

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS  
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT  
AND RECORD OF ACTION**

September 15, 2015

**FROM: MARK A. HARTWIG, Fire Chief/Fire Warden  
San Bernardino County Fire Protection District**

**SUBJECT: RESOLUTION FOR REORGANIZATION OF THE SAN BERNARDINO CITY  
FIRE DEPARTMENT WITH SAN BERNARDINO COUNTY FIRE PROTECTION  
DISTRICT**

**RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Fire Protection District (SBCFPD), adopt **Resolution No. 2015-183** requesting the Local Agency Formation Commission to commence proceedings for reorganization of the San Bernardino City Fire Department for annexation to SBCFPD.

(Presenter: James Johnstone, Deputy Chief, 387-5779)

**BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES**

**Pursue County Goals and Objectives by Working with Other Agencies.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this request for the Local Agency Formation Commission (LAFCO) to conduct the necessary proceedings for reorganization of the territory of the City of San Bernardino into SBCFPD and the termination of the City's fire responsibility will not result in the use of additional Discretionary General Funding (Net County Cost).

As a part of the LAFCO proceedings, an agreement will be developed to transfer a percentage of the City's ad valorem property tax to SBCFPD for fire protection services as required by the Revenue and Taxation Code. In addition, the territory of the annexation is proposed to be included in Service Zone FP-5 of SBCFPD subject to its existing parcel tax to ensure financial support for the agreed upon service level for the area.

**BACKGROUND INFORMATION**

On August 24, 2015, the Mayor and Common Council of the City of San Bernardino (City) adopted a resolution to initiate the process for annexation of the City's Fire Department to SBCFPD. The resolution included a request for sphere of influence amendment of SBCFPD, as well as requesting LAFCO to take proceedings for the reorganization to include annexation of territory into SBCFPD, its Valley Regional Service Zone and Service Zone FP-5. SBCFPD is

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**RECEIVED**  
SEPT 16 2015

LAFCO  
San Bernardino County

w/resolution  
SBCFPD-Hartwig  
SBCFPD-Johnstone  
LAFCO-Rollings-McDonald  
CAO-Forster  
File - SDD/SBCFPD w/attach  
9/15/15

**ITEM 81**

Record of Action of the Board of Directors

**APPROVED (CONSENT CALENDAR)**  
**COUNTY OF SAN BERNARDINO**  
**San Bernardino County Fire Protection District**

MOTION	<u>MOVE</u>	<u>AYE</u>	<u>AYE</u>	<u>SECOND</u>	<u>AYE</u>
	1	2	3	4	5

**LAURA H. WELCH, SECRETARY**

BY \_\_\_\_\_

**DATED: September 15, 2015**

**RESOLUTION FOR REORGANIZATION OF THE SAN BERNARDINO CITY  
FIRE DEPARTMENT WITH SAN BERNARDINO COUNTY FIRE  
PROTECTION DISTRICT  
SEPTEMBER 15, 2015  
PAGE 2 OF 2**

required to adopt a substantially similar resolution requesting LAFCO to commence proceedings for this reorganization; the recommended resolution will serve as the formal request for LAFCO to engage in the necessary proceedings.

The reorganization of SBCFPD and annexation of the City into SBCFPD would result in the complete assumption of fire, rescue, and EMS services by SBCFPD for the City of San Bernardino. Following completion of the reorganization and annexation proceedings, and execution of the property tax reallocation agreement, the City will have no further funding obligations for fire suppression or emergency services within the City.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Carol Greene, Deputy County Counsel, 387-5455) on August 25, 2015; LAFCO (Kathleen Rollings-McDonald, Executive Officer, 388-0480) on August 25, 2015; Finance (Tom Forster, Administrative Analyst, 387-4635), on August 26, 2015; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on August 31, 2015.

**RESOLUTION NO. 2015-183**

**RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT AND FOR REORGANIZATION TO INCLUDE ANNEXATION OF THE SAN BERNARDINO CITY FIRE DEPARTMENT TO THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND SERVICE ZONE FP-5**

On Tuesday September 15, 2015, on motion of Director Lovingood, duly seconded by Director Hagman and carried, the following resolution is adopted by the Board of Directors of San Bernardino County Fire Protection District.

WHEREAS, The Mayor and Common Council of the City of San Bernardino has adopted Resolution No. 2015-195, requesting the Local Agency Formation Commission (LAFCO) to initiate proceedings for:

1. A sphere of influence amendment for the San Bernardino County Fire Protection District (SBCFPD); and,
2. A reorganization proposal to include, but not be limited to, the annexation of the City of San Bernardino to the San Bernardino County Fire Protection District, its Valley Service Zone and Service Zone FP-5; and,

WHEREAS, the territory proposed for reorganization is legally inhabited and a description of the boundaries of the territory proposed to be reorganized 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's 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:

- A. The San Bernardino County Fire Protection 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 Conditions of Approval by LAFCO; and,
- B. The Plan for Service included with the City's application outlines the general approach and parameters for delivering fire and emergency medical services to serve the City. The SBCFPD will assume all 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 for providing sustainable service on an ongoing basis.
- C. As a function of the reorganization, a condition of approval shall be included addressing the repayment of the unfunded retirement liability of the City of San Bernardino related to City Fire personnel to be transferred to the San Bernardino County Employee Retirement Association (SBCERA); and,



- D. As a function of the reorganization, the City shall annex to the SBCFPD Valley Service Zone and Service Zone FP-5 for the purpose of fire protection and emergency medical operations; and,
- E. All previously authorized charges, fees, assessments, and/or taxes currently in effect, now levied or collected by the City related to fire protection, including a community facilities district shall continue to be levied and collected by the SBCFPD; and,
- F. The standard terms and conditions imposed by the Local Agency Formation Commission upon all proposals or such additional conditions as may be deemed appropriate or necessary by the Local Agency Formation Commission in its consideration; and,

WHEREAS, the reasons for this sphere of influence amendment and proposed reorganization are to provide effective, safe and financially sustainable fire protection and emergency medical services to the City of San Bernardino and permit the subject agencies to streamline fire protection services to the subject territory so as to provide orderly growth and development within the subject territory; and to permit all agencies authorized to provide the scope of municipal services to extend their boundaries to cover the subject territory in one action; and,

WHEREAS, the City Manager is authorized to negotiate an interim contract agreement with San Bernardino County Fire Protection District to deliver fire services to the City until annexation is completed; and,

WHEREAS, All legal prerequisites to the adoption of this Resolution have occurred; and,

WHEREAS, The San Bernardino County Fire Protection District recognizes the City of San Bernardino's Resolution No. 2015-195.

NOW THEREFORE, BE IT RESOLVED BY THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- Section 1. This resolution is hereby adopted and approved by the Board of Directors of the San Bernardino County Fire Protection District. The Local Agency Formation Commission of San Bernardino County is hereby requested to take proceedings for the sphere of influence amendment and reorganization of territory as described above, according to the terms and conditions stated above, and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- Section 2. The San Bernardino County Fire Protection District acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County's requirement for imposing legal indemnification as outlined in Section II Financial Accounting, Chapter 2 Financial Policies for Application Processing, Policy 3 -- Indemnification of its Policy and Procedure Manual adopted August 19, 2015.



PASSED AND ADOPTED by the Board of Directors of the County of San Bernardino, State of California, by the following vote:

AYES:	DIRECTORS:	Lovingood, Rutherford, Ramos, Hagman, Gonzales
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

\* \* \* \* \*

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

I, **LAURA H. WELCH**, Secretary of the Board of Directors of the San Bernardino County Fire Protection District, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Directors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of September 15, 2015. #81 jr

LAURA H. WELCH  
Secretary

By \_\_\_\_\_

Deputy

