

**Draft LAFCO Resolution No. 3212**

**Attachment 4**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3197

HEARING DATE: JANUARY 27, 2016

## RESOLUTION NO. 3212

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3197 AND APPROVING THE SPHERE OF INFLUENCE EXPANSION FOR THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT (sphere amendment to include the entirety of the City of San Bernardino which encompasses approximately 38,144 acres (59.5 square miles).**

On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**WHEREAS**, an application for the proposed sphere of influence amendment (expansion) in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for January 27, 2016 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

**WHEREAS**, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that the sphere of influence amendment

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(expansion) is statutory exempt from CEQA and such exemption was adopted by this Commission on January 27, 2016. The Commission directed its Executive Officer to file a Notice of Exemption within five working days with the San Bernardino County Clerk of the Board of Supervisors; and,

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for the San Bernardino County Fire Protection District should be expanded to include the territory included within the City of San Bernardino, as more specifically described on the attached Exhibits "A" and "A-1" to this resolution; and,

**WHEREAS**, the Commission determined on September 16, 2015 that a service review would not be required for this sphere of influence amendment as allowed by Government Code Section 56430;

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

**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, 38,144 acres (59.5 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:**

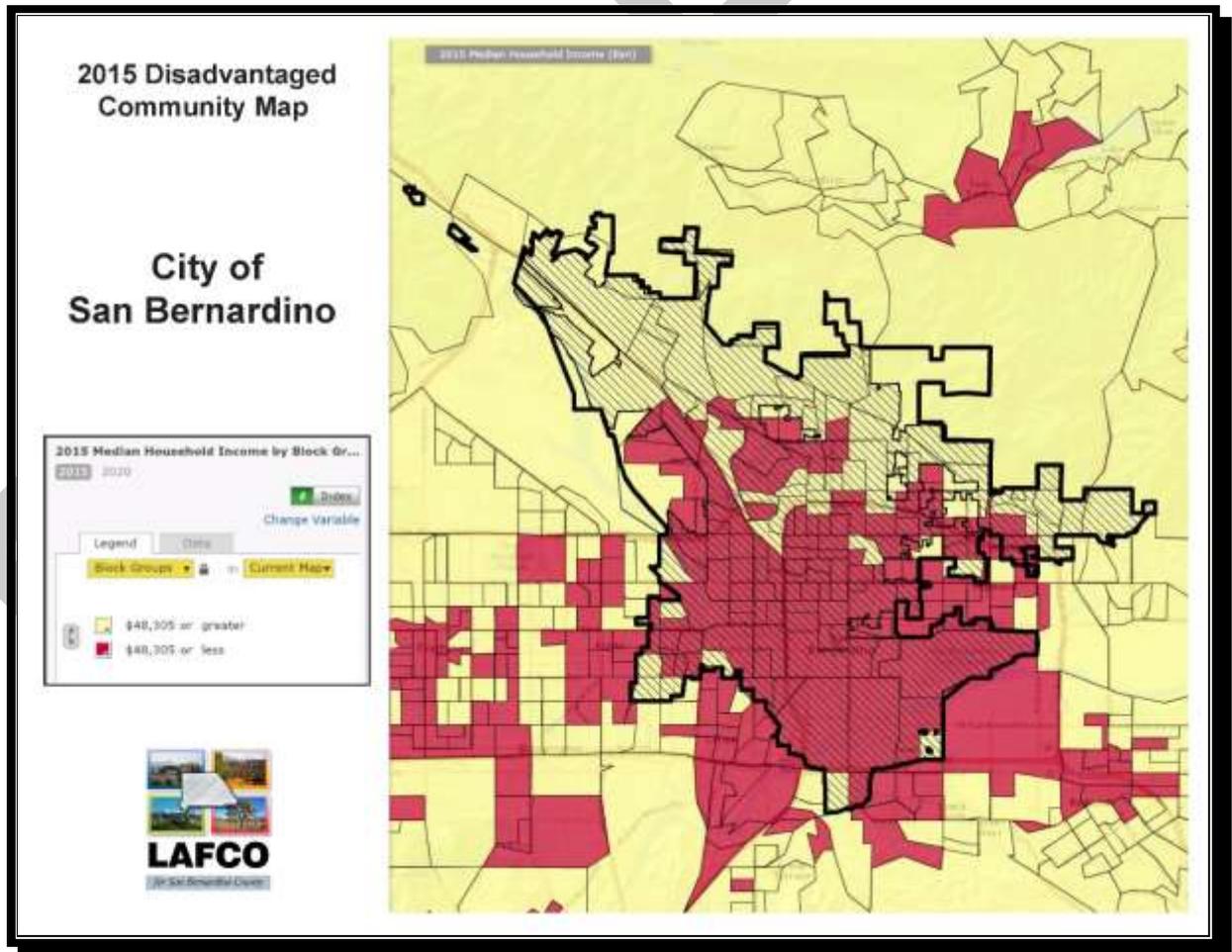
The staff report and the materials submitted by the City of San Bernardino identifies that the City has been challenged to provide fire service across the City, but has been particularly challenged by emergency medical demands. The 2014 Citygate Associates fire service study concluded that operational 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 County Fire as well as existing County Fire stations and personnel located nearby to the City. It will also allow for

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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):



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**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 including 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.

**5. Additional Determinations**

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



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**I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of January 27, 2016.**

**DATED:**

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**KATHLEEN ROLLINGS-MCDONALD  
Executive Officer**

**DRAFT**