

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

April 7, 2020

FROM

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

GARY McBRIDE, Chief Executive Officer, San Bernardino County Fire Protection District

SUBJECT

Consideration of Initiative Petition/Measure to Repeal the Special Tax Associated with Fire Protection Service Zone Five (FP-5) Pursuant to Elections Code section 9310

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District (SBCFPD):

1. Find that the proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA") and in accordance with State CEQA Guidelines Section 15061(b)(3) (General Rule).
2. Pursuant to California Elections Code section 9310(a), the Board of Directors shall do only one of the following:
 - a. Consider a proposed ordinance that would adopt the "Initiative to Repeal the Special Tax Associated with Fire Protection Service Zone Five" (Initiative Petition/Measure) without alteration and, either as part of this item or within 10 days from today's date, approve introduction of proposed ordinance, read title only of proposed ordinance and adopt proposed ordinance; or
 - b. Submit the Initiative Petition/Measure, without alteration, to the voters pursuant to Elections Code section 1405.
3. If the Board of Directors approves Recommendation 2.b., above, pursuant to Elections Code section 1405, the Board of Directors shall do only one of the following:
 - a. Acknowledge that the election for the Initiative Petition/Measure shall be held on November 3, 2020 (SBCFPD's next regular election); or
 - b. Call a special election for the Initiative Petition/Measure not less than 88 days nor more than 103 days from today's date.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Should the Board of Directors (Board) choose to adopt by ordinance the Initiative Petition/Measure repealing the special tax associated with Fire Protection Service Zone Five (FP-5) (Recommendation 2.a.), SBCFPD would experience a reduction in revenue of approximately \$41.5 million annually. This reduction would significantly impair SBCFPD's ability of providing fire protection and emergency medical services to the public.

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April 7, 2020**

If the Board decides to submit the Initiative Petition/Measure, without alteration, to the voters pursuant to Elections Code section 1405 (Recommendation 2.b.), the cost of the election (estimated at \$2.7 million for a special polling place election; \$1.6 million for a special mail ballot election; and \$861,000 if consolidated with the November 3, 2020 Presidential General Election) would be funded by SBCFPD through the use of available reserves. Depending on the outcome of the election, SBCFPD could still incur a \$41.5 million reduction in annual revenue that would adversely impact SBCFPD's ability to provide future service.

BACKGROUND INFORMATION

On August 16, 2019, pursuant to District Elections law of Elections Code section 9300 et seq., proponents submitted a Notice of Intention to circulate "Initiative to Repeal the Special Tax Associated with Fire Protection Service Zone Five" to the San Bernardino County Registrar of Voters (ROV) that would repeal the special tax associated with FP-5.

A companion item on today's agenda is being presented to the Board by the ROV, whereby the ROV is presenting the Certification of Initiative Petition, dated March 25, 2020, with respect to the Initiative Petition/Measure that was filed with the ROV on February 11, 2020.

As a result of receiving the certification from the ROV, pursuant to Elections Code section 9310, the Board shall either adopt the ordinance, without alteration (either as part of this item or within 10 days of this item); or submit the Initiative Petition/Measure, without alteration, to the voters pursuant to Elections Code section 1405.

If the Board decides to submit the Initiative Petition/Measure to the voters, Elections Code section 1405(a) states, in part, that "[t]he election for a municipal or district initiative that qualifies pursuant to Section 9215 or 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election." The next regular election will occur on November 3, 2020. Elections Code section 1405(b) also allows the Board to call a special election for the purpose of submitting the Initiative Petition/Measure to the voters before the date on which the Initiative Petition/Measure would appear on the ballot pursuant to Elections Code section 1405(a). Such special election is required to be not less than 88 days nor more than 103 days after the order of the election. This time period would range from July 4, 2020 to July 19, 2020, however, an election can only be held on a Tuesday, narrowing the possible dates to July 7, 2020 or July 14, 2020.

Should an election occur, passage of the Initiative Petition/Measure would require approval from a simple majority (50% plus 1) of the voters.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Penny Alexander-Kelley, Assistant County Counsel, 387-5455 and Scott Runyan, Deputy County Counsel, 387-5455) on March 25, 2020; San Bernardino County Registrar of Voters (Bob Page, Registrar of Voters, 387-2100) on March 19, 2020; Finance (Tom Forster, Administrative Analyst, 387-4635) on March 19, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on March 24, 2020.

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

Public Comment: Patrick Jackson, Richard Sayers

APPROVED REC. NOS. 1 & 2.B.

Moved: Janice Rutherford Seconded: Dawn Rowe
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

APPROVED REC. NO. 3.A.

Moved: Janice Rutherford Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, SECRETARY

BY 
DATED: April 7, 2020



cc: File - SDD/SBCFPD w/ attach
jm 04/17/2020