

RESOLUTION NO. 2023- 207

RESOLUTION TO ORDER A CHANGE IN THE BOUNDARIES OF THE VALLEY SERVICE ZONE TO INCLUDE ALL PROPERTIES WITHIN THE CITY OF UPLAND

On Tuesday, December 5, 2023, on motion of Director Cook duly seconded by Director Hagman and carried, the following resolution is adopted by the Board of Directors (Board) of the San Bernardino County Fire Protection District (SBCFPD).

WHEREAS, on July 11, 2017, the Executive Officer for the Local Agency Formation Commission for San Bernardino County (LAFCO) approved Proposal 3216 (LAFCO 3216), which approved various actions, including annexation of properties within the City of Upland (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; and

WHEREAS, 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; and

WHEREAS, the unincorporated region of San Antonio Heights is already included in the Valley Service Zone as part of the 2008 "County Fire Reorganization" (LAFCO 3000); and

WHEREAS, the area proposed to be included in the Valley Service Zone includes all properties within the City consistent with the Certificate of Completion for LAFCO 3216 ("Proposed Territory") as defined in Exhibit "A," which exhibit was included in LAFCO 3216 and describes the parcels of land located in the City that were annexed into SBCFPD as part of LAFCO 3216; and

WHEREAS, the change in the boundaries of the Valley Service Zone by the SBCFPD Board is in accordance with 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.); and

WHEREAS, on October 24, 2023 (Item No. 80), the SBCFPD Board adopted a resolution that initiated a proceeding to consider a change in the boundaries of the Valley Service Zone to include the Proposed Territory, included information required by Health and Safety Code section 13950, subdivision (b), scheduled a public hearing on Tuesday, December 5, 2023, at 10:00 a.m. on the Discussion Calendar, and directed the Secretary of the SBCFPD Board to publish, mail, and post the Notice of Hearing; and

WHEREAS, pursuant to Health and Safety Code section 13950, subdivision (c), SBCFPD 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; and

WHEREAS, on December 5, 2023, the SBCFPD Board held a public hearing to hear and consider any protests to the change in the boundaries to the Valley Service Zone to include the Proposed Territory.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino County Fire Protection District as follows:

1. The SBCFPD Board hereby finds and determines that the above recitals are true and are a part of this resolution.

2. The SBCFPD Board orders that the boundaries of the Valley Service Zone be changed to include all properties within the City consistent with the Certificate of Completion for Local Agency Formation Commission for San Bernardino Proposal 3216. A legal description of the area to be included in the Valley Service Zone is attached to this resolution as Exhibit "A" and incorporated into the resolution by this reference.

PASSED AND ADOPTED by the Board of Directors of the San Bernardino County Fire Protection District, by the following vote:

AYES: DIRECTORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe
Curt Hagman, Joe Baca, Jr.


NOES: DIRECTORS: None

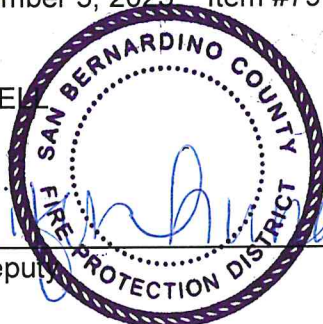
ABSENT: DIRECTORS: None

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Secretary of 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 5, 2023. Item #79 JLL

LYNNA MONELL
Secretary

By 
Deputy



LAFCO 3216

Reorganization to Include Annexations to the San Bernardino County Fire Protection District, its Valley Service Zone, and its Service Zone FP-5, and Formation of Service Zone FP-5 West Valley

Area 1 - Annexation to San Bernardino County Fire Protection District and its Valley Service Zone

Those portions of the County of San Bernardino, State of California, lying within Sections 29 through 33, Township 1 North, Range 7 West, San Bernardino Meridian, Sections 24 through 26, 35, 36, Township 1 North, Range 8 West, San Bernardino Meridian, Sections 4 through 8, 17, 18, Township 1 South, Range 7 West, San Bernardino Meridian, and Sections 1 through 3, 10 through 13, Township 1 South, Range 8 West, San Bernardino Meridian, described as follows:

Those parcels of land located within the current boundary of the City of Upland, State of California, as of December 5th, 2016, per Records of the City of Upland and the San Bernardino County Local Agency Formation Commission;

Area 1 – Containing 10,016 acres (15.65 sq. miles), more or less.

This legal description was prepared by me or under my direction.



12/05/2016

James I. Stone Date
Deputy County Surveyor
PLS 9075, Expiration: March 31, 2018

