

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

December 5, 2023

FROM

DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District

SUBJECT

Public Hearing to Consider a Change in the Boundaries of the Valley Service Zone to Include All Properties Within the City of Upland

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, conduct a public hearing and take the following actions:

1. Consider a change in the boundaries of the Valley Service Zone to include all properties within the City of Upland identified in Exhibit A consistent with the Certificate of Completion for Local Agency Formation Commission for San Bernardino County Proposal LAFCO 3216, as well as any protests.
2. Adopt **Resolution 2023-207** that orders changes to the boundaries of the Valley Service Zone to include the property described in Recommendation No. 1 consistent with the Certificate of Completion for Local Agency Formation Commission for San Bernardino County Proposal LAFCO 3216.

(Presenter: Scott Tuttle, Interim Deputy Fire Chief, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

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

FINANCIAL IMPACT

Approval of the recommended action will not result in the use of Discretionary General Funding (Net County Cost). Unlike Service Zone FP-5, the Valley Service Zone does not have its own special tax. These properties are subject to the Service Zone FP-5 special tax and no changes are being recommended to the Service Zone FP-5 special tax as part of this item.

BACKGROUND INFORMATION

On July 11, 2017 (Item No. 47), the Board of Directors (Board) approved the reorganization and annexation of the City of Upland (City) Fire Department into the San Bernardino County Fire Protection District (SBCFPD) subject to Local Agency Formation Commission for San Bernardino (LAFCO) completion of the protest proceeding and filing of a Certificate of Completion for Proposal 3216 (LAFCO 3216). On the same date, LAFCO's Executive Officer approved LAFCO 3216. LAFCO 3216 approved various actions, including annexation of properties within the City into SBCFPD, its Valley Service Zone and its Service Zone FP-5, and detachment from the City, as well as annexation of properties within the unincorporated area of San Bernardino County known as San Antonio Heights, which was already part of SBCFPD, into Service Zone FP-5.

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In *San Antonio Heights Association v. LAFCO*, San Bernardino County Superior Court Case No. CIVDS 1715504, an organization of residents challenged the decision made by LAFCO to annex the City and San Antonio Heights into service zones through LAFCO 3216. On June 10, 2019, the trial court issued its final statement of decision. The trial court ruled that while the LAFCO annexation of the City into SBCFPD was valid, the LAFCO annexation of properties into Service Zone FP-5 and the Valley Service Zone was not valid. The court noted in its decision that SBCFPD could change the boundaries of the Service Zone FP-5 and the Valley Service Zone following the procedures identified in the Fire Protection District Law of 1987 found in Chapter 10, Part 2.7 of Division 12 of the California Health and Safety Code (Health and Safety Code section 13950, et seq.). The trial court entered its judgment on November 1, 2019. Prior to this court decision, on October 16, 2018 (Item No. 58), the Board expanded Service Zone FP-5 to include the City and the unincorporated San Antonio Heights area commencing Fiscal Year 2019-20. Based on the court's decision in this case, on February 11, 2020 (Item No. 76), the Board approved a refund of the special taxes levied for Service Zone FP-5 associated with properties located in the City and the unincorporated San Antonio Heights area during Fiscal Years 2017-18 and 2018-19.

The unincorporated region of San Antonio Heights is already included in the Valley Service Zone as part of the 2008 reorganization of SBCFPD and LAFCO 3000.

On October 24, 2023 (Item No. 80), the Board adopted a resolution to initiate this proceeding to consider a change in the boundaries of the Valley Service Zone to include all properties within the City identified in Exhibit A of the resolution consistent with the Certificate of Completion for LAFCO 3216 ("Proposed Territory") and scheduled a public hearing on today's date to consider the change in boundaries. Pursuant to Health and Safety Code section 13950, subdivision (c), SBCFPD also published notice of the hearing, including the information required by Health and Safety Code section 13950, subdivision (b), pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation in SBCFPD, mailed the notice to all owners of property within the Proposed Territory that are identified in the San Bernardino County Assessor Property Information Management System, and posted the notice in at least three public places within the Proposed Territory.

This item will conduct a public hearing to consider a change in the boundaries of the Valley Service Zone to include the Proposed Territory, consider any protests, and, if desired by the Board, will adopt a Resolution that orders changes in the boundaries of the Valley Service Zone to include the Proposed Territory into the Valley Service Zone consistent with LAFCO 3216. A legal description of the Proposed Territory is attached to the resolution identified in Recommendation No. 2 of this item as Exhibit "A" and incorporated into the resolution by reference. Exhibit "A" was included in LAFCO 3216 and describes the Proposed Territory. LAFCO has informed SBCFPD that there have been no changes in the boundaries of the City since LAFCO 3216 was approved.

As lead agency under the California Environmental Quality Act (CEQA), LAFCO reviewed LAFCO 3216 under CEQA and determined it was exempt under the Common Sense Exemption as defined in Section 15061(b)(3) of the CEQA Guidelines (Title 14 of the California Code of Regulations).

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on November 17, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635 and Allegra Pajot, Administrative Analyst, 387-5005) on November 14, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on November 15, 2023.

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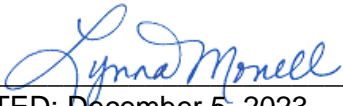
Record of Action of the Board of Directors
San Bernardino County Fire Protection District

Hearing Opened
Public Comment: None
Hearing Closed

APPROVED

Moved: Col. Paul Cook (Ret.) Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, SECRETARY

BY 
DATED: December 5, 2023



cc: File - SBCFPD w/ attachments
JLL 12/8/2023