

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MARCH 13, 2017   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
ROBERT ALDRICH, Consultant  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #6 - LAFCO 3215 – Sphere of Influence Amendment  
(Expansion) for the San Bernardino County Fire Protection District  
(City of Upland territory)

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**INITIATED BY:**

Jointly initiated by the City Council of the City of Upland 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 3215 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 Upland.
4. Adopt LAFCO Resolution No. 3241 reflecting the Commission's determinations and findings for the sphere of influence changes identified.

**BACKGROUND:**

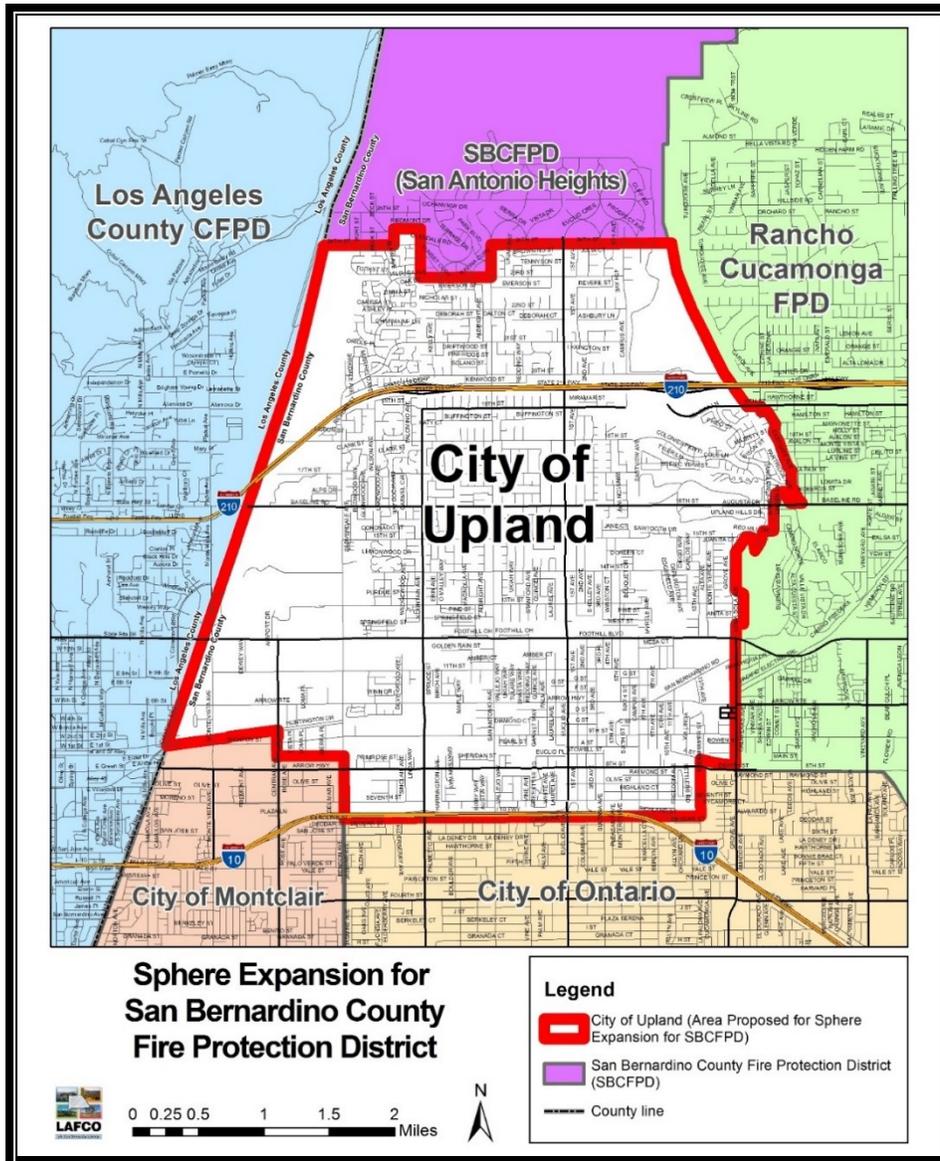
On November 28, 2016, the City of Upland adopted Resolution 6373 initiating an application to expand the sphere of influence for the San Bernardino County Fire

Protection District (hereafter “County Fire”) to include the entirety of the City of Upland. At the same meeting, the City initiated an application to annex the City of Upland to County Fire, its Valley Service Zone, and Service Zone FP-5. On December 16, 2016, County Fire adopted Resolution 2016-242 jointly initiating and supporting the City’s resolution. If approved, the reorganization including 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 Upland. These actions were initiated in recognition of the City’s challenging financial position and its inability to pay for the ongoing 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 on the following page of this report.

At LAFCO’s September 2015 hearing, the Commission determined that it will not require a 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 sphere review.

Expansion of the sphere of influence will allow for annexation of the entirety of the City of Upland by County Fire, its Valley Service Zone and Service Zone FP-5 by separate action (LAFCO 3216). 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 service within the City of Upland and free up limited resources to address other critical service delivery needs in the City.

The vicinity map shown below illustrates the location of the City of Upland to surrounding fire and emergency medical response providers. As depicted, County Fire currently provides service to the territory north of the City of Upland, commonly known as San Antonio Heights.



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 Upland has submitted an application requesting that LAFCO amend the sphere of influence of County Fire to include the entirety of the City of Upland which encompasses approximately 10,016 acres (15.65 square miles). As of January 1, 2016, the City’s population is 75,774 according to the State Department of Finance/Demographic Research Unit. The proposal, along with a concurrent

application (LAFCO 3216) to annex the entirety of the City by County Fire, its Valley Service Zone and Service Zone FP-5, will allow for the residents of Upland to continue to receive adequate long-term fire and emergency medical 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:

**Expand the sphere of influence of the San Bernardino County Fire Protection District to include the entirety of the City of Upland.**

The following address the mandatory factors as outlined in Government Code Section 56425:

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

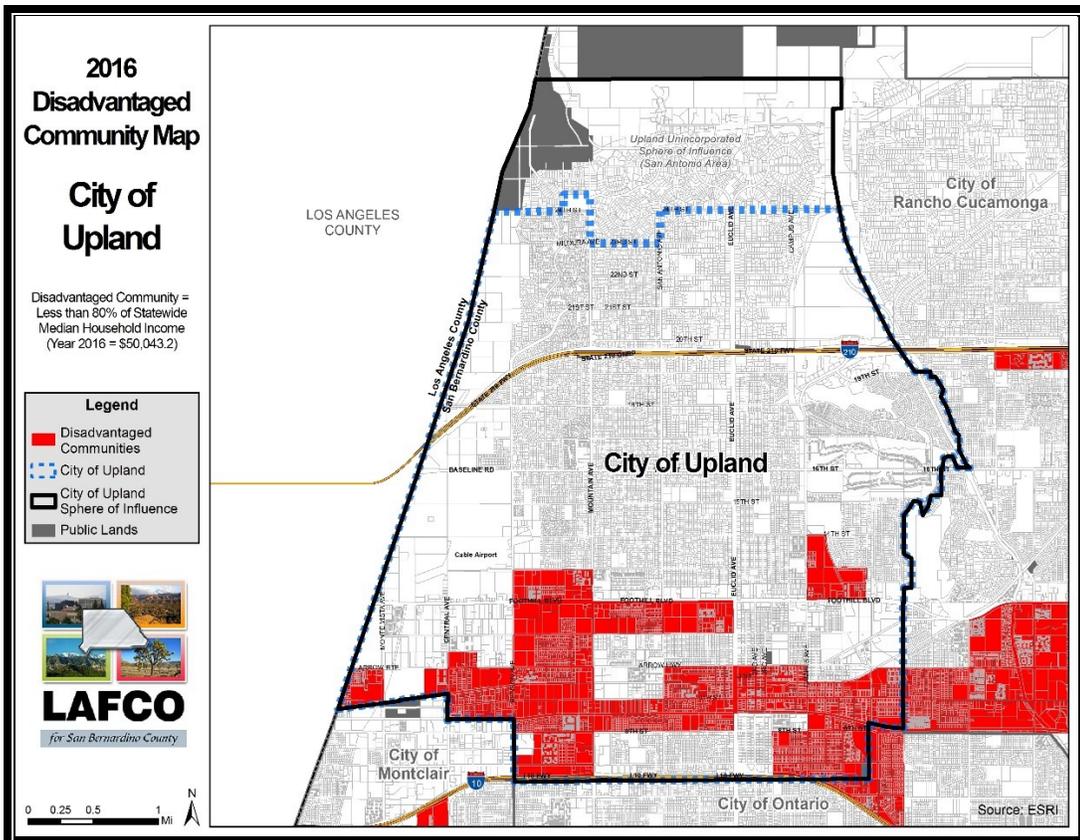
The land area proposed to be included in the sphere of influence of County Fire includes the entirety of the City of Upland. The City, 10,016 acres (15.65 square miles) in size, contains a full range of land uses including residential, commercial, industrial, public facilities, and agriculture. According to the City, residential uses currently comprise approximately 55.4 percent of the City; commercial and industrial uses account for approximately 15 percent; public facilities comprise approximately 30 percent; and 0.2 percent of City's land use is devoted to agriculture uses. Included in the public facilities designation is Cable Airport, a private airfield located within the City and home to the air ambulance operations jointly conducted by the City and Reach Air Medical. The City's General Plan does not have a specific land use designation for open space.

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

In 2011, the combination of a recessionary economy, reduced property tax revenue, increases in pension benefit costs, ongoing litigation and other general liability expenses significantly impacted the City's general fund balance and its ability to maintain adequate levels of services for its residents. Despite the City's actions to significantly reduce staffing levels and negotiate cost saving concessions with the remaining employees, in 2012, the City came very close to declaring a "fiscal emergency" as the general fund balance hit an all-time low. The qualified opinion of the City's auditor in the 2013 Comprehensive Audit and Financial Report (CAFR) questioned the City's "ability to continue as a growing concern." A task force appointed by the City Council to develop structural options for regaining fiscal stability included outsourcing fire protection services as a first step in both short and long-term planning for the City's financial stability.

According to the City of Upland’s Plan of Service, annexation to County Fire will allow the City to take advantage of substantial economies of scale available from the District as well as existing District 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 special 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.

In addition, Government Code Section 56425(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 3215 addresses an incorporated city area not required for evaluation by the code section but the questions for assurance of service delivery to a disadvantaged community will also need to be addressed in this situation. The 2016 Disadvantaged Community Maps maintained by LAFCO identify that a portion of the southern area of the City 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 \$50,043 for 2016 (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 over 75 fire stations serving approximately 1,000,000 residents in approximately 19,130 square miles of unincorporated territory as well as nine incorporated cities including Adelanto (contract), Fontana (contract), Grand Terrace, Hesperia (contract), Needles, San Bernardino, Twentynine Palms, Victorville (contract), and Yucca Valley. County Fire provides a full range of emergency services, including ladder trucks and elevated stream operations, fire boats for water rescues, snow cats for winter operations, heavy equipment dozers and front-loaders for flooding and earth moving, hand crews, ambulance transportation in seven ambulance operating areas, paramedics on engines and ambulances, and large incident command and control capability. County Fire's chief officers are trained to function in various Incident Command System (ICS) capacities while some participate on Interagency Management Teams. Levels of service vary in each community based on County Fire's available revenue. Staffing in County Fire stations varies from all paid-call firefighters to two, or three, career firefighters on each fire engine.

The package of applications submitted by the City of Upland is intended to ensure adequate, long-term fire protection, and emergency medical response services for the residents of Upland. Without fundamental reorganization, including the transfer of fire and paramedic responsibilities, the City can no longer afford to continue funding these services at appropriate levels.

**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 approximately 1,000,000 residents (roughly 37 percent of the County's population) in San Bernardino County. In addition to the 19,130 acres of unincorporated territory served by County Fire, the District serves nine cities - Adelanto, Fontana, Grand Terrace, Hesperia, Needles, San Bernardino, Twentynine Palms, Victorville, and Yucca Valley through either a jurisdictional overlay or by contract. The implementation of a fiscally sustainable agency to provide adequate levels of fire protection, and emergency medical response service to City of Upland over the long-term is critical for the safety and well-being of City residents. This is an issue of both social and economic interest for the future of the City.

**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 "*Listing of Special Districts within San Bernardino LAFCO Purview – Authorized Functions and Services*" (included in its Policy and Procedure Manual, Section VI) identifies the functions and services for the San Bernardino County Fire Protection District as:

Fire: structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, ambulance transportation, emergency response, and disaster preparedness planning.

### **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 of influence amendment is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b).
2. 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 Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. In addition, individual notices were provided to all property owners within the annexation area, affected and interested agencies, County departments and those individuals and agencies requesting special notice.
3. The map and legal description of this sphere of influence amendment was prepared and certified by the County Surveyor's Office.

### **CONCLUSION:**

LAFCO 3215 is the first step in a two-part process to provide for continuing fire protection, and emergency medical response services to the City of Upland. Under normal circumstances, a sphere of influence determination as a planning tool would allow for the evaluation and preparation of service models and transition planning. However, as is well documented, without fundamental and substantial changes in its service delivery model, the City has conveyed the position that it will be unable to move to a position of long-term fiscal sustainability. A key component of that plan, determined in consultation with a Citizen Task Force, is the transfer of responsibility for fire services

from the City to County Fire. Therefore, the sphere of influence amendment is being considered concurrently with the processing of the reorganization proposal for an expedited review.

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 and its related service zones.

Attachments:

1. Vicinity, Proposed Sphere Expansion and Disadvantaged Community Maps
2. City of Upland/County Fire Application for Sphere of Influence Expansion and Supplemental Data
3. Letter from Commission Environmental Consultant Tom Dodson of Tom Dodson and Associates Dated March 8, 2017
4. Draft LAFCO Resolution No. 3241