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**RESOLUTION NO. 2015-195**

**RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AUTHORIZING THE FILING OF AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT (EXPANSION) OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND REORGANIZATION TO INCLUDE ANNEXATIONS TO THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE AND SERVICE ZONE FP-5.**

**WHEREAS**, the City of San Bernardino desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code for:

1. A sphere of influence amendment for the San Bernardino County Fire Protection District (District); and
2. A reorganization proposal to include, but not limited to, annexation to the San Bernardino County Fire Protection District and its Valley Service Zone and Service Zone FP-5 as more specifically described in the City's application attached hereto; and

**WHEREAS**, the territory proposed for reorganization is legally inhabited and a description of the boundaries for all actions is set forth in the City's application attached hereto, and by this reference incorporated herein; and

**WHEREAS**, the proposed reorganization will not conflict with any existing sphere of influence as the proposed change includes an amendment to the San Bernardino County Fire Protection District sphere of influence to accommodate the proposed reorganization; and,

**WHEREAS**, it is desired that the proposed reorganization be subject to the following terms and conditions:

1. The District shall assume all rights, duties, responsibilities, personal property, contracts, equipment, assets, liabilities, obligations, functions, executory provisions related to fire protection and emergency medical services, except as otherwise outlined in the Conditions of Approval by LAFCO.
  2. The Plan for Service included with the application outlines the general approach and parameters for delivering fire and emergency medical services to serve the City. The District will assume responsibility for providing sustainable service to the residents and businesses of the City as a condition of the annexation and for providing the personnel, facilities, equipment, and oversight necessary to do so on an ongoing basis.
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2 3. As a function of the reorganization, a condition of approval shall be included  
3 addressing the repayment of the unfunded retirement liability of the City of San  
4 Bernardino related to City fire personnel to be transferred to the San  
5 Bernardino County Employee Retirement Association (SBCERA).

6 4. As a function of the reorganization, the City shall annex to the District's Valley  
7 Service Zone and Service Zone FP-5 for the purpose of fire protection and  
8 emergency medical operations.

9 5. All previously authorized charges, fees, assessments, and/or taxes currently in effect,  
10 now levied or collected by the City related to fire protection, including a community facilities  
11 district shall continue to be levied and collected by the District.

12 6. The standard terms and conditions imposed by the Local Agency Formation  
13 Commission upon all proposals or such additional conditions as may be deemed  
14 appropriate or necessary by the Local Agency Formation Commission in its  
15 consideration; and

16 **WHEREAS**, the reasons for the sphere of influence amendment and proposed  
17 reorganization are to provide effective, safe and financially sustainable fire protection and  
18 emergency medical services to the City of San Bernardino.

19 **NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON**  
20 **COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:**

21 **SECTION 1.** The City Manager is hereby authorized to apply to the Local Agency  
22 Formation Commission for San Bernardino County to take proceedings for the sphere of  
23 influence review and proposed reorganization as described in the City's application, in  
24 the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization  
25 Act of 2000.

26 **SECTION 2.** The City Manager is authorized to negotiate terms and conditions with  
27 San Bernardino County and County Fire regarding fire service and the annexation.

28 **SECTION 3.** The City Manager is authorized to negotiate an interim contract  
agreement for County Fire to deliver services to the City until the annexation is completed.

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2       **SECTION 4.** The Mayor and Common Council of the City of San Bernardino  
3 acknowledges and agrees to the Local Agency Formation Commission for San Bernardino  
4 County's requirement for imposing legal indemnification as outlined in Policies 10 and 11 of its  
5 Accounting and Financial Division of its Policy and Procedure Manual adopted June 2012.  
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1 RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN  
2 BERNARDINO AUTHORIZING THE FILING OF AN APPLICATION TO THE LOCAL  
3 AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A  
4 SPHERE OF INFLUENCE AMENDMENT (EXPANSION) OF THE SAN BERNARDINO  
5 COUNTY FIRE PROTECTION DISTRICT AND REORGANIZATION TO INCLUDE  
6 ANNEXATIONS TO THE SAN BERNARDINO COUNTY FIRE PROTECTION  
7 DISTRICT, ITS VALLEY SERVICE ZONE AND SERVICE ZONE FP-5.

8 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and  
9 Common Council of the City of San Bernardino at a joint adjourned regular meeting thereof,  
10 held on the 24<sup>th</sup> day of August, 2015, by the following vote, to wit:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
11 MARQUEZ	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
12 BARRIOS	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
13 VALDIVIA	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
14 SHORETT	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
15 NICKEL	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
16 JOHNSON	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
17 MULVIHILL	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

20 Georgeann Hanna

Georgeann Hanna, CMC, City Clerk

21 *by Linda Lutherland, Deputy*

22 The foregoing Resolution is hereby approved this 25<sup>th</sup> day of August, 2015.

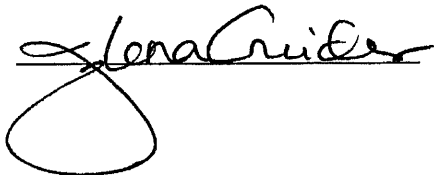
23 R. Carey Davis

24 R. Carey Davis, Mayor  
25 City of San Bernardino

26 Approved as to form:

Gary D. Saenz, City Attorney

27 By: *Lena Crider*

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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO) SS  
3 CITY OF SAN BERNARDINO )

4 I, GEORGEANN HANNA, City Clerk for the City of San  
5 Bernardino,

6 **DO HEREBY CERTIFY** that the foregoing and attached copy of the City of  
7 San Bernardino **Resolution No. 2015-195** is a full, true and correct copy of that now  
8 on file in the Office of the City Clerk.

9 IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
10 the official seal of the City of San Bernardino this 25th day of August,  
11 2015.

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13 Georgeann Hanna, CMC, City Clerk

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16 By: Valerie R. Montoya, Deputy City Clerk  
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