

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
SITTING AS THE GOVERNING BOARD FOR THE FOLLOWING:  
SAN BERNARDINO COUNTY  
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT  
AND RECORD OF ACTION**

June 25, 2024

**FROM**

**LUTHER SNOKE, Chief Executive Officer, County Administrative Office  
NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District**

**SUBJECT**

Elder Creek Channel Improvement Project Loan Agreement and Plans and Specifications

**RECOMMENDATION(S)**

1. Acting as the governing body of San Bernardino County:
  - a. Approve Loan **Agreement No. 24-551** with the San Bernardino County Flood Control District for a \$6,000,000 loan from San Bernardino County to the San Bernardino County Flood Control District for the Elder Creek Channel Improvement Project in the City of Highland, with loan repayment, including interest at the County Treasurer's Investment Pool rate, by June 30, 2027.
  - b. Authorize the Auditor-Controller/Treasurer/Tax Collector to record the \$6,000,000 loan between the County General Fund (Fund 1000) and the San Bernardino County Flood Control District (Fund 2526), if approved.
2. Acting as the governing body of the San Bernardino County Flood Control District:
  - a. Approve Loan Agreement No. 24-551 with San Bernardino County for a \$6,000,000 loan from San Bernardino County to the San Bernardino County Flood Control District for the Elder Creek Channel Improvement Project in the City of Highland, and direct repayment of such loan, with interest at the County Treasurer's Investment Pool rate, by June 30, 2027.
  - b. Authorize the Auditor-Controller/Treasurer/Tax Collector to post budget adjustments in the Flood Control District 2024-25 budget, as detailed in the Financial Impact section, for the Elder Creek Channel Improvement Project in the City of Highland (Four votes required).
  - c. Approve the plans and specifications for the Elder Creek Channel Improvement Project in the City of Highland, as signed and sealed by a registered civil engineer.  
Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to advertise the Elder Creek Channel Improvement Project in the City of Highland for formal bids.

(Presenter: Noel Castillo, Chief Flood Control Engineer, 387-7906)

**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.**

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**FINANCIAL IMPACT**

The County General Fund’s unreserved fund balance will decrease by the amount of the loan; these funds will not be available in the County General Fund for appropriation until repaid. The San Bernardino County Flood Control District (District) will repay the total of \$6,000,000 loan, plus interest, to the County General Fund no later than June 30, 2027. The proposed loan of \$6,000,000 from San Bernardino County shall bear interest at the rate earned by the County’s pooled investments as determined by the County’s Treasurer-Tax Collector. The Elder Creek Channel Improvement project in the City of Highland (Project) is also funded by a \$2,999,999.61 grant from the Federal Emergency Management Agency (FEMA). The remaining cost of the Project is estimated at \$1,600,000, which will be funded by the District with property tax revenue. The budget adjustments reflected in the table below include an adjustment of \$1,100,000 from the District, which is the amount currently held in available reserves. The remaining \$500,000 will be adjusted as part of the final fund balance adjustments. The following 2024-25 budget adjustments for the District are requested for this item:

<b>Fund Center</b>	<b>GL Account</b>	<b>Description</b>	<b>Text</b>	<b>Action</b>	<b>Amount</b>
1930002526	52002445	Other Professional and Specialized Services	F01911	Increase	\$6,000,000
1930002526	40909985	Long Term Debt Proceeds	F01911	Increase	\$6,000,000
1930002526	52002445	Other Professional and Specialized Services	F01911	Increase	\$1,100,000
1930002526	37008880	Fund Balance-Reserved - Available Reserves	F01911	Decrease	\$1,100,000

**BACKGROUND INFORMATION**

The Project includes the construction of approximately 2,100 linear feet of flood control improvements to the Elder Creek drainage system south of Old Greenspot Road and north of its confluence with Plunge Creek in the City of Highland (City). The Project improvements include replacing the existing earthen channel with a wider and deeper concrete channel system; replacing two existing road culverts at Abbey Way and Merris Street with larger culverts; relocating waterlines; constructing a concrete bypass channel at the downstream end of the Project to convey storm flows; and converting an existing earthen channel segment into an expanded low-flow channel that supports wildlife functions and values.

Due to the large amount of roadway excavation required to remove the existing road culverts and construct the new larger box culverts, in the interest of public safety, the District with City concurrence, will close Abbey Way and Merris Street, City maintained roadways, at Elder Creek Channel, to through traffic for approximately 120 working days. Convenient access to property owners adjacent to the Project and emergency vehicles will be provided. Traffic will be routed around the construction area on public streets. The District will undertake additional measures to notify surrounding schools, businesses, and residences of the road closure and detour prior to construction start.

On April 7, 2020 (Item No. 52), in compliance with the California Environmental Quality Act (CEQA), the Board of Supervisors (Board), acting as the governing body of the District, adopted a Mitigated Negative Declaration and Notice of Determination for the Project. Additionally, on September 29, 2020, the District received its State regulatory permit from the Santa Ana River Regional Water Quality Control Board, and on May 28, 2019, the District received its State regulatory permit from the California Department of Fish and Wildlife. On July 14, 2021, the

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District received its Federal regulatory permit from the United States Army Corps of Engineers. The District has completed its environmental requirements and has the necessary State and Federal authorizations in place to proceed with Project implementation.

The Project was originally scheduled to begin construction in 2023. However, significant storm events in the Flood Control District Zone 3 necessitated redirecting available funding to emergency storm response efforts. Moving this Project forward now through a temporary loan is in the best interest of public safety, enabling the District to fund a high-priority initiative that was delayed due to emergency funding needs. Additionally, delaying the Project could jeopardize the environmental permits obtained, making them difficult to extend or renew.

The Project is consistent with the County and the Chief Executive Officer's goals and objectives to provide for the safety, health, and social service needs of county residents by conveying flows to reduce the potential for roadway flooding during storm events, and to provide flood protection for the existing structures and residences within the Project area by improving drainage.

The Project's specifications include an allowance in the amount of \$400,000 for unforeseen differing site conditions associated with subgrade stabilization, utility conflicts, and/or repairs due to storm events.

**PROCUREMENT**

The Project will be advertised to invite formal bids in accordance with Section 22037 of the California Public Contract Code. The District anticipates returning to the Board for an award of the construction contract in Fall 2024.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron D. Gest and Sophie A. Curtis, Deputies County Counsel, 387-5455) on June 13, 2024; Auditor-Controller/Treasurer/Tax Collector (Vanessa Doyle, Deputy Chief Controller, 382-3195) on June 4, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222, and Amanda Trussell, Principal Administrative Analyst, 387-4773) on June 4, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive County Officer, 387-5423) on June 10, 2024.

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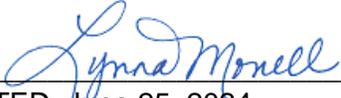
Record of Action of the Board of Supervisors  
San Bernardino County Flood Control District  
San Bernardino County

Public Comment: None

**DEFERRED/APPROVED**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: June 25, 2024



cc: PW - Castillo w/ agree  
Contractor c/o PW w/ agree  
File w/ agree  
JLL 07/1/2024