

PROPOSAL NO.: LAFCO 3001

HEARING DATE: JANUARY 16, 2008

**RESOLUTION NO. 2986**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3001, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE YUCCA VALLEY FIRE PROTECTION DISTRICT, CENTRAL VALLEY FIRE PROTECTION DISTRICT, FOREST FALLS FIRE PROTECTION DISTRICT, LAKE ARROWHEAD FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 38, AS MODIFIED** (Sphere expansion for the Yucca Valley Fire Protection District; Sphere Reduction for the Central Valley Fire Protection District to include only the areas currently defined as the sphere of influence of the City of Fontana; Sphere Reduction to a Zero Sphere of Influence for the Forest Falls Fire Protection District, Lake Arrowhead Fire Protection District and County Service Area 38 to identify the Commission position that the agencies should become a part of the Yucca Valley Fire Protection District.)

On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, a service review mandated by Government Code Section 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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 this 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, a public hearing by this Commission was called for September 19, 2007 and continued to October 24, and November 28, 2007, at the time and place specified in the original notice of public hearing and in any order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; 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 review, in evidence presented at the hearing; and,

WHEREAS, the Commission has prepared an environmental assessment for LAFCO 3001 and LAFCO 3000/3000A, the County Fire Reorganization, and adopted a Negative Declaration on September

**RESOLUTION NO. 2986**

19, 2007, which indicates that approval of the Municipal Service Review and Sphere of Influence Amendments will not have a significant adverse impact on the environment. The initial study prepared by LAFCO's Environmental Consultant, has been reviewed by the Commission's staff and has been found to be adequate for the sphere of influence decision.

**WHEREAS**, the Commission certifies it has reviewed and considered the Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Negative Declaration adequate for its use in making a decision as a CEQA lead agency. The Commission further finds that it does not intend to adopt alternatives to the project and it does not intend to adopt mitigation measures for the project. The Commission adopted the Negative Declaration, as presented by its Environmental Consultant. The Commission directed its Clerk to file a Notice of Exemption within five working days of its adoption of the environmental determination at the September 19, 2007 hearing; 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 following sphere of influence determinations should be made:

- (1) Expansion of the Yucca Valley Fire Protection District sphere of influence to encompass the territory within the County not currently a part of an independent fire provider (special district or city) or the sphere of influence of the City of Fontana;
- (2) Reduction of the Central Valley Fire Protection District to include the territory of the City of Fontana Sphere of Influence; and,
- (3) Reduction of the Forest Falls Fire Protection District, Lake Arrowhead Fire Protection District and County Service Area 38 sphere of influence to a zero sphere; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56430 and local Commission policy:

- (1) Infrastructure Needs or Deficiencies

The County's response related to the provision of Fire Protection Services through its various entities indicates that for much of the rural areas currently served fire protection and emergency response by a County-governed fire entity and those unfunded areas not currently a part of a fire suppression entity, the public infrastructure for fire protection, emergency medical response and rescue are inadequate. This position is taken when evaluating response times to the standards advocated by the American Heart Association, what is defined in the Municipal Service Review response as "Industry standards" and by the deployment goals of the County adopted for delivery of its fire protection and emergency response services. The materials identify that much of this problem is due to inadequate funding, inaccessibility due to a number of factors including a lack of public roads and access, the prevalence of private roads that do not connect or permit through access, and the distance between fire facilities prepared to respond.

The materials presented by the County identify that the County-governed fire entities have "no long-term comprehensive strategy to improve or add infrastructure for fire protection, emergency medical and rescue services". Such a position is in direct contrast to the requirements of the Commission upon assignment of a sphere of influence. The Commission's sphere policy states:

**RESOLUTION NO. 2986**

*"Responsibility/Obligation for a Sphere Area:*

*When a sphere of influence is assigned, a city or district is required to commence long range land use and service planning activities, thereby enabling it to respond to any annexation requests it might receive from landowners or residents within the sphere. By accepting a sphere of influence, a city or district agrees to plan for the provision of services."*

The sphere of influence for County Service Area 38 has been defined as being County-wide, excluding other fire providers, since 1973. LAFCO 1361 identified the territory as the district's sphere of influence on the basis of planning for supplemental funding for future upgraded fire services. This assignment carried the obligation for long-range planning for the full range of CSA 38 services, which have been confined to fire suppression services, since that time. No master plan for fire services has been undertaken to date.

However, the County position appears to be changing due to the population increases and demands for service it has been experiencing. The County General Plan Update, approved by the County Board of Supervisors on March 13, 2007, includes policies related to the obligation to prepare a comprehensive fire plan. A copy of these policies is included as Attachment #6 to this report. These policies address the need for a Fire Master Plan, the funding of fire protection commensurate with service levels for anticipated development, and the provision of financing tools in the land use review process.

(2) Growth and Population Projections for the Affected Areas

The materials provided include tables from the San Bernardino Associated Governments (SANBAG) which outline the anticipated population within San Bernardino County up through 2030 (the transportation planning horizon). While the bulk of the population growth is anticipated to occur within Cities or areas served by independent fire providers, the unincorporated area and the Cities served by contract or overlaid by County Fire are anticipated to have significant growth. The projections are divided into two categories – those are proposed to be served by the County and those to be transferred to a modified Central Valley Fire Protection District which will include the City of Fontana and its sphere of influence. These projections are shown below:

Area	2000 Population	2005 Population	2010 Population	2015 Population	2020 Population	2025 Population	2030 Population
Adelanto*	18,167	21,888	25,939	30,675	35,351	39,832	44,129
Grand Terrace	11,646	12,409	12,928	13,375	13,817	14,239	14,646
Hesperia*	62,835	78,494	95,800	117,568	139,049	159,638	179,383
Needles*	4,841	5,225	5,225	5,225	5,225	5,225	5,225
Unincorporated	282,120	307,197	329,293	357,214	384,773	411,188	436,515
Yucca Valley	16,839	18,339	18,946	19,523	20,088	20,630	21,150
	396,448	443,552	488,131	543,580	598,303	650,752	701,048
Fontana	130,188	158,590	179,426	195,373	211,105	226,186	240,650
*Contract Cities							

## RESOLUTION NO. 2986

### (3) Financing Constraints and Opportunities

The County has identified that the existing structure for fire protection services governed by the County contributes to the problems associated with providing for adequate fire resources for the increasing population projections. These include the limitations of the jurisdictional boundaries assigned for the various county-governed fire entities and the financial constraints imposed by Prop. 13 on the property tax levy and Prop. 218 requiring a two-thirds majority vote to implement special taxes and assessments. Most important in this discussion is the constraint of the limited funding options. The Board-governed fire entity's ad valorem property tax revenue will not be adequate to continue funding the current level of service. This is most apparent in those areas in which residential development is the predominant growth factor. The 2000 ESCI study outlined this ongoing financial problem, as did the County's in-house fire study in 2004. Both predicted that funding shortfalls would affect all but the Central Valley Fire Protection District by the year 2010.

The current rapid escalation of property values has tempered this projection, but the basic premise remains, that the primary funding resource for these agencies will be inadequate in those areas moving from a rural to suburban type of land use and service expectation. Approval of sphere of influence changes proposed by LAFCO 3001 and its companion reorganization will allow for a single entity, divided into regional service zones to address these needs in a more comprehensive manner.

One additional issue related to this constraint, identified almost parenthetically in the report, is the issue of capital facility construction funding. The materials submitted for LAFCO review identify that the lack of a capital development fee, or development impact fee, has constrained the ability of the County's agencies to plan for capital facilities. In addition, the absence of a development impact fee requires that facility development rely upon already strained ad valorem property tax dollars and other financing tools to respond to these needs. The Commission's analysis has indicated that the absence of a capital development fee for the incremental growth of the 30-lot subdivision, or smaller tracts has seriously constrained the ability of County Fire to build the facilities needed to serve these growing communities. The County has been very successful in the short-term dealing with large-scale developments and the needs for capital construction fees and long-term increases in operation and maintenance costs. Case in point, the Villages at Lytle Creek was annexed to the Central Valley Fire Protection District for its services. In addition, the County's Conditions of Approval and Financing required the creation of Community Facilities Districts to fund the development of a fire station, the equipping of that fire station, and it outlined the long-term obligation for funding an augmented level of service. This is in addition to the 12.12% average share of the ad valorem property tax these new residences will pay into the operation of this district.

Of note in the Commission's discussion, the Cities which currently are either overlain by County Fire or contract for its services assess development impact fees for fire purposes. This sets in motion another built-in inequity for delivery of service. The same is not true for the dominant development type for the unincorporated County areas, the 30-lot and under subdivisions. LAFCO staff has participated in the County's Development Review process for the last seven years and reviewed hundreds, if not thousands, of parcels created which will have a cumulative impact on the delivery of fire suppression and medical response through the Board-governed fire entities, as well as the independent fire providers serving unincorporated territory.

However, it is noted that this situation may be changing. The County Board of Supervisors, at its August 7, 2007 meeting, directed its staff to return with a Request for Proposal (RFP) to review the potential for implementation of development impact fees within the unincorporated areas. This RFP will cover a number of fee categories, but important to this review, is that it will include a discussion of the potential for implementation of a development impact fee for fire capital improvements for the unincorporated area of the County. Approval of such a capital fee would assist the proposed San

## RESOLUTION NO. 2986

Bernardino County FPD as well as independent fire providers within the unincorporated area to fund needed capital improvements.

The advantages that will be achieved through the expansion of the Yucca Valley Fire Protection District sphere of influence, and ultimate annexation, is that a single fire entity will be responsible for dealing with the issues of financing for future fire operations. The anticipated creation of the four (4) service zones will allow the County to tailor those future financing mechanisms to the region, such as development impact fees, its unique service expectations, as well as current ad valorem property tax contributions to the services.

### (4) Cost Avoidance Opportunities

The expansion of the sphere of influence of the Yucca Valley Fire Protection District, in anticipation of the changes identified in LAFCO 3000 to consolidate the operations of the County Fire entities into a single service provider, will assist in eliminating unnecessary costs, first and foremost being the reduction of the 32 separate budget units for fire protection currently utilized. The materials on file in the LAFCO office identify that the economies of scale can more efficiently be achieved through the ultimate elimination of the arbitrary constraints of the boundaries of the existing fire entities and more clearly align the response and management to areas of effort for the provision of service. The Service Zones proposed will allow for the tailoring of needs to economic constraints and development pressures, and will allow economies of scale in purchasing and other areas.

### (5) Opportunities for Rate Restructuring

The County has provided a response on this issue, not reiterated here. LAFCO staff has not identified a material effect upon this factor through the implementation of LAFCO 3001, as modified.

### (6) Opportunities for Shared Facilities

As identified in the County materials on file in the LAFCO office, the regional nature of fire services has required the utilization of shared facilities for a number of years. Currently, multi-function County Service Areas allow for use of district-owned property for fire stations. In addition, County Fire has contracts for providing fire services with independent entities which utilize stations and equipment owned by the independent entities. The materials identify joint powers authorities for joint use of facilities, equipment and, most importantly, the training facilities developed by County Fire.

In addition, County Fire contracts with a number of local jurisdictions to provide for service delivery to unincorporated pockets of territory surrounded by or near incorporated cities. Examples of this include: County Fire currently contracts with the City of San Bernardino to provide fire and paramedic services to the unincorporated County islands within that City's sphere of influence; it contracts with the City of Loma Linda to provide service to its unincorporated sphere territory; and it contracts with the City of Yucaipa to provide fire and paramedic services to the Oak Glen community.

The clarification of service responsibilities in a regional manner will only open up other opportunities for other shared facilities to more effectively utilize the public's resources.

### (7) Government Structure Options

For the last two decades, the County of San Bernardino has been reviewing options to provide a more efficient and effective mechanism to provide fire protection, rescue and emergency medical response within the financing constraints available to them. Beginning as early as 1982, when a single fire chief position was created to manage the Central Valley FPD and Chino Rural FPD under

## RESOLUTION NO. 2986

CSA 70, the County has been attempting to administratively consolidate fire functions. These measures were prompted by the passage of Prop. 13 and the reductions in the ability of ad valorem property taxes to fund an increasing demand for fire services.

In 2002 the County Board of Supervisors directed its staff to evaluate the long-term financial ability of the 26 separate fire entities, which include seven (7) county service areas, fifteen (15) improvement zones of CSAs and four (4) fire protection districts, to sustain the ability to provide their services. A study was conducted by the Emergency Services Consultants, Inc. (ESCi) and its conclusions and recommendations were presented to the Board of Supervisors in May 2003. That study indicated that the consolidated County Fire Entities faced a potential \$83 million deficit. Following the ESCi presentation and report, the County Administrative Office and Fire officials put together a working group to refine the report and make recommendations to the Board. The refined report evaluated three service options for County Fire:

### **Option 1 -- Regional Fire Protection Districts**

This option proposed to retain the County Service Area 70 (CSA 70) administrative oversight for County Fire operations, but would create a set of three regional Fire Protection Districts – Valley, Mountain and Desert. The option would use the expansion of the Central Valley FPD for the Valley regional district, expansion of the Lake Arrowhead FPD for the Mountain regional district, and the Yucca Valley FPD for the Desert regional district. All of the sub regional Board-governed fire entities, such as CSA 38 Improvement Zone D (Victorville) would be transferred to the regional fire protection district. It was identified that the Board of Supervisors could appoint a fire advisory commission for each of the regional districts to advise the Board, as the designated board of directors for the district, on fire budgets, service level issues and/or the need to create additional service zones to address augmented funding.

### **Option 2 -- Countywide Fire Protection District**

This option proposed to completely reorganize both the legal and financial framework of the existing fire entities into a single fire protection district. This option proposed to remove fire authority from CSA 70, which had operated the fire administrative arm of County Fire, and reallocate that authority and financial resources to the new successor fire protection district, to be known as the San Bernardino County Fire Protection District. This successor fire district would be achieved through a series of annexations to the existing Yucca Valley FPD. In addition, through the desire to achieve a regional correlation to service levels and separation of funding, this option proposed a system of four regional service zones – Valley, Mountain, North Desert and South Desert – to be the successor agency to dissolving fire entities and/or the transfer of fire dollars from multi-function agencies losing their fire authority. As with the Regional Fire Protection Districts, the Board of Supervisors could appoint a fire advisory commission for either the parent (umbrella) fire protection district and/or the regional service zones.

### **Option 3 -- Creation of County Fire as a General Fund Department**

This option would create a County Fire Department as a General Fund department similar to the County Sheriff's office or Department of Special Districts. It should be clarified that the materials presented by the County currently identify the administrative agency as the "County Fire Department"; however; this is a name of choice not a legal entity. This option would retain only those agencies which have special tax authority for fire protection purposes and

## RESOLUTION NO. 2986

redirect their management to the proposed department and dissolve all the Board-governed fire protection district and CSAs with fire powers only.

The County Board of Supervisors evaluated these options and determined that in order to maintain the separation of Special District assets, responsibilities, and obligations, Option 2 for creation of the San Bernardino County Fire Protection District should be pursued. On July 26, 2005 that action was officially chosen.

One area of concern was that the proposed sphere of influence expansion would include territory within the designated sphere of influence of other independent fire providers – cities and special districts. The Commission was provided with assurance by the County that no objection to the fulfillment of these other entities' probable physical boundaries would occur. Therefore, the Commission adopts the following finding related to the overlap of spheres related to fire protection services:

*“The sphere of influence expansion is a temporary measure to ensure that all unincorporated areas of the County are served by a fire protection agency. Unincorporated areas within another fire agency’s sphere of influence, as a general rule, are already served by the County Fire Department so this should not represent a real change. Where such overlapping sphere areas are created as a result of this reorganization (sphere of influence expansion), the County shall be considered the “secondary” fire protection agency and the existing fire protection agency shall be considered the “primary” agency. The San Bernardino County Fire Protection District, governed by the Board of Supervisors, has identified that it does not intend to object to the primary agency annexing areas within its sphere of influence in the future, with the normal property tax transfers taking place.”*

### (8) Evaluation of Management Efficiencies

The County has provided a response on this issue, not reiterated here, which identifies County Fire's historic commitment to management efficiencies – through the consolidated training center, vehicle services, hazardous materials division, participation in regional JPAs and the creation and operation of the Office of Emergency Services. LAFCO has not identified a material effect upon this factor through the implementation of LAFCO 3001, as modified.

### (9) Local Accountability and Governance

Implementation of LAFCO 3001, amending the sphere of influence of the Yucca Valley FPD and the spheres of influence for Central Valley FPD, Forest Falls FPD, Lake Arrowhead FPD and County Service Area 38 and LAFCO 3000, reorganizing the Board-governed fire providers, will not change the governing body of the agency. That governing body will continue to be the County Board of Supervisors as the designated Board of Directors of the reorganized San Bernardino FPD. However, the approval of the City of Fontana Alternative proposal (LAFCO 3000A) would transfer the governing body of the Central Valley FPD from the County Board of Supervisors to the City Council of the City of Fontana through establishment of the retained district as a subsidiary district.

In addition, on December 13, 2005, the County Board of Supervisors took an action to authorize the creation of advisory commissions for the four regional service zones to be created through implementation of LAFCO 3000, the companion to LAFCO 3001 sphere expansion. The creation of regional service zone advisory commissions will allow for a more comprehensive approach to the communities' understanding of their fire resources and financial constraints and opportunities and provide a resource to the County administration on the issues affecting the regional service areas.

**RESOLUTION NO. 2986**

WHEREAS, the following findings 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 anticipated to be included in the sphere of influence of the Yucca Valley Fire Protection District, as well as the area proposed to be retained in the Central Valley FPD sphere of influence (the City of Fontana sphere of influence) includes land use designations from the most urban intensity to territory anticipated for preservation as open space.

As a part of the adoption of the Updated County General Plan it included the following goals:

**Goal LU8-3 (Subsection 1)** "Create a County Fire Master Plan that will identify the various areas of the County and provide standards of coverage commensurate with the various characteristics of the County but whose goal is to achieve the levels of service established by the National Fire Protection Association (NFPA) 1710 and 1720".

**Goal CI 16.1** "Continue the consolidation efforts of the Fire Department to maintain the continued operation, services, facilities, and current infrastructure but also to ensure the provision of operations, service facilities and internal infrastructure into the future."

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

The County Board of Supervisors, through its County Fire administration, has developed a Plan for Service which identifies the continuing need for maintenance and upgrade of fire facilities and has developed a "Deployment Goals" document which identifies the desired direction for increasing the levels of service. As identified in the Municipal Service Review factors outlined above, growth projections provided by SANBAG for 2010 have been exceeded by all areas identified to be included within the proposed sphere of influence by the year 2007. The development of the mandated Fire Master Plan will respond to the increasing calls due to population growth and growth along the major transportation corridors within San Bernardino County. The Fire Master Plan is currently a requirement of the County General Plan and Development Code and was anticipated by County Fire in defining the current and recommended staffing based upon the designations of Urban, Suburban, Rural and Wilderness response levels for its Deployment Goals document.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide**

The reorganization of County Fire as envisioned by the sphere of influence expansion, reduction to Central Valley FPD, and zero sphere of influence designations are designed to incorporate the area of the current Board-governed fire protection providers under one consolidated fire protection district structure. It does not currently, and is not anticipated to, change the level of service currently being provided within these areas. The expansion of the Yucca Valley FPD sphere of influence to include the areas identified as the "Unfunded Fire Protection Area" is currently overlain by County Service Area 70, the fire administrative entity for County Fire and has been served by County Fire for the past 30 years by policy direction of the County Board of Supervisors.

Those areas in need of augmented service are proposed to be addressed in the future on a community-by-community approach through the creation of the Service Zone Advisory Commissions

**RESOLUTION NO. 2986**

to allow the local citizenry to determine the level of service required and the funding options available to support that level of service.

**4. The existence of any social or economic communities of interest determined by the Commission to be relevant to the agency**

Within the 18,353 square miles proposed for inclusion within the sphere of influence of the Yucca Valley Fire Protection District are numerous communities of interest such as Phelan, Piñon Hills, Joshua Tree, Oro Grande, Bloomington, Mentone, Muscoy, as well as the City of Grand Terrace and the Town of Yucca Valley. The reduction in the sphere of influence for the Central Valley FPD is a direct reflection of the community of interest for the City of Fontana. The sphere of influence determinations anticipated by this action will have no direct effect on these communities.

**5. Other Findings**

- A. Notice of the original hearing of September 19, 2007 was published as required by law in The Sun, the Daily Press, the Big Bear Life & Grizzly, the Desert Dispatch, the Daily Bulletin, Hi-Desert Star, Needles Desert Star, Lucerne Valley Leader, Mountain News, Mountaineer Progress Bulletin, Alpenhorn, Fontana Herald News, Crestline Courier, Parker Pioneer, and the Today's News-Herald newspapers of general circulation in the area. As required by State law and Commission policy a 1/8<sup>th</sup> page legal ad was provided for this consideration in-lieu of individual notice pursuant to the provisions of Government Code Section 56157.
- B. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the Yucca Valley Fire Protection (to become known as the San Bernardino County Fire Protection District) shall be limited to the following:

	<b><u>FUNCTIONS</u></b>	<b><u>SERVICES</u></b>
San Bernardino County	Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, ambulance transportation, emergency response, and disaster preparedness planning

and the service provided by the Central Valley Fire Protection District (to become known as the Fontana Fire Protection District) shall be limited to the following:

**RESOLUTION NO. 2986**

	<u><b>FUNCTIONS</b></u>	<u><b>SERVICES</b></u>
Central Valley	Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, emergency response, and disaster preparedness planning

such range of services shall not be changed unless approved by this Commission; and,

WHEREAS, having reviewed and considered the findings as outlined above, the Commission approves the following changes:

- (1) Expansion of the Yucca Valley Fire Protection District sphere of influence to encompass the territory within the County not currently a part of an independent fire provider (special district or city);
- (2) Reduction of the Central Valley Fire Protection District to include the territory of the City of Fontana Sphere of Influence; and,
- (3) Reduction of the Forest Falls Fire Protection District, Lake Arrowhead Fire Protection District and County Service Area 38 sphere of influence to a zero sphere;

and these changes are depicted on maps and legals attached as Exhibits "A", "A-1", "B", "B-1", "C", "D", and "E" to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider the territory, described on the maps attached to this resolution, as being within the sphere of influence of the Yucca Valley Fire Protection District and the Central Valley Fire Protection District; and that the Forest Falls Fire Protection District, Lake Arrowhead Fire Protection District, and County Service Area 38 shall have a zero sphere of influence indicating the Commission's position that their responsibilities should be consolidated with the Yucca Valley Fire Protection District, it being fully understood that establishment of such spheres 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 of the County of San Bernardino, State of California, does hereby determine that the County of San Bernardino as the governing body of the Yucca Valley Fire Protection District, Central Valley Fire Protection District, Lake Forest Falls Fire Protection District, Lake Arrowhead Fire Protection District and County Service Area 38 shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's affirmation of this sphere of influence and the minor sphere expansions along the southeastern edge of the sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

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

RESOLUTION NO. 2986

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\*\*\*\*\*

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

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, 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 meeting of January 16, 2008.

DATED:

\_\_\_\_\_  
KATHLEEN ROLLINGS-McDONALD  
Executive Officer

DRAFT