RESOLUTION NO. 2005-267

A RESOLUTION OF APPLICATION BY THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS, ACTING AS THE GOVERNING BODY OF THE COUNTY AND AS THE GOVERNING BODY OF ALL BOARD-GOVERNED SPECIAL DISTRICTS HAVING FIRE POWERS, REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT AND REORGANIZATION OF COUNTY-GOVERNED SPECIAL DISTRICTS PROVIDING FIRE SERVICES AS MORE SPECIFICALLY DESCRIBED BELOW

BE IT RESOLVED, by the San Bernardino County Board of Supervisors that:

WHEREAS, the Board of Supervisors for San Bernardino County desires to initiate proceedings pursuant to the Cortese-Knox--Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code for:

1. A sphere of influence amendment (expansion) for the Yucca Valley Fire Protection District; and

2. A reorganization proposal to include, but not be limited to, annexations to the Yucca Valley Fire Protection District, renaming of the reorganized District, creation of Improvement Districts within the reorganized Fire Protection District, dissolution of Districts, etc. as more specifically described in the County's application attached hereto, and

WHEREAS, the territory proposed for reorganization is legally inhabited and a description of the boundaries for all actions is set forth in the County's application attached hereto, and by this reference incorporated herein; and

WHEREAS, the proposed reorganization does not conflict with any existing sphere of influence and the proposed change includes an amendment to the Yucca Valley Fire Protection District sphere of influence to accommodate the proposed change; and

WHEREAS, it is desired that the proposed reorganization be subject to the following terms and conditions:

1. The name of the reorganized district shall be the San Bernardino County Fire Protection District (hereinafter shown as "SBCFPD").

2. The Board of Directors of the successor agency shall consist of the San Bernardino County Board of Supervisors, as authorized by Section 13837 of the California Health and Safety Code with the written consent of the Town of Yucca Valley, City of Grand Terrace, and City of Fontana.

3. The successor agency shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in Health and Safety Code section 13800, et seq., and other applicable laws. The SBCFPD shall be authorized the services and functions as authorized by section 13862 of the Health and Safety Code, identified as follows:

DISTRICT	FUNCTION	SERVICE
SBCFPD	Fire Protection	Suppression, prevention, weed abatement, inspection, suppression, structural, disaster preparedness
	Rescue	First aid, emergency, rescue, paramedic
	Hazardous Materials	Response, prevention, inspection
	Ambulance	Ambulance services as defined in Section 1797 et seq. of the Health and Safety Code

4. The successor agency shall function under Division 2.5 of the Health and Safety Code for the provision of emergency medical services and shall provide ambulance services only as authorized by the local Emergency Medical Services agency (Inland Counties Emergency Medical Agency) and its governing board.

   The reorganization shall not decrease or otherwise change the geographic size, scope or boundaries of the territory over which the County and its designated local emergency medical services agency, the Inland Counties Emergency Medical Services Agency ("ICEMA"), are authorized to grant and enforce exclusive operating areas ("EOAs") pursuant to Section 1797.224 of the Health and Safety Code, nor shall the reorganization reduce the geographic size, scope or boundaries of any existing EOAs as currently operated. Similarly, the reorganization shall not increase the geographic size, scope or boundaries of the territory as currently operated, over which the successor agency has authority under Section 1797.201 of the Health and Safety Code to operate ambulance services or the authority of the County or ICEMA to grant and enforce them."

   In addition to the foregoing, as a condition of and concurrently with the LAFCO approval, the SBFPD, as the successor agency, shall enter into an agreement with the County and/or ICEMA, as appropriate, granting such agencies authority over the creation and enforcement of future EOAs within the boundaries of the successor agency.

5. The SBCFPD shall be the successor agency to all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the fire providers reorganized through reorganization, dissolution, or removal of fire, ambulance, or disaster preparedness services.

6. All full-time employees of the San Bernardino County Fire Agency (through County Service Area 70) shall be become full-time employees of the successor agency with retention of salaries, seniority rights, vacation/sick leave accruals and accrual rates, retirement, and other employee benefits applicable to the Districts.

7. Upon reorganization, the successor agency succeeds to all properties, rights, contracts, and obligations of the dissolved or reorganized Districts; and any funds to which it succeeds may be expended and properly disposed of as provided by Health and Safety Code section 13800, et seq., Fire Protection District Law.

8. All income from taxes or any other source which has been a continuing right to tax distribution, or historical distribution or allocation of funds to any of the Districts to be reorganized related to fire protection provision shall continue to be distributed to the successor district.

9. The appropriation limit of the reorganized SBCFPD shall be the aggregate appropriation limit of the reorganized Districts.

10. All previously authorized charges, fees, assessments, and/or taxes currently in effect, now levied or collected by any of the affected Districts, including improvement or assessment districts thereof, shall continue to be levied and collected by the successor agency.

11. Indebtedness of any of the Districts to be reorganized shall remain the legal obligation of only the lands and areas that incurred such indebtedness; however, the outstanding indebtedness of any District at the time of reorganization shall remain the obligation of the reorganized District.

12. The standard terms and conditions imposed by the Local Agency Formation Commission upon all proposals or such additional conditions as may be deemed appropriate or necessary by the Local Agency Formation Commission in its consideration.

WHEREAS, the reasons for the sphere of influence amendment and proposed reorganization are to (1) provide for a simplification of government structure to eliminate the duplication of administrative services currently provided by the multiple existing fire protection providers; (2) reduce the cost of

providing fire protection, ambulance and other related services within the County of San Bernardino; (3) more clearly delineate for the Board of Supervisors and general public where major funding issues reside with respect to providing current levels of service and allow for targeted planning strategies to address those funding needs; and (4) provide the general public with a clearer understanding of the County Fire Department and its operations.

NOW, THEREFORE, BE IT RESOLVED that this Resolution of Application is hereby approved and adopted by the San Bernardino County Board of Supervisors; and the Local Agency Formation Commission for San Bernardino County is hereby requested to take proceedings for the sphere of influence review and proposed reorganization as described in the County's application, in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES:	Supervisors:	Biane, Hansberger, Ovitt, Gonzales
NOES:	Supervisors:	None
ABSENT:	Supervisors:	Postmus

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, DENA SMITH, Interim Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true, and correct copy of the record of the action taken by said Board of Supervisors by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 7, 2005, 59, mo.

DENA SMITH
Interim Clerk of the Board of Supervisors
of San Bernardino County

By _____
Deputy

AUG 01 2005