LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO

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PROPOSAL NO.: **LAFCO 3041**

HEARING DATE: **APRIL 18, 2007**

RESOLUTION NO. 2957

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3041 -- A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE VICTORVILLE FIRE PROTECTION DISTRICT (a sphere of influence reduction to a zero sphere of influence for the District).

On motion of Commissioner Colven, duly seconded by Commissioner Pearson, 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 February 21, 2007 and continued to March 21, 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, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption was adopted by this Commission on March 21, 2007. The Clerk was directed to file a Notice of Exemption within five working days of its adoption; 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 Victorville Fire Protection District shall be reduced to a "zero" sphere of influence, with the direction that dissolution of the District and designation of the City of Victorville as the successor agency for the services of the Victorville Fire Protection District should be pursued; and,

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WHEREAS, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated February 9, 2007 and received and filed by the Commission on March 21, 2007, a complete copy of which is on file in the LAFCO office, and they are not reiterated here; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56425 and local Commission policy:

1. Present and Planned Land Uses:

   The Victorville Fire Protection District serves the City of Victorville, along the I-15 corridor north of the existing City of Victorville boundary, and the majority of the Coad Road unincorporated island. The District does not directly provide service to the Mountain View Acres community as it is a part of County Service Area 38 and its Improvement Zone D, or the Spring Valley Lake community as it is a part of County Service Area 38 and its Improvement Zone K. However, the District does provide mutual and automatic aid to these areas through agreement. The present and planned land uses within the District are nearly identical with those in the City and include a range of residential, commercial and industrial uses, with large areas available for development.

2. Present and Probable Need for Public Facilities and Services:

   Calls to the Victorville Fire Protection District increased by 36% from 2001 to 2005 and demand will increase as population grows. If areas within the sphere of influence annex, the City has identified the need for future fire stations to the west and northwest of the current boundaries. As growth occurs in the north, additional fire facilities will be required. However, the Village Drive, Southern California Logistics Airport (SCLA) and Stoddard Wells/Dante Road stations would initially serve the development, until capital improvements can be planned and built.

3. Present Capacity of Public Facilities and Adequacy of Public Services:

   The Victorville Fire Protection District maintains an ISO rating of 3. Demand for fire services will increase with growth. Over the next fifteen years, calls to the Victorville Fire Protection District are estimated to increase more than 50%. The City is planning for at least $20 million in capital improvements through 2016, with the costs primarily funded through development impact fees. A similar increase in the need for police protection services is also expected and the City plans to invest $9.6 million in police-related capital improvements through 2020. These costs will be funded by development impact fees and General Fund revenues. Maintenance and operation is anticipated to be funded through the receipt of the 1% ad valorem property tax share of the existing Victorville Fire Protection District, estimated for the FY 2006-07 at $3,017,000. The City of Victorville Comprehensive Annual Financial Report for Fiscal Year 2005-06 identifies property tax receipts for the Victorville Fire Protection District at $2,079,132 and charges for service at $6,093,499. The difference between property tax revenues and costs is provided from the City General Fund.

4. Social & Economic Communities of Interest:

   The Victorville Fire Protection District's residents share social and economic interests with the larger Victorville community. There are several unincorporated communities within the District's existing boundaries and sphere of influence including Baldy Mesa, Spring Valley Lake, Oro Grande and Mountain View Acres. Since the 1970's, the social and economic community of interest for the Victorville community has been defined by the joint sphere of influence assigned the City of Victorville and its subsidiary districts, including the Victorville Fire Protection District, and the combined spheres of influence of the Victor Valley Water District and Baldy Mesa Water District.

5. Other Findings:

A. Notice of the original hearing was published as required by law in The Sun and the Daily Press, newspapers of general circulation in the area. As required by State law and Commission policy an 1/8th page legal ad was provided for this consideration.

B. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination; and,

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the Victorville Fire Protection District shall be limited to structural, watershed, suppression, prevention, first aid, and rescue, and 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 determines that a zero sphere of influence for the Victorville Fire Protection District is appropriate, signaling the Commission's position that the District should be dissolved and its assets, responsibilities, and obligations transferred to the City of Victorville.

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 sphere of influence for the Victorville Fire Protection District to be a zero sphere, it being fully understood that establishment of such a 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 of the County of San Bernardino, State of California, does hereby determine that the Victorville Fire Protection District 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 designation of a zero 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:

AYES: COMMISSIONERS: Biane, Colven, Cox, Hansberger, McCallon, Nuaimi, Pearson

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

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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 April 18, 2007.

DATED: April 20, 2007

Kathleen Rollings-McDonald

KATHLEEN ROLLINGS-McDONALD
Executive Officer