REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION

October 5, 2021

FROM
TERRY W. THOMPSON, Director, Real Estate Services Department
JAMES E. JENKINS, Director, Department of Airports

SUBJECT
Rescind Resolution of Necessity for the Chino Airport Groundwater Remedial Action Project in Chino

RECOMMENDATION(S)
Adopt **Resolution No. 2021-176** to rescind Resolution No. 2021-47 which authorized the commencement of eminent domain proceedings to acquire the property discussed herein.
(Presenter: Terry W. Thompson, Director, 387-5000)

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.
Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT
Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). There is no cost associated with the rescission of Resolution No. 2021-47.

BACKGROUND INFORMATION
This recommended action will adopt a Resolution to rescind Resolution No. 2021-47, which authorized condemnation of said easement interests, located in the City of Chino, for the Chino Airport Groundwater Remedial Action Project.

On April 20, 2021, the Board of Supervisors (Board) conducted a public hearing and adopted Resolution of Necessity No. 2021-47, authorizing the use of eminent domain to acquire easements from four privately owned parcels for the Chino Airport Groundwater Remedial Action Project (Project) in Chino.

The Project consists of the County's implementing an Interim Remedial Action Plan (IRAP) for groundwater contaminated by volatile organic compounds (VOCs) proximate to the Airport. VOCs are a group of chemical compounds that are volatile at room temperature, and include such substances as gasoline, diesel, paints, paint strippers, aerosol sprays, degreasers, cleansers, and disinfectants.

The IRAP was approved by the Board on January 29, 2019 (Item No. 24) and after review by the Santa Ana Regional Water Quality Control Board (RWQCB), the final IRAP was submitted to the RWQCB in May of 2020. The IRAP was approved by the RWQCB on November 4, 2020. Construction of the remediation infrastructure is estimated to begin in January 2022 and continue through 2024.

Subsequent to the adoption of Resolution No. 2021-47, the project schedule was modified to consist of three phases. Phase I includes groundwater extraction well sites within the Chino Airport property boundaries. Phase II includes improvements, including the installation of conveyance piping, located within the City of Chino's right of way. Phase III includes the installation of off-site groundwater extraction well improvements; this is the only component of the Project for which the subject easements over four private properties would be required.

The properties and easements for Phase III included in the Resolution of Necessity were:

Well Site No.	Property Owner	APN	Easement Type	Size
EW-6	John Hancock Life Insurance Co.	1056-041-03 (portion)	Well Facility Subterranean Pipeline Periodic Staging Access Temp. Construction	1,280 sf 1,880 sf 4,629 sf 903,335 sf 8,320 sf
EW-8	John Hancock Life Insurance Co.	1056-041-04 (portion)	Well Facility Subterranean Pipeline Periodic Staging Access Temp. Construction	1,407 sf 904 sf 1,652 sf 1,073,572 sf 4,609 sf
EW-9	Watson Land Co.	1056-161-05 (portion)	Well Facility Subterranean Pipeline Periodic Staging Access Temp. Construction	909 sf 1,032 sf 4,044 sf 600,257 sf 10,684 sf
EW-10	Chino Center, Inc.	1056-371-08 (portion)	Well Facility Subterranean Pipeline Periodic Staging Access Temp. Construction	1,600 sf 523 sf 2,883 sf 1,370,398 sf 6,293 sf

The phasing described above will allow more time to pursue further negotiations with the property owners before possession is required for construction of the off-site extraction wells. In addition, elements of the project design have been modified which will require changes to some of the proposed acquisition areas (primarily regarding well site EW-10). If negotiations are not successful and condemnation proceedings become necessary to ensure the Project's timely delivery, staff will return to the Board to consider adoption of new Resolutions of Necessity as required.

PROCUREMENT
Not applicable.

REVIEW BY OTHERS
This item has been reviewed by County Counsel (Mitchell L. Norton, Deputy County Counsel, and Kristina Robb, Principal Assistant County Counsel, 387-5455) on September 29, 2021; Airports (James E. Jenkins, Director, and Maureen Snelgrove, Assistant Director, 387-8812) on September 28, 2021; Finance (Wen Mai, Principal Administrative Analyst, 387-4020) on September 29, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on September 29, 2021.
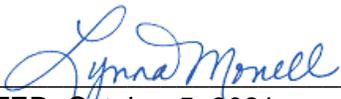
(BHF: 361-8976)

Record of Action of the Board of Supervisors
San Bernardino County

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, CLERK OF THE BOARD

BY _Lynna Monell_____

DATED: October 5, 2021

cc: w/Resolution
       File - Real Estate Services w/map
CCM   10/7/2021