



NEWS



News Headlines 02/14/2019

- YUCCA VALLEY MAN KILLED IN TRAGIC HOME ACCIDENT
- Judge issues tentative ruling for property owners in San Bernardino County fire zone expansion case

YUCCA VALLEY MAN KILLED IN TRAGIC HOME ACCIDENT

Staff Writer, Z107.7 FM News

Posted: February 14, 2019

An elderly Yucca Valley man was the victim of a tragic accident Tuesday afternoon.

County Firefighter Jarred Haddock said two men were working on a van that was up on tire ramps in the garage of a home in the 7800 block of Arrowhead Drive in Yucca Valley.

About 12:30 p.m., the van somehow fell off the ramps and moved forward and pinned the other man against the wall in the garage.

Haddock said the victim—who was not identified—was pronounced deceased at Hi-Desert Medical Center.

<http://z1077fm.com/yucca-valley-man-killed-in-tragic-home-accident/>

Judge issues tentative ruling for property owners in San Bernardino County fire zone expansion case

Sandra Emerson, Daily Bulletin

Posted: February 13, 2019, 4:27 pm

While the annexation of Upland and San Antonio Heights into **San Bernardino County's fire** protection district was valid, their inclusion in a fire service zone, which came with an annual property tax, was not, according to a tentative ruling from Superior Court Judge David Cohn.

Two months after signaling that he would eventually rule in favor of the county, the city of Upland and the Local Agency Formation Commission, Cohn has reversed course, issuing a tentative decision that is more favorable to property owners in the San Antonio Heights Association, who filed the lawsuit in August 2017.

The decision, issued Feb. 8, is considered tentative for now to allow the government agencies time to object.

As part of the decision, Cohn said LAFCO does not have the authority to annex properties into service zones. Because of that, according to the ruling, the \$150 annual tax on property owners proposed as part of the fire zone expansion was imposed improperly.

“We are gratified that the judge kept an open mind and went back to look more carefully at the nonsense the defendants were peddling,” said Cory Briggs, attorney for the San Antonio Heights Association, via email.

“His ruling is a firm rebuke to the scofflaws who are running the government against the people rather than for the people.”

San Bernardino County Spokesman David Wert wrote via email that Upland, LAFCO and the fire district have until Feb. 25 to object to the tentative decision. The government agencies, Wert said, also could appeal the case at a later date.

In 2016, leaders in Upland moved to have their city join the county's fire district because the city could no longer afford to run its own fire department. After the city applied for annexation, LAFCO voted to also include the nearby unincorporated community of San Antonio Heights.

The town was already receiving fire and emergency services from the county, but was not in the fire service zone, known as FP-5. Property owners in the fire service zone pay an annual tax of \$150.

San Antonio Heights residents opposed the decision, saying that the annexation without a formal vote by on the matter amounted to a form of taxation without representation. Instead of an election, property owners who opposed the annexation were asked to voice their opinions in the form of written protests.

When the written protest period concluded, there were not enough opponents to trigger an election. The annexation became official in July 2017.

Residents' attempted to stop the tax from going forward, but Cohn denied their request, largely based on a 2013 case involving Sunset Beach.

In that case, a Court of Appeal upheld taxes imposed on Sunset Beach residents when their community was incorporated into the city of Huntington Beach, even though they were not given an opportunity to vote on the city's pre-existing taxes, according to Cohn's decision.

However, under the Sunset Beach case, the tax would be valid only if the underlying annexation is valid, according to the decision.

While the overall annexation into the fire district was proper, the annexation into the fire service zone was not, Cohn concluded.

Cohn's decision was good news to Upland City Attorney Jim Markman, who was most concerned about the city's annexation into the fire district.

"That is so fundamental to us," Markman said. "We're very, very pleased that didn't get disturbed."

While this means Upland's agreement with county fire remains intact, the issue of the tax remains an open question, Markman said.

"We're conferring with the other parties, with LAFCO and the fire district, starting today, to see what happens next," Markman said. "But you never can be certain. I would be really surprised if this doesn't go up to the appellate level."

The fire service zone is also at the heart of a separate lawsuit filed in October 2018 by The Red Brennan Group and Lucerne Valley Economic Development Association against the San Bernardino County Board of Supervisors and the fire district.

In October, the supervisors approved expanding the fire service zone to include all unincorporated communities and some cities in order to address a \$29 million budget shortfall.

Through already in the fire service zone, Upland and San Antonio Heights were included in this separate process out of an "abundance of caution," county fire officials said at the time. Again, there were not enough written protests submitted to bring the matter to a vote or stop it entirely.

The judge in that case, Donald Alvarez, told attorneys last week that is poised to side the with the county, but he hasn't issued a decision.

<https://www.dailybulletin.com/2019/02/13/judge-issues-tentative-ruling-for-property-owners-in-county-fire-zone-expansion-case/>