

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3215

HEARING DATE: March 23, 2017

RESOLUTION NO. 3241

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3215 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 Upland which encompasses approximately 10,016 acres (15.65 square miles)).

On motion of Commissioner Bagley, duly seconded by Commissioner Lovingood, 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 March 23, 2017 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 March 23, 2017. 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 of the corporate boundaries of the City of Upland, 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 any sphere of influence amendment for the transition of fire protection from a financially distressed agency to County Fire 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 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:

Fire protection and emergency medical response are one of several primary needs for an urbanized, municipal community. 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

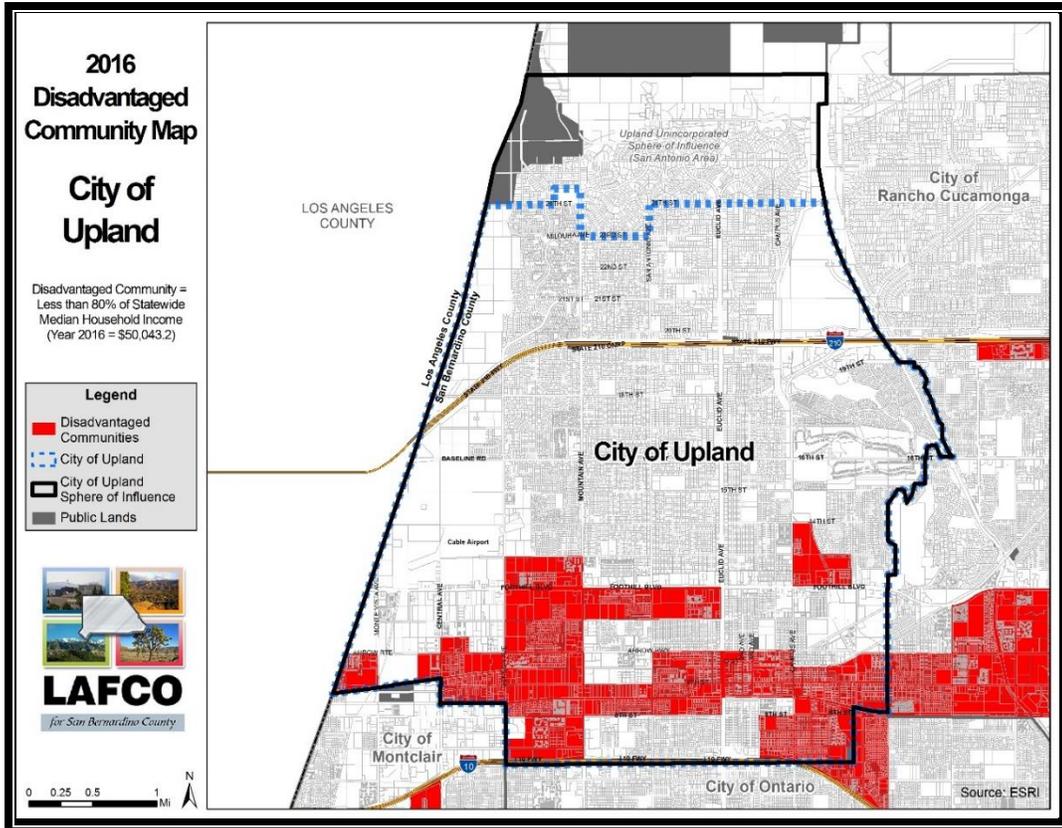
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protection services as a first step in both short and long-term planning for the City's financial stability.

According to the City of Upland's Plan of Service, submitted in conjunction with LAFCO 3215 and 3216, 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. This will allow for meeting the needs for the continuation of fire protection and emergency medical response services for the residents of the City of Upland.

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):

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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 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

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services at appropriate levels. 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 square miles of unincorporated territory, County Fire provides service within the corporate boundaries of seven cities – Adelanto (contract), Fontana (contract), Grand Terrace, Hesperia (contract), Needles, San Bernardino, Twentynine Palms, Victorville (contract), 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 Upland 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 1/8th page advertisement in *The Inland Valley Daily Bulletin*, 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.

WHEREAS, pursuant to the provisions of Government Code Section 56425(i), the range of services provided by the San Bernardino County Fire Protection District shall be limited to the following:

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

The nature and location of the provision of these services to the City of Upland community will be considered with the companion proposal, LAFCO 3216.

WHEREAS, having reviewed and considered the determinations as outlined above, the Commission determines to expand the sphere of influence for the San Bernardino County Fire Protection District, encompassing approximately 10,016 acres (15.65 square miles) representing the corporate boundaries of the City of Upland.

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NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits "A" and "A-1" as being within the sphere of influence of the San Bernardino County Fire Protection District, it being fully understood that the amendment of such sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that San Bernardino County Fire Protection District and City of Upland shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS: Bagley, Farrell, Lovingood, McCallon, Williams

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Cox (Commissioner Farrell voting in her stead), Curatalo, Ramos

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

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 March 23, 2017.

DATED: March 23, 2017



Kathleen Rollings-McDonald
KATHLEEN ROLLINGS-MCDONALD
Executive Officer

LAFCO 3215

**Sphere of Influence Amendment (Expansion) for the San Bernardino
County Fire Protection District**

Those portions of the County of San Bernardino, State of California, lying within Sections 29 through 33, Township 1 North, Range 7 West, San Bernardino Meridian, Sections 24 through 26, 35, 36, Township 1 North, Range 8 West, San Bernardino Meridian, Sections 4 through 8, 17, 18, Township 1 South, Range 7 West, San Bernardino Meridian, and Sections 1 through 3, 10 through 13, Township 1 South, Range 8 West, San Bernardino Meridian, described as follows:

Those parcels of land located within the current boundary of the City of Upland, State of California, as of December 5th, 2016, per Records of the City of Upland and the San Bernardino County Local Agency Formation Commission;

Containing 10,016 acres (15.65 sq. miles), more or less.

This legal description was prepared by me or under my direction.



12/05/2016

James I. Stone

Date

Deputy County Surveyor

PLS 9075, Expiration: March 31, 2018



FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

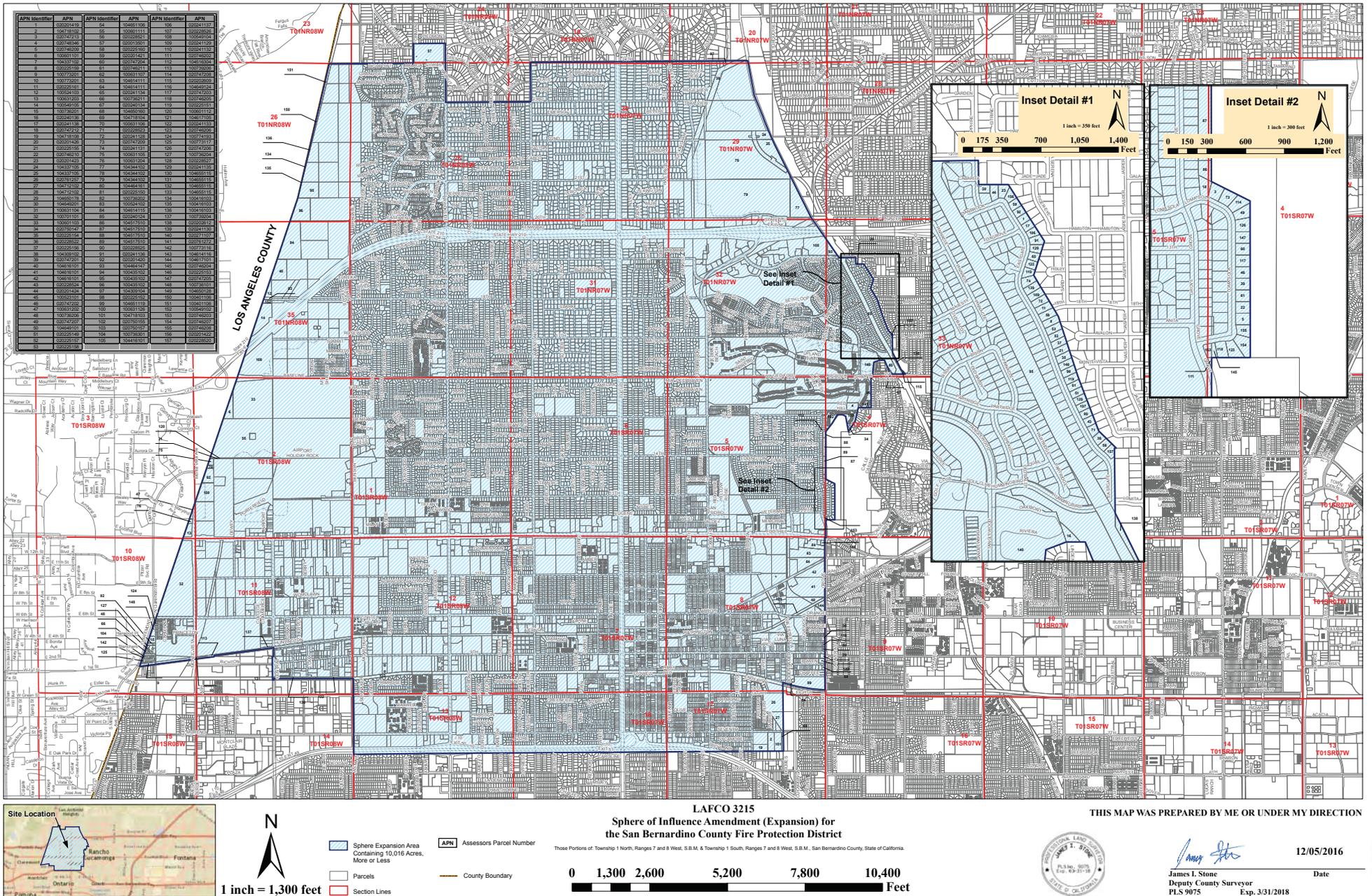


EXHIBIT A-1

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FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY