

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 20, 2016

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
ROBERT ALDRICH, Consultant

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #6 - LAFCO 3197 – Sphere of Influence Amendments
(Expansion) for the San Bernardino County Fire Protection District
(City of San Bernardino territory)**

INITIATED BY:

Jointly Initiated by the City Council of the City of San Bernardino and Board of Directors of the San Bernardino County Fire Protection District

RECOMMENDATION:

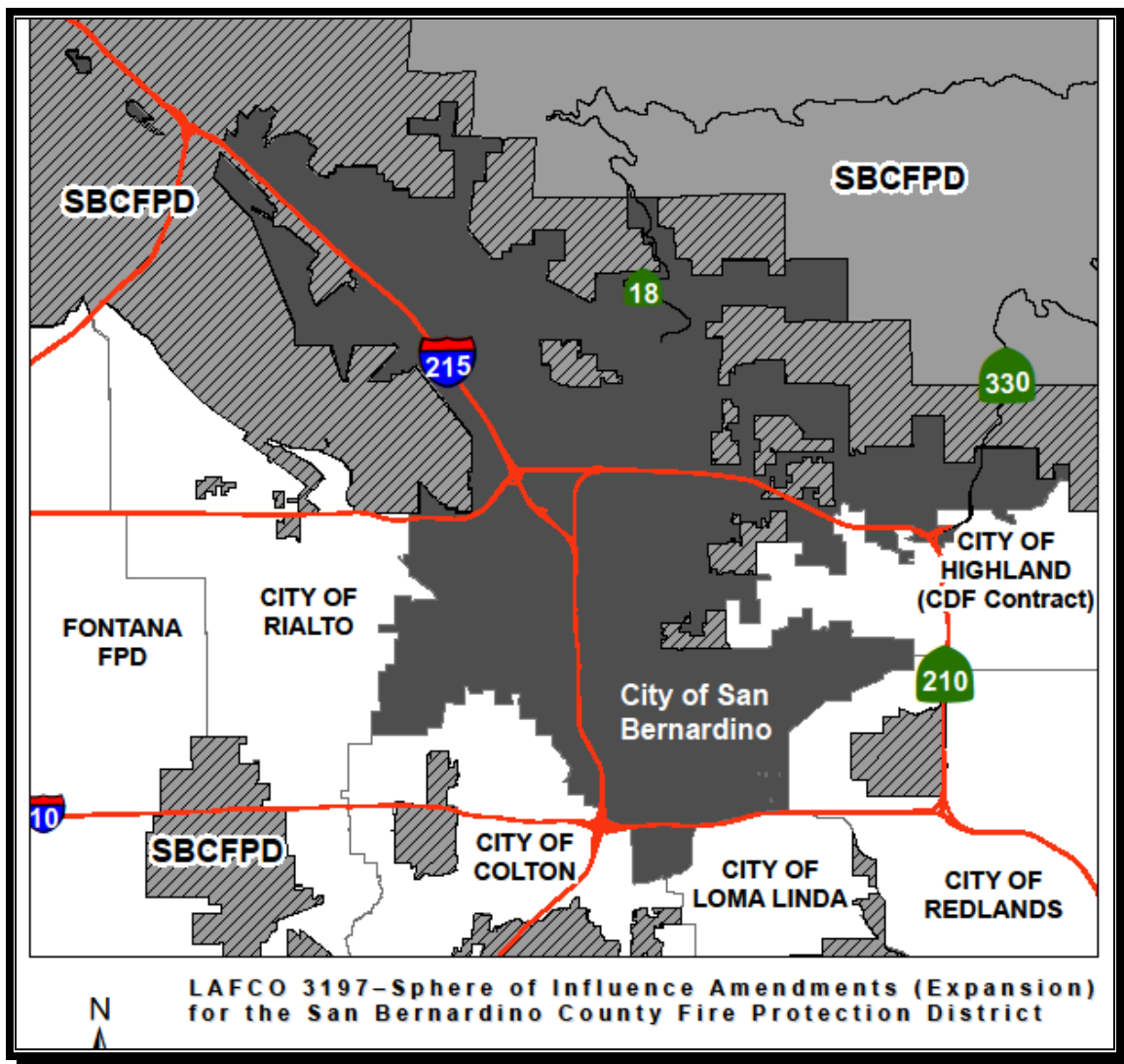
Staff recommends that the Commission make the following determinations:

1. Determine that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review.
2. Certify that LAFCO 3197 is statutorily exempt from environmental review, and direct the Executive Officer to file a Notice of Exemption within five (5) days.
3. Approve the expansion of the sphere of influence for the San Bernardino County Fire Protection District to include the entirety of the City of San Bernardino.
4. Adopt LAFCO Resolution No. 3212 reflecting the Commission's determinations and findings for the sphere of influence changes identified.

BACKGROUND:

On August 25, 2015, the City of San Bernardino adopted Resolution 2015-195 initiating an application to expand the sphere of influence for the San Bernardino County Fire Protection District (hereafter "County Fire") to include the entirety of the City of San Bernardino. At the same meeting, the City initiated an application to annex the City of

San Bernardino to County Fire, its Valley Service Zone, and Service Zone FP-5. On September 15, 2015, County Fire adopted Resolution 2015-183 recognizing and supporting the City's resolution. If approved, the reorganization of County Fire and the annexation of the City into County Fire would result in the complete assumption of fire, rescue and emergency services by County Fire for the City of San Bernardino. These were taken in recognition of the City's dire financial position and its inability to pay for the costs of providing adequate levels of fire and emergency medical services. A map illustrating the sphere expansion is included as Attachment #1 to this report and is shown below:



At LAFCO's September 16, 2015 hearing, the Commission determined that it would not require a municipal service review for the sphere of influence amendments proposed for County Fire. At that hearing, the Commission supported staff's position that sphere of

influence “amendments” submitted under the provisions of Government Code Section 56428 do not require a service review.

Expansion of the sphere of influence will allow for the annexation of the entirety of the City of San Bernardino by County Fire, its Valley Service Zone and Service Zone FP-5 by separate action (LAFCO 3198). This item will be heard following consideration of the proposed sphere expansion. This set of proposals is intended to maintain adequate fire protection and emergency medical response within the City of San Bernardino given the severe financial issues that continue to face the City.

The data and analysis, below, address the factors of consideration required for a sphere of influence amendment as outlined in Government Code Section 56425. Each of these requires a determination adopted by the Commission.

SPHERE OF INFLUENCE DETERMINATIONS:

The City of San Bernardino has submitted an application requesting that LAFCO amend the sphere of influence of County Fire to include the entirety of the City of San Bernardino which encompasses 38,402 acres (60 square miles). As of January 1, 2015, the City’s population is 213,933 according to the State Department of Finance/Demographic Research Unit. The proposal, along with a concurrent application (LAFCO 3198) to annex the entirety of the City by County Fire, its Valley Service Zone and Service Zone FP-5, will allow the residents of the City of San Bernardino to continue to receive adequate long-term fire and emergency medical response services. The City’s immediate and long-term financial constraints preclude the City from continuing to provide this service at acceptable service levels. Therefore, LAFCO staff is recommending that the Commission approve the sphere of influence amendment for the San Bernardino County Fire Protection District to include the entirety of the City of San Bernardino.

The materials that follow provide the data and analysis for the evaluation of the factors of consideration for a sphere of influence amendment outlined in Government Code Section 56425. Each of these requires a determination to be made by the Commission.

1. The present and planned land uses in the area including agricultural and open space lands:

The land area proposed to be included in the sphere of influence of County Fire includes the entirety of the City of San Bernardino. The City, 38,402 acres (60 square miles) in size, contains a full range of land uses including residential, commercial, industrial, public facilities, and open space. According to the City, residential uses currently comprise approximately 39 percent of the City; commercial and industrial uses account for approximately 24 percent; public/quasi-public uses comprise approximately 33 percent; and, open space/recreation uses comprise the remaining four percent of the City’s land

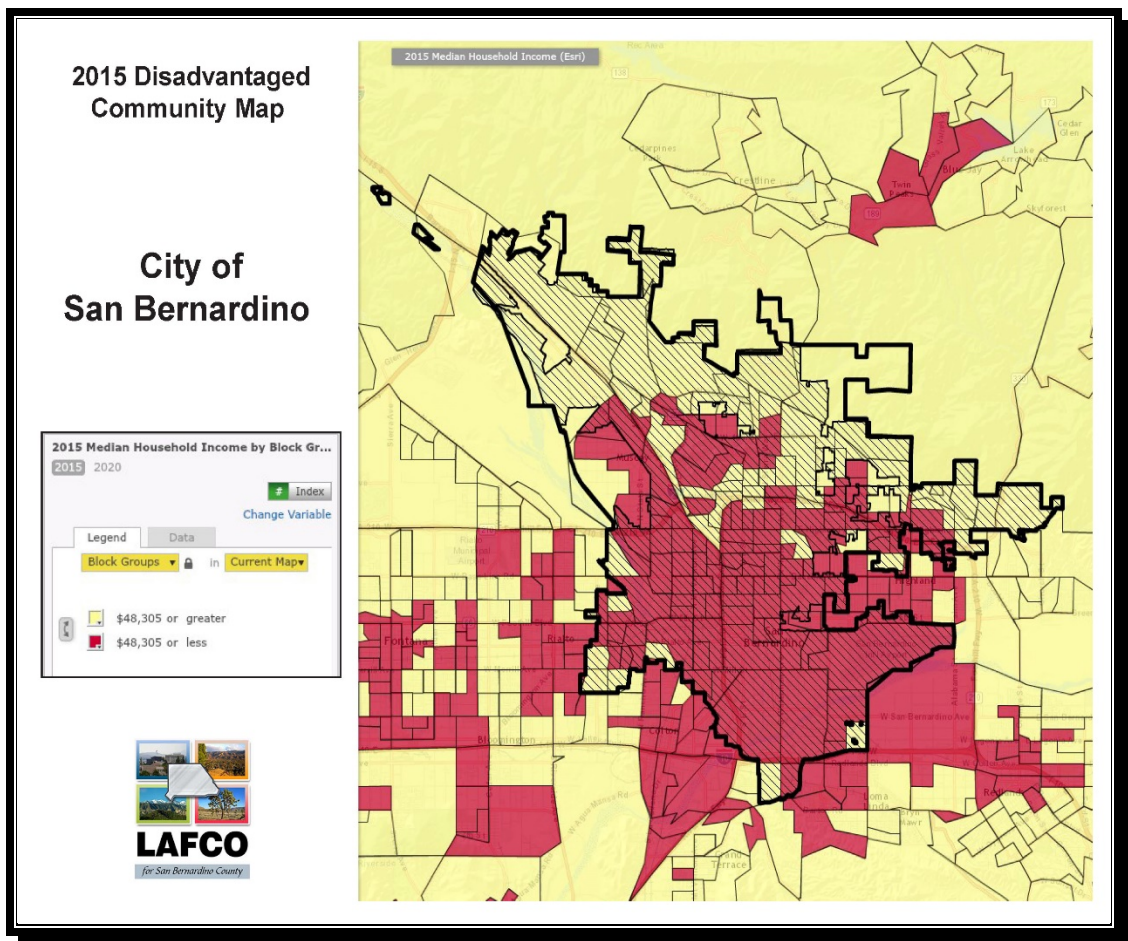
uses. The City's General Plan does not designate any territory for agricultural uses.

2. The present and probable need for public facilities and services in the area:

As referenced earlier in this report, the City has been challenged to provide fire service across the City, but has been particularly challenged by emergency medical demands. The 2014 Citygate Associates fire service study concluded that operational staff reductions, combined with exceptionally high emergency medical incident call volumes and frequent structure fires, have resulted in long response times. Given the high volume of emergency medical calls, resources typically available for fire suppression are too often unavailable for an appropriate level of response in an urban setting. According to the Citygate Study, arrival time for 90 percent of calls was 9:36 minutes in 2013 which is above the seven minutes generally considered satisfactory in an urban setting.

The City of San Bernardino has submitted a response to the Factors of Consideration for the sphere of influence amendment and a related Plan of Service and Fiscal Impact Analysis. According to the Plan of Service, as amended, annexation to County Fire will allow the City to take advantage of substantial economies of scale available from the County Fire as well as existing County Fire stations and personnel located nearby to the City. It will also allow for the opportunity to annex into one of the County Fire Service Zones which is supported by a parcel tax. These factors will allow the City to reduce the overall level of City revenue allocated to fire service delivery, freeing up limited City resources to address other critical service delivery needs in the community. Transfer of the City's fire responsibilities to County Fire is consistent with the City's Plan of Adjustment filed with the bankruptcy court on May 30, 2015.

Government Code Section 564215(e)(5) directs the Commission to evaluate the present and probable need for the delivery of structural fire protection within a disadvantaged unincorporated community. LAFCO 3197 addresses an incorporated city area not required by the code section but the questions for assurance of service delivery to a disadvantaged community are real in this situation. The 2015 Disadvantaged Community Maps maintained by LAFCO identify that the bulk of the City area is disadvantaged and the Commission has an inherent responsibility to assure the continuation of this critical public health and safety service. The map below outlines the disadvantaged areas meeting the criteria of State law as earning less than \$48,305 per year (80% of Statewide median income):



3. The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide:

County Fire operates 75 fire stations serving approximately 750,000 residents in approximately 16,535 acres of unincorporated territory plus five incorporated cities directly and two fire protection districts. Those cities include Adelanto (contract), Grand Terrace, Needles (contract), Victorville (contract), and Yucca Valley. In addition it provides the service by contract for the Hesperia and Fontana Fire Protection Districts. County fire provides a full range of emergency services, including ladder trucks, fire boats for water rescues, snow cats for winter operations, heavy equipment for flooding and earth moving, ambulance transportation in seven ambulance operating areas, paramedics and large incident command and control capability. County Fire is the largest provider of pre-hospital care in the County and the second largest ambulance provider.

The package of applications submitted by the City of San Bernardino and County Fire is intended to ensure adequate, long-term fire protection, and emergency response services for the residents of San Bernardino. The City is both budget

and service insolvent and can no longer afford to continue funding these services at appropriate levels. The inclusion of the City's stations within this larger framework of operations of County Fire will allow for the economies of scale and services offered to be extended to the citizens of the City of San Bernardino. The sphere of influence determination will allow County Fire to formally address this service deficiency through the reorganization process.

4. The existence of any social or economic communities of interest as determined by the Commission to be relevant to the agency:

County Fire currently provides fire protection and emergency services to 750,000 residents (approximately 37 percent of the County's population) in San Bernardino County. In addition to 16,535 acres of unincorporated territory, County Fire provides service within the corporate boundaries of seven cities - Adelanto, Fontana, Grand Terrace, Hesperia, Needles, Victorville, and Yucca Valley. The implementation of a fiscally sustainable agency to provide adequate levels of fire protection, and emergency response, supports the economic and social community defined by the corporate boundaries of the City of San Bernardino over the long-term and is critical for the safety and well-being of City residents.

Services of the Agency:

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of those services. At present, the Commission's Policy and Procedure Manual identifies the authorized functions and services to be provided by the special districts under its purview. That listing identifies the following function and services for the San Bernardino County Fire Protection District:

Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, ambulance transportation, emergency response, and disaster preparedness planning
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The nature and location of the provision of these services to the City of San Bernardino will be reviewed and considered in-depth within the companion proposal, LAFCO 3198.

ADDITIONAL DETERMINATIONS:

1. The Commission is the lead agency for review of the potential environmental consequences of the sphere of influence modifications. LAFCO staff has provided the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, with the application materials for review. Mr. Dodson has indicated the proposed sphere amendment is not judged to pose any adverse changes to the

physical environment. Therefore, his recommendation is that the sphere amendment is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b). A copy of his letter is included as Attachment #3.

2. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page advertisement in *The Sun*, a newspaper of general circulation in the area. In addition, individual notice was provided to affected and interested agencies, County departments and those individuals and agencies requesting special notice.
3. The map and legal description for this sphere of influence amendment was prepared and certified by the County Surveyor's Office.

CONCLUSION:

LAFCO 3197 is the first step in a two-part process to provide for continuing fire protection and emergency medical response services for the City of San Bernardino. The City of San Bernardino's financial constraints are well documented in its Plan of Recovery and Plan of Adjustment which support the City's efforts to emerge from bankruptcy. Fiscal projections within the Plan clearly indicate that without fundamental and substantial changes in its service delivery model, the City will be unable to move to a service and budget-solvent municipality. A key component of that plan is the transfer of responsibility for fire services from the City to County Fire.

For all the reasons outlined in this report, LAFCO staff supports the change in sphere of influence designation to expand the sphere for County Fire.

Attachments:

1. [Vicinity Map and Map of Proposed Sphere expansion](#)
2. [City of San Bernardino/County Fire Application for Sphere of Influence Expansion, San Manuel Band of Mission Indians Resolution of Consent to Overlay and Supplemental Data](#)
3. [Letter from Commission Environmental Consultant Tom Dodson of Tom Dodson and Associates Dated January 10, 2016](#)
4. [Draft LAFCO Resolution No. 3212](#)