

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

**June 13, 2023**

## **FROM**

**BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

## **SUBJECT**

Resolution Declaring San Bernardino County Flood Control District-Owned Property in the City of Ontario is Surplus Land

## **RECOMMENDATION(S)**

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

1. Find that declaring certain real property owned by the San Bernardino County Flood Control District, comprising a total of approximately 6.71 acres of land, Assessor's Parcel Numbers 011-031-106 (portion), 011-031-112 (portion), 011-031-114, and 021-016-114 (portion), located north of Interstate 10 within Deer Creek Channel in the City of Ontario, is no longer necessary for the uses and purposes for which it was acquired and is surplus, in accordance with County Policy 12-17 and Water Code Appendix Section 43-6, is surplus land in accordance with the Surplus Land Act, and is an exempt project under the California Environmental Quality Act Guidelines, Section 15061(b)(3).
2. Adopt **Resolution No. 2023-79** declaring certain real property owned by the San Bernardino County Flood Control District, comprising a total of approximately 6.71 acres of land, Assessor's Parcel Numbers 011-031-106 (portion), 011-031-112 (portion), 011-031-114, and 021-016-114 (portion), located north of Interstate 10 within Deer Creek Channel in the City of Ontario, is no longer necessary for the uses and purposes for which it was acquired and is surplus, in accordance with County Policy 12-17 and Water Code Appendix Section 43-6, and is surplus land in accordance with the Surplus Land Act.
3. Direct the Clerk of the Board of Supervisors to file a Notice of Exemption for the project as required under 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.**

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

## **FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost), as this item is related to a Resolution declaring San Bernardino County (County) Flood Control District (District) owned property is surplus land.

## **BACKGROUND INFORMATION**

The District owned property located north of Interstate 10 within Deer Creek Channel in the City of Ontario (Property) was used historically by the District to manage stormwater runoff from the

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San Gabriel Mountains flowing south into both the Day Creek and Deer Creek streams. Both the Day Creek and Deer Creek systems have been built to their ultimate designs over the past 40 years. These improvements are complete and include large debris dams, spreading grounds (large areas where water is diverted to allow for percolation into the aquifers, as well as slowing the velocity of the water down) and concrete lined channels to convey the flows downstream to the Santa Ana River and points beyond. The improvements constructed over the past 40 years now render this particular parcel unnecessary for flood management and is being requested to be surplus property.

The Property was reviewed in accordance with the Surplus Land Act and is recommended to be declared surplus land. In accordance with California Department of Housing and Community Development (HCD) Surplus Land Act Guidelines, Section 400(e), the Real Estate Services Department (RESL) will provide a copy of the Resolution to HCD for review.

If the Resolution is adopted by the District's Board of Supervisors (Board), RESL will immediately notify all designated local and public agencies and non-profit entities, pursuant to Government Code Section 54222, of the availability of the Property. After a period of 60 days, if none of the designated entities agree to acquire the Property, RESL will return to the Board to request approval to sell by auction or to lease the Property pursuant to Section 25526 of the Government Code.

District staff has determined that the designation of the Property as surplus does not have the potential for creating a significant effect on the environment. Therefore, this action is covered by the commonsense exemption, and exempt from further review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3). Further CEQA review will be required prior to Board approval of any conveyance of the Property, whether to a designated entity or to a successful bidder in an auction.

**PROCUREMENT**

The County Policy 12-17 allows for property that is no longer needed and has no economic reason for retention to be declared surplus and disposable. Water Code provides that the Board may determine that any real property held by the District is no longer necessary to be retained for the uses and purposes of the District.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Sophie A. Curtis, Deputy County Counsel, 387-5455) on May 22, 2023; Flood Control District (Grant Mann, Deputy Director, 387-7918) on May 24, 2023; Purchasing (Michelle Churchill, Supervising Buyer, 387-2070) on May 23, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404, and Garrett Baker, Administrative Analyst, 387-3077) on May 24, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 25, 2023.

(AR: 893.0002)

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Record of Action of the Board of Supervisors  
San Bernardino County Flood Control 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, CLERK OF THE BOARD

BY   
DATED: June 13, 2023



cc: w/Resolution  
Flood - Biggs w/CEQA & receipt  
File - Flood Control Operations w/CEQA & receipt  
CCM 06/14/2023