

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

May 4, 2021

FROM

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

SUBJECT

License Agreement with Hesperia Venture I, LLC for Use of Unimproved Land for San Bernardino County Fire Protection District's 2021 Dozer Academy and Wildfire Training in Hesperia

RECOMMENDATION(S)

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

1. Approve the Real Estate Services Department's use of an alternative procedure in lieu of a Formal Request for Proposals as allowed per County Policy No. 12-02 – Leasing Privately Owned Real Property for County Use, to license the use of approximately 850 acres of unimproved land (portions of APNs 039704128, 039704130, and 039704129) located south and east of Los Flores Road and the California Aqueduct in Hesperia for the San Bernardino County Fire Protection District's 2021 Dozer Academy and Wildfire Training for the period of May 4, 2021 through May 6, 2021.
2. Approve a **License Agreement No. 21-324** with Hesperia Venture I, LLC for the period of May 4, 2021 through May 6, 2021 for the use of approximately 850 acres of unimproved land (portions of APNs 039704128, 039704130, and 039704129) located south and east of Los Flores Road and the California Aqueduct in Hesperia for the San Bernardino County Fire Protection District's 2021 Dozer Academy and Wildfire Training at no cost.
3. Adopt a finding of exemption under Section 15304 of the California Environmental Quality Act Guidelines and direct the Clerk of the Board to post the Notice of Exemption for the project.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-6134)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

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). There is no rent or fee charged by Hesperia Venture I, LLC to San Bernardino County Fire Protection District (SBCFPD) for the use of approximately 850 acres of vacant land. Sufficient revenue and appropriation for other costs associated with the training have already been included in SBCFPD's 2020-21 budget. In addition, SBCFPD will be receiving approximately \$26,000 in registration fees from participants of other fire agencies.

BACKGROUND INFORMATION

SBCFPD is a community-based, all hazard emergency services provider; committed to providing the highest level of service in the most efficient and cost-effective manner to the

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citizens and communities that it serves. SBCFPD's 48 fire stations provide services to approximately 19,200 square miles of San Bernardino County.

In order to serve its communities with the best fire protection and to offer a professional and dedicated response to the citizens of San Bernardino County, SBCFPD has established a strategic plan that includes training to address emergency disasters, including wildfires. SBCFPD has hosted an annual Dozer Academy and Wildfire Training at different sites throughout San Bernardino County. This annual event attracts a wide range of attendees from throughout the state and country. This year, approximately 85 fire personnel are attending the Dozer Academy and Wildfire Training.

The Dozer Academy and Wildfire Training provides a combination of instructor led classroom training and extensive field exercises, including live fire training. The instructor led classroom training began on April 26, 2021. In terms of the field exercises portion of the training, engine companies, hand crews and bulldozers will take part in field exercises that will simulate responding to an active wildfire. This type of annual training is pertinent for SBCFPD and other fire personnel to ensure preparedness for fire season.

This License Agreement with Hesperia Venture I, LLC will permit SBCFPD to use approximately 850 acres of unimproved on land (portions of APNs 039704128, 039704130, and 039704129) located south and east of Los Flores Road and the California Aqueduct in Hesperia to conduct the field exercises portions of the 2021 Dozer Academy and Wildfire Training, which will occur from May 4, 2021 to May 6, 2021, at no cost for the use of the land.

SBCFPD has reviewed this project and has determined that a categorical exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Title 14 of the California Code of Regulations, Section 15304 is appropriate. This exemption allows for minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Project activities will consist of partially or totally removing vegetation, removing hazardous dead or dying vegetation, and cutting line using mechanized equipment.

Summary of License
Terms

Licensors:	Hesperia Venture I, LLC
Location:	South and east of Los Flores Road and the California Aqueduct in Hesperia
Size:	Approximately 850 acres of unimproved land (portions of APNs 039704128, 039704130, and 039704129)
Term:	3 days from May 4, 2021 to May 6, 2021
Options	None
Rent:	None
Improvement Costs:	None
Maintenance:	Not applicable

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Utilities:	Not applicable
Insurance:	The Certificate of Liability Insurance, as required by the license, is on file with the Real Estate Services Department
Right to Terminate:	SBCFPD may terminate at any time with 24 hours prior written notice

The License Agreement includes terms that differ from the standard SBCFPD contract. The non-standard terms include SBCFPD agreeing to indemnify and hold harmless Hesperia Venture I, LLC and its officers, employees, agents, and volunteers from any and all liabilities for injury to persons arising out of any negligent act or omission of SBCFPD, its officers, employees, agents, and volunteers in connection with SBCFPD's use of the premises.

- The SBCFPD standard contract does not include any indemnification by the SBCFPD of the property owner.
- Potential Impact: By agreeing to indemnify and hold harmless Hesperia Venture I, LLC, SBCFPD could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against SBCFPD, time limited, or expense limited could be brought against SBCFPD without such limitations and SBCFPD would be responsible to reimburse Hesperia Venture I, LLC for costs, expenses, and damages.

PROCUREMENT

This item recommends that the Board of Directors (Board) approve the License Agreement with Hesperia Venture I, LLC through the use of an alternative procedure as permitted in County Policy No. 12-02 – Leasing Privately Owned Real Property for County Use (Policy). The Policy is applicable to SBCFPD pursuant to the Board's adoption of this policy on December 17, 2019 (Item No. 73). This Policy provides that the Board may approve the use of an alternative procedure to the use of a Formal Request for Proposals (RFP) whenever the Board determines that compliance with the Formal RFP requirements would unreasonably interfere with the financial or programmatic needs of SBCFPD, or when the use of an alternative procedure would otherwise be in the best interests of SBCFPD. SBCFPD's use of Hesperia Venture I, LLC premises best meets the requirements of SBCFPD's 2021 Dozer Academy and Wildfire Training exercises.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, and Agnes Cheng, Deputy County Counsel, 387-5455) on April 28, 2021; Real Estate Services Department (Jennifer Costa, Assistant Director, 387-5380) on April 28, 2021; Finance (Tom Forster, Administrative Analyst, 387-4635) on April 28, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on April 28, 2021.

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

Lynna Monell, SECRETARY

BY 
DATED: May 4, 2021



cc: SBCFPD - Thompson w/agree
Contractor - C/O SBCFPD w/agree
File - w/agree w/CEQA & Receipt
CCM 05/13/2021