

LAFCO 3215 & 3216

Notice of Filing Attachments:

Resolution No. 2016-242

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

December 20, 2016

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

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

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, adopt **Resolution No.2016-242** requesting the Local Agency Formation Commission to commence proceedings for the sphere of influence amendment and reorganization to annex the City of Upland fire services into the San Bernardino County Fire Protection District, its Valley and FP-5 Service Zones.

(Presenter: Mark A. Hartwig, Fire Chief/Fire Warden, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES

Implement the Countywide Vision.

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

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

As 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 the provision of fire protection services as required by the Revenue and Taxation Code. Additionally, 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

RECEIVED
JAN 20 2017

LAFCO
San Bernardino County

cc: w/ resolution
SBCFPD-Hartwig
LAFCO-Rollings-McDonald
SDD-Reception
CAO-Forster
File - Special Districts/San Bernardino
County Fire District Service Zone FP-5
(Helendale/Silver Lakes) w/ resolution
01/19/17

jll

ITEM 102

Record of Action of the Board of Directors

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

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

LAURA H. WELCH, SECRETARY

BY

Jennifer Auna

DATED: December 20, 2016

**RESOLUTION FOR REORGANIZATION OF THE CITY OF UPLAND FIRE SERVICES WITH SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
DECEMBER 20, 2016
PAGE 2 OF 2**

On November 28, 2016, the Mayor and Common Council of the City of Upland adopted a resolution to initiate the process for annexation of the City's fire protection and emergency medical services (EMS) to SBCFPD. The resolution included a request for sphere of influence amendment for 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 required to adopt a substantially similar resolution requesting LAFCO to commence proceedings for the sphere of influence amendment and reorganization; the recommended resolution will serve as the formal request for LAFCO to engage in the necessary proceedings.

If the LAFCO Commission ultimately approves the reorganization of SBCFPD and annexation of the City of Upland fire services into SBCFPD, SBCFPD would completely assume the responsibility to provide fire, rescue and EMS services to the City of Upland. 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 medical 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 November 30, 2016; LAFCO (Kathleen Rollings-McDonald, Executive Officer, 388-0480) on December 1, 2016, Finance (Tom Forster, Administrative Analyst, 387-4635) on December 1, 2016; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on December 2, 2016.

RESOLUTION NO. 2016- 242

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 CITY OF UPLAND FIRE SERVICES TO THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND SERVICE ZONE FP-5

On Tuesday, December 20, 2016, on motion of Director Hagman, duly seconded by Director Lovingood 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 Upland adopted Resolution No. 6373 on November 28, 2016 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 Upland fire services to SBCFPD, 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 SBCFPD'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. SBCFPD 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. 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 to discuss the repayment of the City of Upland unfunded retirement liability, related to City Fire personnel; 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 LAFCO upon all proposals or such additional conditions as may be deemed appropriate or necessary by LAFCO 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 Upland 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, All legal prerequisites to the adoption of this Resolution have occurred; and,

WHEREAS, SBCFPD recognizes the City of Upland's Resolution No. 6373

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 commence 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 San Bernardino County Fire Protection District, County of San Bernardino, State of California, by the following vote:

AYES: DIRECTORS: Robert A. Lovingood, Janice Rutherford, James Ramos
Curt Hagman

NOES: DIRECTORS: None

ABSENT: DIRECTORS: Josie Gonzales

* * * * *

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 Tuesday, December 20, 2016. Item 102 jll

LAURA H. WELCH
Secretary

By _____
Deputy

