

**RESOLUTION NO. 2018-**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT TO EXPAND THE BOUNDARIES OF SERVICE ZONE FP-5**

On Tuesday, \_\_\_\_\_, 2018, on motion of Director \_\_\_\_\_, duly seconded by Director \_\_\_\_\_ and carried, the following resolution is adopted by the Board of Directors of San Bernardino County Fire Protection District.

WHEREAS, County Service Area 70 (CSA 70), Improvement Zone FP-5 (Helendale/Silver Lakes) was formed under County Service Area law on April 18, 2006.

WHEREAS, a special tax per parcel was approved by over two-thirds of the registered voters of CSA 70, Improvement Zone FP-5 for fire and emergency services.

WHEREAS, the San Bernardino County Fire Protection District was formed on June 20, 2008 by the Local Agency Formation Commission in Action 3000. Said creation also included the reorganization of CSA Improvement Zone FP-5 into San Bernardino County Fire Protection District Service Zone FP-5.

WHEREAS, the San Bernardino County Fire Protection District is organized under the Fire Protection District Law of 1987 (Health and Safety Code sections 13800 et seq.) and pursuant to Health and Safety Code sections 13950-13951, the governing Board of the San Bernardino County Fire Protection District may initiate proceedings for the formation of a new service zone or the change in boundaries of an existing zone by adoption of a resolution.

WHEREAS, the District Board adopted Resolution No. 2018-99 on June 12, 2018 to initiate proceedings for the expansion of Service Zone FP-5 as required by Health and Safety Code section 13950.

WHEREAS, the District Board desires to expand Service Zone FP-5 to include all territory within the jurisdiction of the District as of September 14, 2018, that is not currently included in Service Zone FP-5. Service Zone FP-5 currently includes the unincorporated communities of Helendale and San Antonio Heights and the cities of San Bernardino, Needles, Twentynine Palms and Upland. There is current litigation regarding the expansion of Service Zone FP-5 into Upland and San Antonio Heights and said area is included in the expansion of Service Zone FP-5.

WHEREAS, the territory in the expanded Service Zone FP-5 is as set forth above and a legal description of the boundaries of the territory to be added is set forth in Attachment A, and by this reference incorporated herein.

WHEREAS, the revenue projections for San Bernardino County Fire Protection District indicate that anticipated existing revenues are insufficient to continue the current level of service provided within San Bernardino County Fire Protection District.

WHEREAS, the extension boundaries of Service Zone FP-5 will subject the territory added to FP-5 to the levying of the previously authorized special tax in an annual amount of \$157.26 with a maximum 3% annual cost of living increase on each parcel as defined in Attachment A, except those parcels which are statutorily exempt.

WHEREAS, such expansion of the boundaries of Service Zone FP-5 will provide additional revenues estimated at \$26.9 million annually with which to maintain current fire protection and emergency response services.

WHEREAS, the expansion of Service Zone FP-5 and the resulting revenues will enable the continuance of existing service levels within the expanded Service Zone FP-5 and provide for the future capital needs of Service Zone FP-5.

WHEREAS, the expansion does not contemplate any changes to services currently being provided and as such it is determined that this matter is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Sections 15061(b)(3), 15273(a) and 15320.

WHEREAS, the Secretary of the Board of Directors published notice of the hearing, including the information required by Health and Safety Code 13950 (b), pursuant to Government Code section 6061 in one or more newspapers of general circulation in the District.

WHEREAS, pursuant to the protest procedure adopted by the Board of Directors, the District mailed notice of the public hearing to all owners of property within the area to be included within the expanded boundaries of Service Zone FP-5. In addition, the District posted the notice in at least three public places within the territory of the expanded Service Zone FP-5, including all District Fire Stations.

WHEREAS, the District posted information regarding the proposed expansion on the District website including the dates and locations of all community meetings, the presentation given at the community meetings, frequently asked questions and other pertinent information. The District held approximately 24 community meetings regarding the proposed expansion of Service Zone FP-5.

WHEREAS, the San Bernardino County Fire Protection District has received written protests during the protest period of September 14, 2018 to the close of the public hearing on October 16, 2018 and said protests have been tabulated.

WHEREAS, on October 16, 2018 at 10:00 a.m., the public hearing was held at the San Bernardino County Government Center, 1<sup>st</sup> Floor, Covington Chamber, 385 North Arrowhead Ave., San Bernardino, CA 92415. The District Board heard and considered protests submitted through the close of the public hearing regarding the expansion of the boundaries of Service Zone FP-5. The hearing was conducted in accordance with the protest procedures adopted by the District Board in Resolution 2018-100. At the conclusion of the hearing, the District Board received a report of the tabulated and validated number of protests. The District Board found that the protests submitted were not sufficient to require rejection of the expansion of Service Zone FP-5 or an election, pursuant to the protest procedures.

THEREFORE, the Board of Directors of the San Bernardino County Fire Protection District in conformance with the requirements of Health and Safety Code Section 13950-13951, hereby expand the boundaries of Service Zone- FP-5 as set forth in Attachment A.

NOW THEREFORE, be it resolved by the Board of Directors of San Bernardino County Fire Protection District as follows:

SECTION 1. All of the recitals above are true and correct and incorporated herein.

SECTION 2. This resolution is hereby adopted and approved by Board of Directors of San Bernardino County Fire Protection District.

- (a) That the territory described on Exhibit "A" should be and it hereby is included in the area of Service Zone FP-5.
- (b) The Secretary of the Board of Directors is hereby directed to certify the passage of the resolution and to file copies of same and the map or plat indicating the boundaries of the

affected territory with the County Assessor and the State Board of Equalization; the Secretary is further directed to request recordation of this resolution in the official records of San Bernardino County Fire Protection District and to forward copies of this resolution and the map or plat to the following: the Surveyor of the County of San Bernardino, and the Auditor/Controller/Tax Collector of the County of San Bernardino.

SECTION 3. The Secretary to the Board of Directors is directed to file and a post a Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) regarding the expansion of the Service Zone FP-5.

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

AYES: DIRECTORS:  
NOES: DIRECTORS:  
ABSENT: DIRECTORS:

\* \* \* \* \*

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SAN BERNARDINO        )        ss.

I, **LAURA H. WELCH**, Secretary of Board of Directors of the \_\_\_\_\_, 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, \_\_\_\_\_, 20\_\_.

LAURA H. WELCH  
Secretary

By \_\_\_\_\_  
Deputy