

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

February 27, 2024

FROM

NOEL CASTILLO, Director, Flood Control District

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Amendment to Revenue License Agreement with Sprint Communications Company LP for Use of Flood Control District Land in San Bernardino and Loma Linda

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Find that approval of Amendment No. 3 to Revenue License Agreement No. 05-776 with Sprint Communications Company LP, for land to operate two communication conduits is an exempt project under the California Environmental Quality Act Guidelines Section 15301 - Existing Facilities (Class 1).
2. Approve **Amendment No. 3 to Revenue License Agreement No. 05-776** with Sprint Communications Company LP, to extend the term of the Revenue License Agreement for the period of March 1, 2024 through February 28, 2029, add one five-year option to extend the term, adjust the rental rate, and provide updates to the standard license agreement language for the non-exclusive use of 13,878 linear feet of San Bernardino County Flood Control District property, to operate and maintain two underground communications conduits located along the San Timoteo Creek Channel in the cities of San Bernardino and Loma Linda, for total revenue in the amount of \$221,098.
3. Direct the Real Estate Services Department to file the Notice of Exemption in accordance with the California Environmental Quality Act.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item will not require Discretionary General Funding (Net County Cost). The total revenue to be received by the San Bernardino County (County) Flood Control District (FCD) during the five-year amendment period, including the Annual Revenue Inspection Fees, is \$221,098. Revenue will be deposited in FCD's Zone 3 fund (1930002526). Annual revenue effective March 1, 2024, is as follows:

<u>Year</u>	<u>Annual License Revenue</u>	<u>Annual Revenue Inspection Fee*</u>
March 1, 2024 – February 28, 2025	\$39,840	\$1,062
March 1, 2025 – February 28, 2026	\$41,434	\$1,062
March 1, 2026 – February 28, 2027	\$43,091	\$1,062

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<u>Year</u>	<u>Annual License Revenue</u>	<u>Annual Revenue Inspection Fee*</u>
March 1, 2027 – February 29, 2028	\$44,815	\$1,062
March 1, 2028 – February 28, 2029	\$46,608	\$1,062
Total Revenue	\$215,788	\$5,310

*As per the District's Annual Schedule of Fees Ordinance in effect on the anniversary date, currently Ordinance No. FCD 23-01.

BACKGROUND INFORMATION

The recommended action will amend existing Revenue License Agreement No. 05-776 (License) to extend the term for the period of March 1, 2024 through February 28, 2029, add one five-year option to extend the term, adjust the rental rate, and provide updates to the standard license agreement language for the non-exclusive use of 13,878 linear feet of FCD property. The License allows Sprint Communications Company LP (Sprint) to operate and maintain two underground communications conduits located along the San Timoteo Creek Channel in the cities of San Bernardino and Loma Linda, in order for Sprint to provide services to the area.

On August 16, 2005 (Item No. 27), the Board of Supervisors (Board) approved the 10-year License with Sprint to install, operate and maintain two underground communications conduits located in FCD's right-of-way along the San Timoteo Creek Channel in the cities of San Bernardino and Loma Linda. The original term of the License was for the period of March 1, 2004 through February 28, 2014. In the almost 20 years since the License was originally approved, the Board has approved the following amendments to extend the term, adjust the rental rate, and update standard license agreement language:

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	January 28, 2014	52
2	February 12, 2019	60

FCD requested the Real Estate Services Department (RESO) prepare the amendment to extend the term of the License for a five-year period. All other terms and conditions of the License remain unchanged, including that either party may terminate the License by giving 365 days' notice.

The project to approve the License was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt under Section 15301 - Existing Facilities (Class 1) because the proposed License is to secure property to operate within the existing structure with negligible or no expansion of existing use.

**Summary of License
Terms**

Licensee:	Sprint Communications Company LP
Location:	San Timoteo Creek – FCD's right-of-way
Size:	13,878 linear feet
Term:	Five years, commencing March 1, 2024, and terminating

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February 28, 2029

Options:	One five-year option
Fees:	Annual: \$39,840* *plus \$1,062 for the annual inspection fee
Annual Increases:	4%
Maintenance:	Provided by Licensee
Insurance:	The Certificate of Liability Insurance, as required by the License, is on file with RESD
Holdover:	Upon the end of the term, if permitted by Lessor, the License shall continue on a month-to-month term upon the same terms and conditions which existed at the time of expiration
Right to Terminate:	Either party has the right to terminate with 365-days' written notice

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, and Sophie A. Curtis, Deputies County Counsel, 387-5455) on January 22, 2024; Flood Control District (Grant Mann, Deputy Director, 387-7918) on January 23, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on January 29, 2024; Finance (Carl Lofton, 387-5404, and Garrett Baker, 387-3077, Administrative Analysts) on February 5, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on February 7, 2024.

(YG: 665-0268)

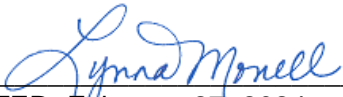
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

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: February 27, 2024



cc: Flood - Castillo w/ agree
Contractor c/o Flood w/ agree
File w/ agree
JLL 02/27/2024