

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.