

RESOLUTION NO. 2018- 100

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT ADOPTING PROTEST PROCEDURES FOR THE FORMATION OR CHANGING OF BOUNDARIES FOR SERVICE ZONES PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 13950.

On Tuesday, June 12, 2018, on motion of Director Ramos, duly seconded by Director Hagman and carried, the following resolution is adopted by the Board of Directors of San Bernardino County Fire Protection District.

WHEREAS, the Local Agency Formation Commission took action on June 20, 2008 in LAFCO 3000, creating the San Bernardino County Fire Protection District, which included the creation of various service zones.

WHEREAS, Health and Safety Code section 13950 provides a procedure for the formation of service zones that requires the Board of Directors of the San Bernardino County Fire Protection District to hear and consider any protests to the formation or change in boundaries of the zone.

WHEREAS, the Board of Directors of the San Bernardino County Fire Protection District desires to adopt procedures to govern protests as set forth in Health and Safety Code section 13950.

WHEREAS, the Board of Directors of the San Bernardino County Fire Protection District finds that current revenues are insufficient to maintain the current level of services and the capital needs of the District and an expansion of Service Zone FP-5 will raise additional revenues to maintain existing services.

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

SECTION 1. Pursuant to Health and Safety Code Section 13950, the Board of Directors of the San Bernardino County Fire Protection District may form one or more service zones or change the boundaries of existing service zones if it determines that it is in the public's interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the District.

SECTION 2. In response to a resolution forming or changing the boundaries of an existing service zone, the District Board, by resolution, will fix the date, time, and place for the public hearing on the formation or changing boundary of the zone, at which time all protests will be heard.

SECTION 3. Following publication and service as required by Health and Safety Code section 13950 (c), a public hearing will be conducted by the District Board to hear and consider any protests to the formation or change in boundaries of the service zones.

SECTION 4. After publication of notice and prior to the conclusion of the protest hearing, but not thereafter, any owner of land within the territory that is the subject of the proposed formation or change of boundaries for the service zone may file a written protest against the formation or change in boundaries of the service zone. Each written protest shall be dated and state whether it is made by a landowner and so include the address of the property owned by the landowner. Protests may be made on behalf of an owner of land by an agent authorized in writing by the owner to act as agent with respect to that land, but proof of agency must be submitted with the protest and include the address of the property represented by the agent. Protests may be made on behalf of a private

corporation which is an owner of land by any officer or employee of the corporation without written authorization by the corporation to act as agent in making that protest.

SECTION 5. Each written protest shall show the date that each signature was affixed to the protest. All signatures without a date or bearing a date prior to the date of publication of the notice shall be disregarded for purposes of the ascertaining the value of any written protest.

SECTION 6. The protest hearing on the proposed formation or changing boundaries of an existing service zone on the date and time specified on the notice given by the District Board shall be held on the date and time specified in the notice published. Such protest hearing may be continued from time to time but not to exceed sixty (60) days from the date specified for the hearing in the notice.

SECTION 7. At the protest hearing, prior to consideration of protests, the District Board's resolution making determinations regarding the formation or change in boundaries of service zones shall be summarized. At that hearing, the District Board shall hear and receive any oral or written protests, objections, or evidence that is made, presented, or filed. Any person who has filed a written protest may withdraw that protest at any time prior to the conclusion of the hearing.

SECTION 8. Upon conclusion of the protest hearing, the District Board shall determine the value of written protests filed and not withdrawn. If at least 25% of the number of landowners within the affected territory who own at least 25% of the assessed value of land within the territory affected submit a protest, then the District Board shall order by resolution that the formation or change in boundaries of the service zone be submitted for confirmation by the voters.

SECTION 9. If protests constituting greater than 50% of the number of landowners within the affected territory who own at least 50% of the assessed value of land within the territory affected, submit protests, then the action to form or change the boundaries of a service zone will be withdrawn by the District Board.

SECTION 10. In the event that protests of less than 25% of the number of landowners of at least 25% of the assessed value of the affected area are received, then the District Board may, by adoption of the final resolution, form the new service zone or change the boundaries of an existing service zone.

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

AYES: DIRECTORS: James Ramos, Curt Hagman, Josie Gonzales
NOES: DIRECTORS: Robert A. Lovingood, Janice Rutherford
ABSENT: DIRECTORS: None

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

I, **LAURA H. WELCH**, 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, June 12, 2018. Item #124 jll

LAURA H. WELCH
Secretary

By _____

Deputy



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