

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 885-8170  
E-mail: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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**DATE:** SEPTEMBER 9, 2015

**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer



**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #9 – LAFCO Staff Request for Determination Regarding Service Review Required by Proposed Sphere of Influence Amendments for the San Bernardino County Fire Protection District

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Determine that it will not require a service review for the sphere of influence amendments proposed for the San Bernardino County Fire Protection District; and,
2. Determine that the processing of the San Bernardino County Fire Protection District proposals for reorganization involving the City of San Bernardino, the Twentynine Palms Water District and Hesperia Fire Protection District shall take priority over the processing of other applications and service reviews.

## **BACKGROUND:**

On August 4, 2015, the Board of Directors of the Hesperia Fire Protection District adopted a resolution to initiate a proposed sphere of influence amendment and a reorganization to transfer its fire and emergency medical response obligations to the San Bernardino County Fire Protection District (hereinafter shown as "SBCFPD"). On August 24, 2015 the City of San Bernardino City Council adopted a resolution to initiate a sphere of influence amendment and a reorganization to transfer its fire and emergency medical response obligations to the SBCFPD. And finally, on August 25, 2015 the Board of Directors of the Twentynine Palms Water District adopted a resolution to initiate a sphere of influence amendment and a reorganization to transfer its fire department to SBCFPD and divest the district of fire services. These three changes include a sphere of influence amendment as outlined under Government Code

Section 56428 in order to expand the SBCFPD sphere so that annexation and the related changes can occur.

Because of the significance of the proposals submitted to the Commission and the need for the actions to be completed by July 1, 2016 for two of the proposals, staff is requesting a determination by the Commission on two items:

1. The actions being submitted are under the provisions of Government Code Section 56428 for a sphere of influence amendment for the SBCFPD. It is the staff's position that "amendments" do not require that a service review be conducted under Govt. Code Section 56430 as this section reads in part: "*In order to prepare and to update spheres of influence in accordance with 56425, the commission shall conduct a service review...*" However the Commission has adopted a policy (Section IV – Application Processing, Chapter 3 – Service Reviews, Policy 2) that requires a service review for any amendment to a retail water service provider and others at the discretion of the Commission. Staff is requesting that the Commission specifically determine that it will not be requiring a service review for the sphere of influence amendments proposed for the SBCFPD.
2. Based upon the expressed need for at least two of the proposals to be completed by the change of the fiscal year at July 1, 2016, staff is requesting that the Commission determine that the priority for staff processing shall be for these proposals first, other applications for change next and the ongoing service reviews to follow.

Staff is recommending that the Commission make the determinations as outlined on page 1 of this report. Staff will be happy to answer any questions of the Commission prior to or at the hearing.

KRM