

APPLE VALLEY FIRE PROTECTION DISTRICT

FORMATION DATA AND REORGANIZATION

HEALTH AND SAFETY CODE NUMBERS AND
SECTION AS FILED WITH SECRETARY OF
STATE OF CALIFORNIA

Assembly Committee on Municipal and County Government

- 1. Type of District Local Fire Protection District
- 2. Name of District Apple Valley Fire Protection District
- 3. Address P.O. Box 833,
Apple Valley, California

DISTRICT ORGANIZATION

4. Date district was formed January 15, 1951, reorganized August 20, 1962

5. District services:

a. What functions or services has your district been authorized to provide?
(please list)

Fire prevention and suppression

b. What functions or services does your district currently provide?

Above

6. Area within district:

a. Acres 16,640 b. Square miles _____

7. Population within the district 6,970

✓ 8. Number of registered voters within district approx. 1,529

9. Does your district provide services to people living outside the district boundaries? Mutual Aid

If so, what services are provided?

DISTRICT FINANCING

10. Service charges:

a. Does your district have a service charge in connection with the services it provides? No

b. If so, what were the total district revenues from such charges (1963-64)? None

c. List the different types of services charged and the unit rate of each

11. Property tax:

a. Does your district levy a property tax? yes

b. Is this tax based on (check where applicable)

Land? X Improvements? X Personal Property? X

c. Tax Rate - 1964-65 levy .370 ¢

d. Does your district have any statutory limitation in its maximum tax rate? NO

If so, what is this limitation? ----

If the current tax rate for operating expenses exceeds the statutory maximum, when was a tax override authorized and for what purposes?

e. Does your district have a statutory debt limitation? -----

If so, what is it? -----

f. Do any limitations apply to zones within the district? -----

If so, give the limitations for these zones:

Tax rate -----

Indebtedness -----

12. Current Indebtedness:

a. General obligation bonds:

Total amount authorized but not yet issued None

Total amount outstanding None

b. Revenue bonds:

Total amount authorized but not yet issued None

Total amount outstanding None

13. Budget:

a. Has your district authorized a budget for 1964-65? Yes

b. If so, what is the total amount of that budget? \$58,820.

14. Does your district own its own plant and equipment, or has it eliminated the need for extensive plant and equipment by contracting with other public agencies? (Please explain if necessary).

Owns station and fire equipment

DISTRICT ELECTIONS

✓ 15. Give the following information for all elections for district officers held between January 1, 1960 and November 3, 1964:

<u>Date of Election</u>	<u>Number of Officers to be Elected</u>	<u>Total Number Candidates Running</u>	<u>Number Voters Eligible</u>	<u>Number of Votes Cast</u>
<u>Information not available in County Office, may be obtained at local District office</u>				

• 16. If no election for district officers has been held since January 1, 1960, give the following information for the last election held:

<u>Date of Election</u>	<u>Number of Voters Eligible</u>	<u>Number of Votes Cast</u>
	<u>See No. 15</u>	

17. If no candidate files for election against an incumbent, is the district board of directors permitted to cancel the election for that office and to certify the re-election of the incumbent? May request Board of Supervisors to do so

If so, how many times has this situation occurred in your district since January 1, 1960? None

18. Give the following information for all elections for bond issues held between January 1, 1960 and November 3, 1964:

<u>Date of Election</u>	<u>Number of Voters Eligible</u>	<u>Number of Votes Cast</u>
<u>None</u>		

* * * * *

Name and title of person completing questionnaire ROBERT B. RIGNEY, Special Districts Coordinator
County of San Bernardino

Date questionnaire completed December 14, 1964

If you had any help in completing this questionnaire from a legal counsel or a financial consultant, give the following information:

Name of counsel or consultant _____

Firm of counsel or consultant _____

JAN 24 1961

INTER-OFFICE MEMO

DATE January 23, 1961
FROM Office of the County Counsel
TO Robert B. Rigney,
Administrative Analyst



SUBJECT Apple Valley Fire Protection District - Health and Safety Code 14001

Question:

You have asked (January 19, 1961) whether a local fire district may annex non-contiguous territory.

Opinion:

Yes.

Analysis:

A local fire district is established pursuant to Health and Safety Code sections 14001 et seq., and may be organized in "Any area of this State not lying within any other fire district ..." (H & S 14010) upon petition of taxpayers "of any area" (H & S 14041). The district may annex territory not part of any other fire district (14211) subject (14214) to the District Organization Law (Govt. Code 58000). Neither the District Organization Law nor the Local Fire District enabling act limits annexation to contiguous territory by any specific language.

It is true that consolidation of two districts into one can only occur if the districts are contiguous (G.C. 58260), and formerly political subdivisions were presumably required to consist of contiguous territory. However, there are now so many districts which dispense with this requirement, that it cannot be assumed. In the absence of specific language requiring contiguity, therefore, it is the opinion of this office that the words of the statute are to be taken at face value, when they say "any area", and that contiguity is not required.

OFFICE OF THE COUNTY COUNSEL
SAN BERNARDINO, CALIFORNIA

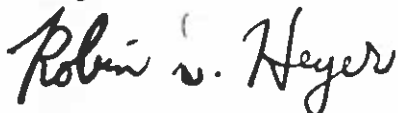
to Robert B. Rigney

SHEET 2

DATE January 23, 1961

In the case of fire districts, this conclusion is supported by the fact that any county fire protection district (H & S 14400) can be reorganized to form a local fire district (H & S 14271). Since a county fire protection district can annex non-contiguous territory (H & S 14510), it can consist of non-contiguous territory after such annexation. Therefore, if such a reorganization were to occur after a non-contiguous annexation, a local fire district would contain non-contiguous territory. It therefore seems illogical to conclude that either district could not have contained non-contiguous territory in the beginning. Both enabling statutes use similar general language about what territory can be included (14400, 14010), and neither mention contiguity as being required.

STANFORD D. HERLICK
County Counsel



ROBIN S. HEYER
Deputy County Counsel

RSH
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GEORGE R. REILLY
FIRST DISTRICT, SAN FRANCISCO
JOHN W. LYNCH
SECOND DISTRICT, TULARE
PAUL R. LEAKE
THIRD DISTRICT, WOODLAND
RICHARD NEVINS
FOURTH DISTRICT, LOS ANGELES
ALAN CRANSTON, CONTROLLER
SACRAMENTO
DIXWELL L. PIERCE, SECRETARY



OFFICE OF
STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA
1020 N STREET
SACRAMENTO

PROPERTY TAX DEPARTMENT
RONALD B. WELCH
ASSISTANT SECRETARY
L. JUDD EASTMAN
CHIEF, VALUATION DIVISION
ABRAM F. GOLDMAN
CHIEF, INTERCOUNTY
EQUALIZATION DIVISION
NEILON M. JENNINGS
ACTING CHIEF, ASSESSMENT
STANDARDS DIVISION

MAIL ADDRESS: P. O. Box 1799
SACRAMENTO 8, CALIFORNIA

Loretta M. Stromsoe
Apple Valley Fire District
P. O. Box 833
Apple Valley, California

November 23, 1962

Dear Miss Stromsoe:

In reviewing the records of the secretary of State, we find that the following action was taken and that a filing was made with that office on the date indicated:

Reorganization of the Apple Valley Fire District under Pt. 2.7, Div. 12 H&S and name changed to "Apple Valley Fire Protection District" by resolution of the Board of Directors - 8/20/62 and filed on August 30, 1962.

So far, we have not received a filing covering this action as required by Section 54900 of the Government Code. In order for us to have our 1963 Board roll reflect this proceeding, it will be necessary that you send us a copy of the statement containing the legal description and map on or before February 1, 1963.

If the present trend continues, we expect an abnormally large workload this year. We would, therefore, be most appreciative if you could file the documents requested in this letter as soon as possible.

Very truly yours,
Martin C. Rohrke
Martin C. Rohrke
Supervisor of Drafting Services
Valuation Division

MCR:eo

RESOLUTION OF THE BOARD OF DIRECTORS OF
Apple Valley FIRE DISTRICT

The Board of Directors of Apple Valley Fire District, at its regular meeting of August 20, 1962, on motion of director H. A. Stromson, duly seconded by director H. Bartolotti, unanimously adopted the following resolution:

It is hereby resolved by the Board of Directors of Apple Valley Fire District, as follows:

SECTION 1. The Board of Directors of Apple Valley Fire District hereby finds as follows:

(a) That Apple Valley Fire District is a local fire district organized pursuant to the provisions of Chapter 1 of Part 3 of Division 12 of the Health and Safety Code of the State of California commencing at Section 14001;

(b) That the governing Board of said district consists of 5 (insert here the number) members;

(c) That the governing body of said district is an elected Board of Directors.

SECTION 2. The governing Board of Apple Valley Fire District hereby resolves:

(a) That the said district elects to come under the provisions of Part 2.7 (commencing with Section 13801), Divisions 12 of the Health and Safety Code of the State of California;

(b) That the name of said district hereafter shall be: Apple Valley Fire Protection District;

(c) That this Board is the governing body of the said district and hereby certifies to the Secretary of State of the State of California, that the said district has elected to conform to the provisions of that part.

SECTION 3. The secretary of the district is hereby directed to certify to the passage of this resolution and forward a copy thereof to each of the following public officers:

(a) Secretary of State of the State of California;

(b) Office of County Counsel of the County of San Bernardino;

(c) Office of Administrative Services of the County of San Bernardino.

Votes Polled:

Five AYES: Directors

No NOES: Directors

None ABSENT: Directors

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

I, L. M. Stromson, Secretary of the Board of Directors
of Apple Valley Fire District, hereby certify the foregoing
to be a full, true and correct copy of the record of the action
taken by said Board of Directors, by vote of the members present,
as the same appears in the official Minutes of said Board at its
meeting of August 20, 1962.

Secretary of the Board
of Directors.

L. M. Stromson

NOTE:

If the district has an attorney of its own, or if it
has funds in the hands of any person or officer other than the
County Treasurer, copies of the resolution should be sent to
such person or officer so that he will actually be aware of the
new laws governing the disbursement of that money or governing
his other duties with respect to the district.

I N T E R - O F F I C E M E M O

DATE: March 29, 1961
FROM: ROBIN S. HEYER
Deputy County Counsel
TO: ROBERT A. COVINGTON
Administrative Officer

SUBJECT: FIRE PROTECTION DISTRICT LAW OF 1961

QUESTION:

You have asked for an analysis of assembly bill 1355 and its relationship with existing law governing fire protection districts.

PASSAGE:

Assembly bill 1355 has been introduced by Assemblyman Bradley, Chairman of the Committee on Municipal and County Government, at the request of his committee and as the result of between-session study by an interim committee, so it is very likely to pass relatively unchanged.

GENERAL:

The bill would add part 2.7 to the Health and Safety Code of the State of California, sections 13801-13999, to be known as the "Fire Protection District Law of 1961." This part consists of the following chapters:

1. General
2. Area
3. Formation
4. Board
5. Powers
6. Elections
7. Finance
8. Contracts
9. Boundary Changes
10. Dissolution
11. Reorganization
12. Special Zones
13. Reports

SUPERSIDES PRESENT LAW:

The bill would go into effect in September, 1961. Thereafter, no local (Health & Safety Code 14001, 14022), metropolitan (Health & Safety Code 14325; 14328), county (Health & Safety Code 14400; 14407), or multi-county (Health & Safety Code 14600; 14606) fire protection district could be formed. Thus, no new fire protection districts can be formed under existing law thereafter. However, this change is accomplished by specific added sections in the various enabling acts, and nothing is repealed.

Existing districts, therefore, may continue to exercise all their powers without change. Moreover, chapter 4 (effect of incorporation of cities on fire districts) of part 3 (containing all present fire district enabling acts) of division 12 (fire protection) of the Health & Safety Code remains unrepealed, so it apparently remains in effect in so far as it does not clearly conflict with the new statute. This is probably an unintended result.

Existing districts may continue unchanged for five years, and thereafter become subject to the new statute (sections 14022, 14328, 14407, 14606), or may be reorganized earlier (13975), upon petition of 50 "taxpayers or residents" or the majority of the governing body of the district, directed to the Board of Supervisors (13976). Thus, the "50 taxpayers" problem of the present reorganization statute (14272) remains, but its purpose becomes clear now. Since the Board is required to reorganize the district if it finds the statements in the petition to be true (13982), and the only facts required in the petition are the boundaries and name of the district (13977), the hearing provided (13979) is rather perfunctory. The proposed consolidation of fire district law is thus similar to the method used in consolidating recreation and park district law, except that the ambiguities of the latter are avoided by the provision (13977) that the petition specify the "method of selection" of the board of directors to be followed after reorganization.

FORMATION:

A district may be organized in any territory not reserved to State fire protection agencies as timber - , brush - , or grasslands, whether or not all or a portion of the area is included in a city (13821), and districts governed by the Board of Supervisors or their appointees may include non-contiguous territory (13822). The statute remains as ambiguous

as at present regarding non-contiguous territory in other cases. The implication seems to be that other districts must be contiguous, and, when reorganization occurs, any non-contiguous areas of them would be excluded from the district. This aspect of the bill needs clarification.

The formation of the district (13825) may be initiated by petition, as the present statute provides for self-governed districts (local, 14001 et seq.), or by the Board of Supervisors on its own motion, as under the present county fire district law (14400 et seq.), but the District Investigation Law (Govt. Code 58500) does not apply (13809), and reorganization eliminates any defects in the original formation procedure (13989), so this provision will be an advantage to proponents of fire districts and to almost all the existing fire districts in this County.

The formation petition must be signed by 25% of the last total gubernatorial vote, and there is the usual provision for hearing and election (13825). It is noteworthy the formation petition is signed by voters, not taxpayers, as is more usual. The general district law on hearing, exclusions, objections, etc., is incorporated by reference.

A new but reasonable provision is added, permitting the formation of the district after hearing without election, if the formation petition is signed by 51% of the last total gubernatorial vote. This unfortunate language is doubtless the result of oversight, and should be corrected before final passage, since it obviously does not mean what it is intended to say, and will result in confusion and misunderstanding among petitioners trying to comply.

GOVERNING BOARD:

The new statute provides for a choice among various types of governing boards, in an attempt to include all the present types, as was done in the case of the Recreation Districts. Three types of Boards are provided (13881):

- (a) Supervising authority serving ex-officio (Board of Supervisors or City Council)
- (b) "Appointed" Board
- (c) Elected Board of 3 or 5 members.

Unfortunately, item (b) is too rigidly worded. Appointees must be members of the Board of Supervisors or City Councils of included territory, and the Board in such case must have "5 or 11 members", even though 7 or 9 might in a given case result in a more satisfactory apportionment of representation. In large counties the inability to appoint non-supervisors to the district board is inconvenient. This section should be re-drawn with more flexibility.

It is probably also unfortunate that the "supervising authority", where the district consists of contiguous cities only, is the city council of the largest member city, since this results in supervision by an agency in the selection of which many, perhaps most, of the citizens of the district have no voice (13806). Where the district extends into more than one county, this is inevitable; but in the case of cities within a county, the County Board would seem a more representative and logical choice. The harm implied by this early section, however, is largely cancelled by what apparently are inadvertent elimination of almost all the functions of the "supervising authority" in favor of the Board in later sections (13947, 13948, 13949, 13955-13967, 13965 et seq.) except in the formation process.

Vacancies on an elective Board are filled by the remaining members.

ELECTIONS:

For simplicity and uniformity, the new statute attempts to incorporate by reference the election procedures of general-law cities, with some exceptions. Notice of election is "as provided in Article 1," etc., (13837) "commencing with section 58000" of the Government Code, which does not mention elections. There is also a provision like that in County Water Districts for abandoning the election if no one has been nominated by the 40th day before the date set for election, but the general-law cities now must complete the nominating process by the 54th day before election. These provisions should be harmonized by more general language. Also, it is not clear whether the initiative and referendum provisions in the elections code apply to this district. They are probably not intended to be, but some language hints that they are, and, in fairness to the electorate, they should be. This should be clearly stated one way or the other (see Elections Code sections 1701 et seq.; bill sections, 13893; 13895). Recall is specifically provided (13846).

POWERS:

The district would have the usual powers. It also has extended "incidental" powers, including ambulance service (13853), water supply (13852i), enforce fire protection law (13852h), enforce weed-abatement (13867-8), etc.

FINANCE:

Most of the provisions are not remarkable. The provisions relating to debt are substantially different from pre-existing law, but equally ambiguous. At present, one type of fire district is authorized to borrow in anticipation of five years of income, another is not, but is nevertheless permitted to do so in some counties, including Los Angeles. The view of this office has been that this type of district may not borrow in cases where the County could not. The new law provides that the district may borrow in anticipation of the revenue of the present and next following year, but only for purposes "for which the district is authorized to expend funds without . . . an election", but no other provision defines such authorization. This omission is a serious fault (13901).

Budget and bond procedure are set forth, but the wording of the bond procedure is that the governing board may issue bonds after election whenever it deems bonded indebtedness necessary for what can be summarized as capital outlay items. The bond limit is 10% of assessed value.

SPECIAL PROTECTION ARRANGEMENTS:

The district may contract to provide protection outside its boundaries (13941), arrange for extra protection in cities (13942), provide extra protection in zones taxed for that purpose (13991), all of which are possible now, and may zone an area "down," and provide that the down-graded zone shall receive only structural protection, and tax that zone only on improvements. The latter provision should reduce the pressure of agriculturists to be excluded from proposed districts and thus permit more coherent growth, and would probably be upheld as an assessment, although there is some question as to constitutionality of taxing one kind of property and not another (13992). The bill contains no provision authorizing issuing bonds payable from a zone, as suggested by this County in a separate bill. This should be inserted as 13992.1.

TO: Robert A. Covington

SHEET: 6

DATE: March 29, 1961

BOUNDARY REVISION:

Annexation may be initiated by the governing board on its own motion (13945) or petition of 25% of the registered voters (13946). In either case, the Board of Supervisors, whether or not it is the governing board or supervising authority, conducts the hearing and makes the determination (13947), except that a city may annex by its act and that of the district board (13948). Apparently the County Board can also initiate an annexation, but this is not at all clear (13948).

The Board of Supervisors may exclude land from the district, but how this proceeding is initiated there is no hint (13949), "general" district annexation law does not apply (58230 et seq.), and the section (13998) requiring compliance with existing law requiring reports of boundary changes (Govt. Code 54900-54902) conspicuously neglects to mention exclusions. These gaps in the statute will lead to serious problems if not corrected prior to passage.

Cities have power to withdraw from or dissolve the district in appropriate cases (13950 et seq.).

Districts may also be merged ("consolidated") by the County Board (13955-7), and there are other details related thereto.

DISSOLUTION:

A district may be dissolved by an election called by filing a petition signed by 25% of the registered voters (about twice the requirement for formation), or by order of the Board of Supervisors (regardless of whether it otherwise governs or supervises the district) if a large exclusion has just occurred (13965 et seq.).

SUMMARY:

The consolidation of any two district laws is progress in the right direction, and this combines four. However, a general consolidation located in the Government Code would be far better. Several difficulties of the present bill have been pointed out and should be urged right away, but the County should not oppose the bill as a whole if these corrections, most filling in omissions, are corrected.

Respectfully submitted,

STANFORD D. HERLICK, County Counsel

ROBIN S. HEYER, Deputy County Counsel

FRANK M. JORDAN
SECRETARY OF STATE



I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That on the 30th day of August, 1962, pursuant to the provisions of Section 14022, Part 3, Division 12, of the Health and Safety Code (the "Local Fire District Law"), there was filed in this office a certified copy of a Resolution adopted August 20, 1962, by the Board of Fire Commissioners of the district hereinafter named;

That said resolution sets forth the election of such district to conform to the provisions of Part 2.7, Division 12, Health and Safety Code (the "Fire Protection District Law of 1961").

Therefore, and under authority of Section 13812 of said Part 2.7, I further certify that the "Apple Valley Fire District", now:

"APPLE VALLEY FIRE PROTECTION DISTRICT,"

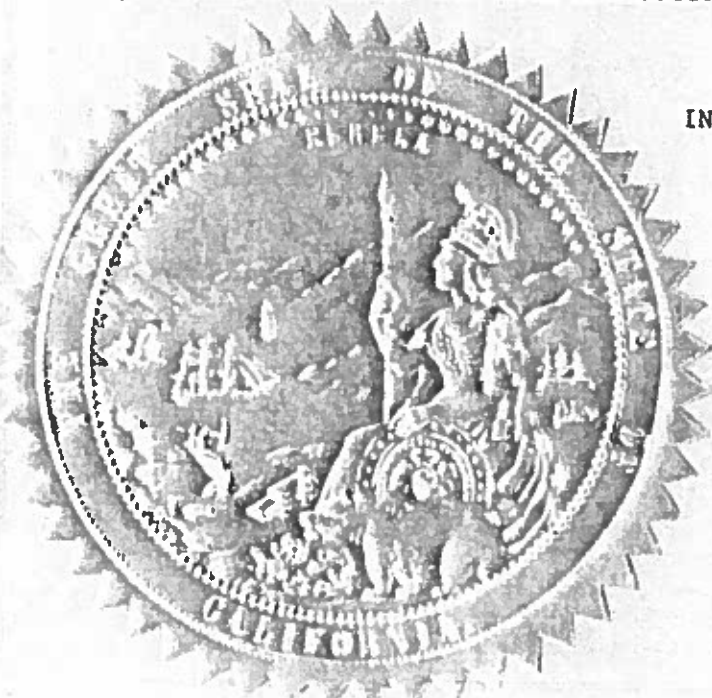
in the County of San Bernardino, has been duly reorganized and is in legal existence under the Fire Protection District Law of 1961.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California this 30th day of August, 1962.

Frank M. Jordan

Secretary of State

William D. ...
Assistant Secretary of State



CERTIFICATE No. 121



FRANK M. JORDAN
SECRETARY OF STATE

Office of the
Secretary of State

SACRAMENTO

CERTIFICATE OF EXISTENCE-LOCAL FIRE DISTRICT

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That on the 20th day of February, 1958, pursuant to the provisions of the Local Fire District Law, more particularly Section 14017 of the Health and Safety Code, there was received in this office and filed in the official records thereof an Affidavit executed by:

GEO. E. STOTT, Secretary
Apple Valley Fire District
P.O. Box 794
Apple Valley, California.

I further certify that said Affidavit recites the facts of organization of the district hereinafter named and is supported by a certified copy of the documentary proof of its organization, a description of the boundaries being contained therein or attached as a separate instrument and that said documentary proof is the Resolution adopted by the San Bernardino County Board of Supervisors on January 15, 1951, ordering formation.

Therefore, by reason of said filing in this office and by authority of Section 14017 of the Health and Safety Code, I further certify there is in legal existence in the County of San Bernardino, State of California, a duly organized Local Fire District under the name:

"APPLE VALLEY FIRE DISTRICT."

IN WITNESS WHEREOF, I hereunto
set my hand and affix the Great
Seal of the State of California

this 20th day
of February, 19 58.


Secretary of State