

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

June 23, 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**

Resolution Regarding Initiative to Repeal FP-5 Special Tax on the November 3, 2020 General Election Ballot

**RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Fire Protection District, adopt **Resolution No. 2020-132** providing direction to the Registrar of Voters to place "Initiative to Repeal the Special Tax Associated with Fire Protection Service Zone Five" on the November 3, 2020 General Election ballot.

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

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Pursuant to County Code section 16.0224(a) of the County Fee Ordinance, the Registrar of Voters (ROV) will bill the San Bernardino County Fire Protection District (SBCFPD) for all costs plus overhead related to conducting the election for the initiative, which is estimated to cost approximately \$861,000. This cost will be funded by SBCFPD through the use of available reserves. Appropriation for election costs and revenue from election fees were included in ROV's 2020-21 budget. However, SBCFPD's 2020-21 budget does not include appropriation for this item. Therefore, SBCFPD will submit an adjustment for approval from the Board of Directors in a future quarterly budget report.

This election cost estimate does not include potential additional costs related to compliance with COVID-19 health and safety guidelines and potential new State mandates, which could be eligible for Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds if no other COVID-19 or election related federal or state funding is available.

**BACKGROUND INFORMATION**

Adoption of the recommended resolution will provide direction to ROV for placing the "Initiative to Repeal the Special Tax Associated with Fire Protection Service Zone Five" (Initiative Petition/Measure) on the November 3, 2020 General Election ballot, including the ballot question language.

**Resolution Regarding Initiative to Repeal FP-5 Special Tax on the  
November 3, 2020 General Election Ballot  
June 23, 2020**

On August 16, 2019, pursuant to District Elections law contained Elections Code section 9300 et seq., proponents of the Initiative Petition/Measure submitted a Notice of Intention to circulate to ROV that would repeal the special tax associated with First Protection Service Zone Five (commonly referred to as FP-5). On February 11, 2020, the proponents of the Initiative Petition/Measure submitted the initiative petition to ROV to review. On April 7, 2020 (Item No. 61), ROV presented to the Board of Directors (Board) for SBCFPD the Certification of Initiative Petition, dated March 25, 2020, with respect to the Initiative Petition/Measure.

On April 7, 2020 (Item No. 62), pursuant to Elections Code sections 1405(a) and 9310(a)(2), the Board took action to submit the ordinance that concerned the Initiative Petition/Measure, without alteration, to the voters pursuant to Elections Code section 1405.

County Counsel drafted the recommended ballot question language for the Initiative Petition/Measure contained in the resolution. Following Board approval of the resolution, Counsel will also draft an impartial analysis of the Initiative Petition/Measure.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Penny Alexander-Kelley, Chief Assistant County Counsel, 387-4270, and Scott Runyan, Deputy County Counsel, 387-5455) on June 15, 2020; Registrar of Voters (Bob Page, Registrar of Voters, 387-2100) on June 15, 2020; Finance (Stephenie Shea, Administrative Analyst, 387-4919, and Tom Forster, Administrative Analyst, 387-4635) on June 15, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 15, 2020.

**Resolution Regarding Initiative to Repeal FP-5 Special Tax on the  
November 3, 2020 General Election Ballot  
June 23, 2020**

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

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, SECRETARY

BY   
DATED: June 23, 2020



cc:    W/RESOLUTION  
      File- San Bernardino County Fire Protection District FP5  
la     07/7/2020

**RESOLUTION NO. 2020- 132**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT REGARDING INITIATIVE  
PETITION/MEASURE REPEALING THE SPECIAL TAX ASSOCIATED WITH FIRE PROTECTION  
SERVICE ZONE FIVE TO BE HELD ON NOVEMBER 3, 2020**

On Tuesday, June 23, 2020, on motion of Director Gonzales, duly seconded by Director Lovingood and carried, the following resolution is adopted by the Board of Directors of the San Bernardino County Fire Protection District.

WHEREAS, 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" (Initiative Petition/Measure) to the San Bernardino County Registrar of Voters (ROV) that would repeal the special tax associated with Fire Protection Service Zone Five (FP-5); and

WHEREAS, on February 11, 2020, the Initiative Petition/Measure was filed with the County of San Bernardino Registrar of Voters; and

WHEREAS, on March 25, 2020, the County of San Bernardino Registrar of Voters certified the Initiative Petition/Measure; and

WHEREAS, pursuant to Elections Code section 9310, the Board of Directors shall either adopt the Initiative Petition/Measure by ordinance, without alteration, or submit the ordinance, without alteration, to the voters pursuant to Elections Code section 1405; and

WHEREAS, on April 7, 2020 the Board of Directors decided to submit the ordinance, without alteration, to the voters on November 3, 2020.

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

SECTION 1. An election shall be conducted on November 3, 2020, to submit to the voters a Measure for the adoption of an ordinance repealing the special tax associated with Fire Protection Service Zone Five. Said ordinance is attached hereto as Exhibit "A."

SECTION 2. Measure "\_\_\_" to be submitted to the voters shall be as follows:

Measure "___" REPEAL THE SPECIAL TAX ASSOCIATED WITH FIRE PROTECTION SERVICE ZONE FIVE  Shall the measure to repeal the special tax associated with Fire Protection Service Zone FP-5 be adopted?	YES	NO

SECTION 3. Measure "\_\_\_\_\_" shall go into effect only if approved by a majority of the qualified voters voting in an election to be held on November 3, 2020, and shall become effective ten (10) days after the San Bernardino County Fire Protection District's Board of Directors has, by Resolution, declared that such Measure was approved by a majority of the voters voting thereon.

SECTION 4. The San Bernardino County Fire Protection District's Board of Directors hereby requests that the election on this Measure be consolidated with any and all elections in the same territory to be conducted on November 3, 2020, and that the San Bernardino County Registrar of Voters conduct the election for the San Bernardino County Fire Protection District. The San Bernardino County Fire Protection District shall reimburse the County of San Bernardino for services rendered in connection with the election upon presentation to the District of a properly approved bill. The San Bernardino County Fire Protection District shall further assist the County of San Bernardino, as needed, to prepare for and conduct the consolidated election with the District.

SECTION 5. The election will be held and conducted as required by Federal and State law, and all of the proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election with which the San Bernardino County Fire Protection District election is consolidated.

SECTION 6. The Secretary of the San Bernardino County Fire Protection District's Board of Directors is hereby instructed to file certified copies of this Resolution with the Clerk of the Board of Supervisors of San Bernardino County and with the San Bernardino County Registrar of Voters.

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

AYES: DIRECTORS: Robert A. Gonzales, Janice Rutherford, Dawn Rowe,  
Curt Hagman, Josie Gonzales

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

\* \* \* \* \*

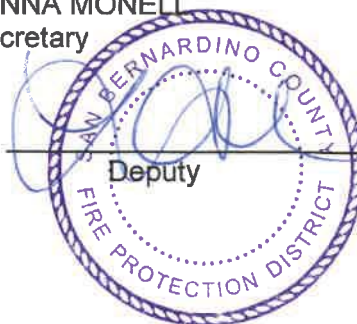
STATE OF CALIFORNIA            )  
  )        ss.  
COUNTY OF SAN BERNARDINO    )

I, **LYNNA MONELL**, Secretary of the 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 23, 2020. #110 LA

LYNNA MONELL  
Secretary

By \_\_\_\_\_

Deputy



## **EXHIBIT A**

**FULL TEXT OF PROPOSED MEASURE TO IMPLEMENT THE INITIATIVE  
INITIATIVE TO REPEAL THE SPECIAL TAX ASSOCIATED WITH FIRE PROTECTION  
SERVICE ZONE FIVE**

The people of the San Bernardino County Fire Protection District hereby declare and ordain as follows:

**SECTION 1. Statement of Purpose and Authority**

- (a) Article XIII C, Section 3 of the Constitution of California expressly grants authority to the voters of a local government to reduce or repeal any local tax, assessment, fee or charge.
- (b) The purpose of this measure is to repeal the special tax associated with Fire Protection Service Zone FP-5.

**SECTION 2. Adopted Measure**

Pursuant to the authority granted by Article XIII C, Section 3 of the Constitution of California, the citizens of San Bernardino County Fire Protection District do hereby repeal the special tax associated with Fire Protection Service Zone FP-5.

**SECTION 3. Effective Date**

- A. To the extent permitted by law, the provisions of the measure embodied in this initiative shall be effective upon voter approval of the initiative as provided by California law.
- B. No provision of the San Bernardino Charter, judgment or ruling from a court of competent jurisdiction, or any law that is inconsistent with this initiative measure shall be enforced after the Effective Date, unless the opponent can prove with clear and convincing evidence that the measure is legally preempted.

**SECTION 4. Severability**

If any word or words of this initiative measure, or its application to any situation, are held invalid or unenforceable, in a final judgment that is no longer subject to rehearing, review or appeal by a court of competent jurisdiction, then that word or those words are severed and the remaining part of this initiative measure, and the application of any part of this initiative measure to other situations, shall continue in full force and effect. We, the people of the San Bernardino County Fire Protection District, declare that we would have adopted this initiative measure, and each word to it, irrespective of the fact that any other condition, word or application to any situation, be held invalid.

**SECTION 5. Determining Consistency**

- A. To ensure that the intent of this measure prevails and is subject to express, objective standards that cannot be changed through subsequent discretionary actions or interpretations, words shall be incorporated according to the intent expressed in this initiative measure and shall be applied in accordance with their plain meaning, rather than according to any contrary provision or interpretation in the Charter of the County of San Bernardino.
- B. Adoption of this initiative measure is essential to the preservation of the quality of life, property values and the health, safety and general welfare interests of residents and property owners within the San Bernardino County Fire Protection District.

**SECTION 6. Conflicting Measures**

If any measure, appearing on the same ballot as this measure, addresses the same subject matter in a way that conflicts with the treatment of the subject matter in this measure, and if each measure is approved by a majority vote of those voting on each measure, then as to the conflicting subject matter the measure with the highest affirmative vote shall prevail, and the measure with the lowest affirmative vote shall be deemed disapproved as to the conflicting measure.

**SECTION 7. Amendment**

No term or provision of this initiative measure may be changed or amended without a majority vote of the people on a ballot measure submitted to the electorate.