

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

February 6, 2024

FROM

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District
TERRY W. THOMPSON, Director, Real Estate Services Department**

SUBJECT

Use Agreement with Phelan Pinon Hills Community Services District for Use of a Community Center in the Unincorporated Pinon Hills Area

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District:

1. Find the Use Agreement with Phelan Pinon Hills Community Services District for the use of the Phelan Pinon Hills Community Services District Community Center parking lot and limited non-exclusive use of the interior portions of the building, located at 10433 Mountain Road in the unincorporated Pinon Hills area, for fire related emergency services and emergency communications, for the period of February 6, 2024, through February 5, 2034, is not a project pursuant to the California Environmental Quality Act as the Use Agreement is excluded from the definition of a project by section 21065 of the California Public Resources Code.
2. Approve a Use **Agreement No. 24-136** with Phelan Pinon Hills Community Services District for the use of the Phelan Pinon Hills Community Services District Community Center parking lot and limited non-exclusive use of the interior portions of the building, located at 10433 Mountain Road in the unincorporated Pinon Hills area, for fire related emergency services and emergency communications at a cost of \$1 for the period of February 6, 2024, through February 5, 2034.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**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 this item will not result in the use of Discretionary General Funding (Net County Cost). The total cost of this 10-year Use Agreement is \$1. The payment for the Use Agreement will be made directly from the San Bernardino County Fire Protection District (SBCFPD) – North Desert Regional Service Zone budget.

BACKGROUND INFORMATION

On February 5, 2008, the residents of the Phelan Pinon Hills area voted in favor of the formation of a Community Services District (CSD), a self-governed special district, to provide services for the residents. As part of the formation process, all rights, title, and interest in 43 parcels and 29 easements were conveyed from County Service Areas to the CSD. Among these properties

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was the fire station that SBCFPD used to house fire equipment and to provide fire protection and emergency services to Phelan Pinon Hills and the surrounding areas.

On June 24, 2008 (Item No. 135), the Board of Directors (Board) approved a 15-year Lease Agreement No. 08-729 (Lease) with Phelan Pinon Hills CSD for SBCFPD's use of the fire station. The original term of the Lease was for the period of July 1, 2008, through June 30, 2023, and subsequently went into a permitted holdover period from July 1, 2023, through August 31, 2023, to allow SBCFPD to remove all equipment from the premises. Prior to the expiration of the Lease, SBCFPD requested that the Real Estate Services Department (RESD) prepare an amendment to extend the term of the Lease. Through conversations with SBCFPD and Phelan Pinon Hills CSD, it was confirmed that the community center is only used for emergency services and has the potential to be used for broader community services and better serve the Phelan Pinon Hills community. SBCFPD decided not to extend the term of the Lease. In lieu of the Lease, SBCFPD requested that RESD prepare a Use Agreement allowing SBCFPD access to the community center for emergency fire services, for the period of February 6, 2024, through February 5, 2034. The Use Agreement will allow SBCFPD's use of the Phelan Pinon Hills CSD parking lot and limited use of the interior portions of the building, including access to the restrooms and kitchen space. SBCFPD shall use the space for fire related emergency services and emergency communications. Either party shall have the right to terminate the Use Agreement with a 30-day notice.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined that it does not constitute a project under section 21065 of the California Public Resources Code as the Use Agreement will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Accordingly, no further action is required under CEQA.

PROCUREMENT

The procurement process required per County Policy 12-02 – Leasing Privately-Owned Real Property for County Use does not apply to leases of real property owned by a federal agency, the State, a city, a county, a school district, special district, or other public entity.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Scott Runyan, Principal Assistant County Counsel, 387-5455) on September 28, 2023; San Bernardino County Fire (Bertral Washington, Deputy Fire Chief, 387-5779) on September 29, 2023; Finance (Ivan Ramirez, 387-4020, and Garrett Baker, 387-3077, Administrative Analysts) on January 16, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on January 16, 2024.

(YG: 665-0268)

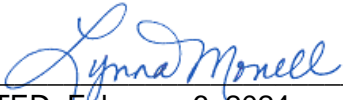
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Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, SECRETARY

BY  _____
DATED: February 6, 2024



cc: SBCFPD - Thompson w/agree
Contractor - c/o SBCFPD w/agree
File - w/agree
CCM 02/14/2024