "wet".

**Concerning the requirement of farmers to sign a deed restriction and indemnity agreement that will be recorded, it is an absolute necessity that the agreement be recorded to protect future buyers of the property. If it is not recorded, those interested in buying property will not be alerted to the fact that there are restrictions on the property. State and federal law is clear that all restrictions should be disclosed to potential buyers.**

**Restrictions on the type of louvre, grill or screen applies to the wet flood proof-**

**ing and the relationship of the required opening to the number of feet in the building. Louvers and grills reduce the size of openings and should be considered in the equation of openings to square footage of the building. County staff's proposed wording, that Supervisor Gallagher is objecting to, is directly from current state/federal regulations and any deviation in wording will, no doubt, be perceived as noncompliance resulting in loss of points.**

Fact #7: I have proposed a very modest change to our ordinance which allows someone located in an "A" zone, for which no BFE has been established by FEMA, to utilize a lower-cost "simplified" method to determine the BFE. Staff wants to require the higher-cost "detailed" study in all instances. The simplified method is allowed by FEMA regulations and I don't think our citizens should be barred from using it.

**The simplified method is absolutely not necessary. County staff has stated that 90% of county has been mapped with specific "base flood elevations" and that the base flood elevations will be available for all properties in the county within 6 months. There is no need for property owners to pay for a higher-cost detailed study as the county will provide the accurate base flood elevation information for any and all property owners at no charge. Question here is: what development/project is being planned in south county within the next six months which would benefit from the "simplified" BFE since specific BFEs will be available on all properties within six months?**

Considering these facts, SCTA seems to be arguing for increased regulation of our citizens (again, over and above what FEMA requires) in order to achieve a discount which may or may not be given to us and that has little practical utility. How many more of our freedoms and property rights will we have to give up in pursuit of this moving target? We seem to have a philosophical difference of opinion here: do we want more unnecessary government intrusion into our lives or less? I prefer less myself. If you agree with me show up to the Board meeting on April 12 and let the Board know.

**No, we are not arguing for increased regulation just for grins. We are arguing for regulations that will help reduce the cost of flood insurance premiums for all Sutter County property owners. SCTA believes in property rights as long as they do not impact the property rights of others as Supervisor Gallagher's requests to reduce the "above minimum" FEMA requirements will do. His requests will cost all property owners in the unincorporated area of Sutter County discounts on their flood insurance. That translates to real dollars for everyone who has flood insurance. And remember, most property owners in the northern part of Sutter County are already paying an assessment to rehabilitate our lev-**

ees. This is a simple fact of the rest of us subsidizing those in south Sutter for their buildings.

Yes, folks, please show up at the meeting. Supervisor Gallagher is asking property owners in northern Sutter County to subsidize those in south county. While Supervisor Gallagher may be elected from the 5th District of Sutter County, he has a fiduciary responsibility to all Sutter County residents and not just wealthy south Sutter County farmers who would risk all our flood ratings to save a few bucks if they build in a known flood plain. Our question is, just who is Supervisor Gallagher representing with these risky proposals?

Regards,  
James Gallagher

*Sutter County Taxpayers Association*  
**Honesty, Integrity and Cost Effectiveness in Government**  
**P. O. Box 1232, Yuba City, Ca 95992, 530-673-6562**

**Sutter County's Proposed  
Floodplain Management Code**

Sutter County supervisors will vote on a proposed update to the Floodplain Management Code at its meeting on Tuesday, April 12, at 7 p.m. The ordinance is a compilation of rules and regulations concerning new and substantially improved buildings in floodplain areas of Sutter County.

This is a critical document. It lays out the minimum requirements to remain in the National Flood Insurance Program and staff-recommended "above minimum" standards which give the county "points" on the Community Rating System (CRS). Sutter County currently has a "6" rating which gives property owners in "high" risk areas a 20% discount on their flood insurance and those property owners in "standard" risk areas a 10% discount. There is no discount for "preferred" risk.

Chuck and Pat Miller, Elaine Miles and Roberta Fletcher attended the Public Works/Support Services Committee on March 24. At that meeting Supervisor James Gallagher suggested lowering a number of the recommended "above minimum" requirements in order to decrease potential building costs for constituents in his area. If the full board of supervisors approves a

reduction in the requirements as proposed by this one supervisor, Sutter County's CRS ranking could decrease to a "7" or more and current "high" risk and "standard" risk policy holders would lose some of their flood insurance discount.

There are currently 256 "high" risk policies and 446 "standard" risk policies in the unincorporated portion of Sutter County. As more areas of the county are mapped into flood zones by FEMA, more property owners will go from "preferred" risk to "standard" risk and their insurance rates will dramatically increase from around \$350 to over \$1200 for a policy with \$150,000 building coverage and \$50,000 contents coverage. It is projected there will be 4,800+/- "standard" risk policies in 2012. Then in 2014 the figure for "standard" risk policies is anticipated to jump to 10,000+/- . The number of "high" risk policies is expected to remain constant at 256.

Current annual flood insurance savings to Sutter County property owners because of the CRS discounts is \$103,246. In 2012, the savings is projected to be \$555,334 and in 2014, the savings is estimated at \$1,092,395.

If Sutter County does not maintain its "6" rating on the CRS, property owners will lose at least a portion of the 20% and 10% discounts and their insurance rates will go up. Even a drop from a "6" to a "7" would potentially cost property owners as much as \$546,000 in higher flood insurance premiums per year by 2014. The "standard" residential insurance rate varies from \$478 to \$1,636 depending on coverage purchased. Dropping from a "6" to a "7" decreases the current 10% discount to only 5%, which would result in flood insurance premiums increasing for property owners by \$82 per year, with costs even higher for non-residential properties.

Please call your supervisors and let them know you expect them to support the above-minimum standards recommended by staff; then come to the meeting on April 12 and voice your opinion there.

04/01/11