

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

June 28, 2022

FROM

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

SUBJECT

Amendment to Revenue License Agreement with the City of Colton for the Use of San Bernardino County Flood Control District Land in Colton

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve **Amendment No. 2 to revenue License Agreement No. 02-235** with the City of Colton to more clearly describe the premises licensed, extend the term of the license due to the City of Colton's exercise of the second of four 10-year extension options, for the period of July 1, 2022 through June 30, 2032, following a permitted month-to-month holdover for the period of April 1, 2022 through June 30, 2022, adjust the fee schedule, and update standard license agreement language for the non-exclusive use of approximately 15,500 square feet of San Bernardino County Flood Control District land located south of Washington Street and west of Reche Canyon Road in Colton for total revenue in the amount of \$25,565.
(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 result in the use of Discretionary General Funding (Net County Cost). The District is funded by property taxes, fees, and other local, state, and federal funding. The total revenue anticipated to be received by the San Bernardino County Flood Control District (District) during this 10-year license amendment, including the permitted holdover at the current fee rate of \$86 per month for three months and the annual inspection fee is \$25,565. Revenue will be deposited in the District's Zone 2 Fund (1920002522). Total revenue is as follows:

<u>Licensed Period</u>	<u>Annual License Fee</u>	<u>Annual Inspection Fee</u>
April 1, 2022 – June 30, 2022	\$ 259	\$ 0
July 1, 2022 – June 30, 2023	\$ 1,078	\$ 1,236*
July 1, 2023 – June 30, 2024	\$ 1,121	\$ 1,236*
July 1, 2024 – June 30, 2025	\$ 1,166	\$ 1,236*
July 1, 2025 – June 30, 2026	\$ 1,213	\$ 1,236*
July 1, 2026 – June 30, 2027	\$ 1,262	\$ 1,236*
July 1, 2027 – June 30, 2028	\$ 1,312	\$ 1,236*
July 1, 2028 – June 30, 2029	\$ 1,364	\$ 1,236*

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<u>Licensed Period</u>	<u>Annual License Fee</u>	<u>Annual Inspection Fee</u>
July 1, 2029 – June 30, 2030	\$ 1,419	\$ 1,236*
July 1, 2030 – June 30, 2031	\$ 1,476	\$ 1,236*
July 1, 2031 – June 30, 2032	\$ 1,535	\$ 1,236*
Total Revenue	\$13,205	\$12,360

*Current fee per District’s Annual Schedule of Fees Ordinance (Ordinance No. FCD 20-01), which is subject to change.

BACKGROUND INFORMATION

The recommended action will amend the existing license agreement with the City of Colton (City) by more clearly describing the premises licensed, extending the term of the license due to the City’s exercise of the second of four 10-year extension option, for the period of July 1, 2022 through June 30, 2032, following a permitted month-to-month holdover for the period of April 1, 2022 through June 30, 2022, adjusting the fee schedule, and updating standard license agreement language for the non-exclusive use of approximately 15,500 square feet of District land located south of Washington Street and west of Reche Canyon Road in Colton.

On April 2, 2002 (Item No. 39), the Board of Supervisors (Board) approved a 10-year License Agreement, Contract No. 02-235 (License), with four 10-year options to extend the term with the City. Under the terms of the License, the City uses approximately 15,500 square feet of District land, comprising 3,500 square feet for underground electrical lines and 12,000 square feet for overhead electrical lines, located south of Washington Street and west of Reche Canyon Road in Colton. The City has installed approximately 830 feet of overhead electrical lines and approximately 300 feet of underground electrical lines within the licensed premises. The District has access to the licensed premises at all times for the purpose of inspecting the premises and performing any routine and emergency maintenance or construction repair work to the District’s facilities thereon. The original term of the license was from April 1, 2002 through March 31, 2012. Since the License was originally approved, the Board has approved one amendment to extend the term of the License through March 31, 2022.

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	February 28, 2012	53

The District requested that the Real Estate Services Department (RESD) prepare the amendment to extend the term of the due to the City’s exercise of the second of four 10-year extension options for the period of July 1, 2022 through June 30, 2032, following a permitted month-to-month holdover for the period of April 1, 2022 through June 30, 2022. The amendment also more clearly describes the licensed premises. Either party may terminate this License by giving 90-days’ notice to the other.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined that it does not constitute a project. Accordingly, no further action is required under CEQA.

Summary of License Terms

Licensee: City of Colton
(Brian Dickinson, Director of Public Works and Utility Services)

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Location: South of Washington Street and west of Reche Canyon Road in Colton

Size: Approximately 15,500 square feet

Term: 10 years commencing July 1, 2022

Options: Two 10-year options to extend the term remain

Revenue: Annual: \$1,078*
*Mid-range for comparable facilities in the Colton area per the competitive set analysis on file with RESD; Licensee is also required to pay the annual District inspection fee

Annual Increases: 4%

Improvement Costs: None

Maintenance: Provided by Licensee

Utilities: None

Insurance: The Certificate of Liability Insurance, as required by the License, is on file with RESD

Right to Terminate: Both the District and the Licensee have the right to terminate with 90-days' prior written notice

PROCUREMENT

Not applicable due to the City's exercise of an option to extend the term of the License.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Sophie Akins, Deputy County Counsel, 387-5455) on May 11, 2022; San Bernardino County Flood Control District (Grant Mann, Deputy Director, 387-7918) on April 19, 2022; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on April 19, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on June 8, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on June 9, 2022.

(PN: 677-8321)

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

APPROVED (CONSENT CALENDAR)

Moved: Janice Rutherford Seconded: Col. Paul Cook (Ret.)
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr.
Absent: Curt Hagman

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 28, 2022



cc: Flood - Thompson w/agree
Contractor - C/O Flood w/agree
File - w/agree
CCM 07/25/2022