

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

May 5, 2026

**FROM**

**NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District  
TERRY W. THOMPSON, Director, Real Estate Services Department**

**SUBJECT**

Amendment to License Agreement with City of San Bernardino Water Department for Non-Exclusive Access to Flood Control District Land in San Bernardino

**RECOMMENDATION(S)**

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

1. Find that approval of Amendment No. 4 to License Agreement No. 94-0291 with the City of San Bernardino Municipal Water Department, for non-exclusive access to Flood Control District land, is an exempt project under the California Environmental Quality Act Guidelines, Section 15301 – Existing Facilities (Class 1).
2. Approve **Amendment No. 4 to License Agreement No. 94-0291** with City of San Bernardino Municipal Water Department to:
  - a. Approve the continued non-exclusive use of Flood Control District right-of-way land for Twin Creek Channel between Third and Fourth Street in an unincorporated area in San Bernardino (Assessor's Parcel Number 0279-041-11-0000), and Flood Control District right-of-way along the East Twin and Warm Creek Channel between Central Avenue and the Santa Ana River in San Bernardino (Assessor's Parcel Number 0141-421-11-0000).
  - b. Approve the exercise of the third of four 10-year options, extending the license term from June 1, 2026 through May 31, 2036.
  - c. Approve a holdover period from April 5, 2024 through May 31, 2026.
  - d. Approve the extension at no cost, maintaining the total contract value at \$0.
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**

**Promote and Fulfill the Countywide Vision.**

**Improve County Government Operations.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (FCD) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. FCD will not receive any revenue from License Agreement No. 94-0291 (License). Any cost associated with the License will be funded by property tax revenue. Sufficient appropriation is included in the FCD's 2025-26 budget (1920002522).

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May 5, 2026**

**BACKGROUND INFORMATION**

On April 5, 1994 (Item No. 25), the Board of Supervisors (Board) approved the License Agreement with City of San Bernardino Municipal Water Department (SBMWD) for a 10-year term, with four 10-year options to extend. The License commenced on April 5, 1994 through April 4, 2004. In the 30 years since the License was approved by the Board, the Board has approved three amendments to update license language, expand the licensed square footage, and exercise option terms. All other terms remained unchanged.

<b>Amendment No.</b>	<b>Approval Date</b>	<b>Item No.</b>
1	June 2, 1998	12
2	January 31, 2006	28
3	June 4, 2013	73

The License agreement entered a permitted holdover beginning April 5, 2024 through May 31, 2026, due to timing associated with negotiations and administrative processing. The Real Estate Services Department (RESA) reached an agreement with SBMWD and agreed to extend the License from June 1, 2026 through May 31, 2036.

Amendment No. 4 (Amendment) will extend the License with SBMWD for non-exclusive use of FCD right-of-way land for Twin Creek Channel between Third and Fourth Street and FCD right-of-way along the East Twin and Warm Creek Channel between Central Avenue and the Santa Ana River in the unincorporated area in San Bernardino (Property). The Amendment extends the term for the period from June 1, 2026 through May 31, 2036, through the exercise of the third of four 10-year extension options and updating standard license agreement language. All other License terms remain unchanged.

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

**Summary of License Terms**

Licensee: City of San Bernardino Municipal Water Department

Location: FCD right-of-way land for Twin Creek Channel between Third and Fourth Street in an unincorporated area in San Bernardino (Assessor’s Parcel Number 0279-041-11-0000); FCD right-of-way along the East Twin and Warm Creek Channel between Central Avenue and the Santa Ana River in San Bernardino (Assessor’s Parcel Number 0141-421-11-0000)

Size: Approximately 90,300 square feet

Term: 10 years

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Options:	One 10-year extension option remains
Rent:	None
Late Fees	N/A
Annual Increases:	None
Improvement Costs:	None
Custodial:	None
Maintenance:	Licensee responsibility
Utilities:	None
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 Licensor, 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:	None, except in the event of default
Parking:	None

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (John Tubbs II and Sophie Curtis, Deputies County Counsel, 387-5455) on April 8, 2026; Flood Control District (Noel Castillo, Director, 387-7906) on April 7, 2026; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on April 9, 2026; and County Finance and Administration (Kathleen Gonzalez, 387-5412, and Eduardo Mora, 387-4376, Administrative Analysts) on April 16, 2026.

(CM: 840-266-0977)

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Department for Non-Exclusive Access to Flood Control District Land in  
San Bernardino  
May 5, 2026**

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: May 5, 2026



cc:    RESD - Thompson w/agree  
      Contractor - c/o RESD w/agree  
      File - w/agree  
MBA  05/15/2026