

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

**February 27, 2024**

**FROM**

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District**

**SUBJECT**

Election to Consider Annexation No. 208 into Community Facilities District No. 94-01 (City of Hesperia) for Fire Suppression Services

**RECOMMENDATION(S)**

CONTINUED FROM TUESDAY, FEBRUARY 6, 2024, ITEM NO. 65. THIS ITEM IS CLOSED TO FURTHER PUBLIC COMMENT.

Acting as the governing body of the San Bernardino County Fire Protection District, take the following actions regarding Annexation No. 208:

1. Adopt **Resolution No. 2024-21** rescinding Resolution No. 2024-13 and calling for a special mailed ballot election of the property owner of Assessor Parcel Numbers 3039-311-14-0000 and 3039-311-17-0000, in accordance with Government Code section 53339.7, regarding the proposed annexation of these parcels into Community Facilities District No. 94-01.
2. Adopt **Resolution No. 2024-22** that:
  - a. Declares the results of the special mailed ballot election and orders the annexation of Assessor Parcel Numbers 3039-311-14-0000 and 3039-311-17-0000 into Community Facilities District No. 94-01, making these parcels subject to the annual special tax for fire suppression services.
  - b. Directs the Secretary of the Board of Directors to cause the recordation of the Annexation No. 208 boundary map with the San Bernardino County Recorder.
  - c. Directs the Secretary of the Board of Directors to cause the preparation and recordation of the notice of special tax lien with the San Bernardino County Recorder within 15 days.

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

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

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

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

**FINANCIAL IMPACT**

Approval of the recommended action will not result in the use of additional Discretionary General Funding (Net County Cost). Exeter Hesperia Parcel 3 Land, LLC (Developer) is paying for all costs related to the annexation of Assessor Parcel Numbers 3039-311-14-0000 and 3039-311-17-0000 (Parcels).

The parcels annexed into Community Facilities District (CFD) No. 94-01 (City of Hesperia) through Annexation No. 208 are subject to a special tax in accordance with the rate and methods of apportionment of special tax previously approved for CFD No. 94-01. Upon

**Election to Consider Annexation No. 208 into Community Facilities  
District No. 94-01 (City of Hesperia) for Fire Suppression Services  
February 27, 2024**

annexation, and once the City of Hesperia has confirmed the issuance of building permits, the special tax will be assessed and collected through the property tax roll. The projected annual revenue from the special tax on the aforementioned parcels is \$227,188 and will be used to help fund fire suppression services provided by the San Bernardino County Fire Protection District (SBCFPD).

**BACKGROUND INFORMATION**

CFD No. 94-01 was established by the Hesperia Fire Protection District in 1994 to fund expenses associated with providing fire suppression services for the City of Hesperia. An annual levy of special taxes assessed on parcels within CFD No. 94-01 is used to fund these expenses.

On August 21, 2018 (Item No. 66), the SBCFPD Board of Directors (Board) approved annexation of the Hesperia Fire Protection District into SBCFPD. As part of the recommendations in that item, the Board approved a contract between the City of Hesperia, the Hesperia Fire Protection District, and SBCFPD that directed the transfer of authority for CFD No. 94-01 to SBCFPD and mandated the implementation of the Hesperia Fire Protection District's terms for future developments. Through this contract, the North Desert Service Zone of SBCFPD provides fire suppression services for CFD No. 94-01. Administration of CFD No. 94-01 transferred from the City of Hesperia to SBCFPD by the issuance of the Certificate of Completion for Local Agency Formation Commission for San Bernardino County (LAFCO) No. 3218, effective November 1, 2018.

As part of a development project, the City of Hesperia conditioned the Developer to annex the Parcels into CFD 94-01. Pursuant to Government Code section 53339.2, on December 19, 2023 (Item No.106), the Board adopted a Resolution of Intention that declared the Board's intention to annex these parcels into CFD No. 94-01 for the purpose of subjecting these parcels to the special tax of CFD No. 94-01 for the costs of providing fire suppression services. The parcel contains 57.591 net acres and will be developed into an industrial property. The Resolution of Intention also set a public hearing date of February 6, 2024, on the Board's Discussion Calendar, to consider the proposed annexation in accordance with Government Code section 53339.5 et seq.

On February 6, 2024 (Item No. 65), the Board conducted a public hearing to consider the testimony of all interested persons and taxpayers for or against the proposed annexation of the Parcels into CFD 94-01, as well as any protests received from registered voters, if any, residing within CFD 94-01 or the territory proposed for annexation and persons owning real property within CFD 94-01 or the territory proposed for annexation.

No testimony, other than from SBCFPD staff, was provided and no protests regarding the proposed annexation were received. After closing the public hearing, the Board adopted Resolution No. 2024-13 calling for a special mailed ballot election of the property owner (Developer) of the Parcels, in accordance with Government Code section 53339.7, regarding the proposed annexation of these Parcels into CFD No. 94-01.

The Secretary of the Board opened the Developer's ballot, and determined that while the Developer signed the ballot, the Developer did not complete the ballot by indicating whether the Developer's vote was for or against the annexation. The Board continued the election to the February 27, 2024, Board meeting, so the Developer had the opportunity to submit a

**Election to Consider Annexation No. 208 into Community Facilities  
District No. 94-01 (City of Hesperia) for Fire Suppression Services  
February 27, 2024**

replacement ballot if they so desired. To ensure the record is clear, this item recommends that the Board adopt a Resolution rescinding Resolution No. 2024-13 and calling for a special mailed ballot election of the property owner of the Parcels on today's date, in accordance with Government Code section 53339.7, regarding the proposed annexation of these Parcels into CFD No. 94-01, as well as adopt a Resolution declaring the election results and, if the election passes, ordering the Secretary of the Board to take certain actions.

The Developer is the sole owner of the parcels and has requested that the property be annexed into CFD No. 94-01. The Developer has executed a petition, as well as a waiver and consent form, that requests annexation and waives various time periods and mailed ballot voting/election related requirements in order to expedite approval of this annexation.

Approval of the recommended actions will annex the Parcels into CFD No. 94-01.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by Auditor-Controller/Treasurer/Tax Collector (Franciliza Zyss, Chief Deputy, 382-3189) on February 8, 2024; County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on February 21, 2024; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on February 9, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on February 9, 2024.

**Election to Consider Annexation No. 208 into Community Facilities  
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February 27, 2024**

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

**APPROVED REC NO. 1**

Motion/Second: Curt Hagman/Joe Baca, Jr.

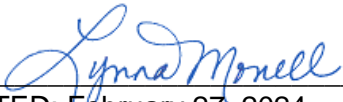
AYE: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca Jr.

**APPROVED REC. NO. 2**

Moved: Curt Hagman Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, SECRETARY

BY   
DATED: February 27, 2024



cc: SBCFPD - Vargas w/ map and notice of tax lien for recording  
File - SBCFPD w/ attachments  
JLL 02/29/2024