

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

August 25, 2020

FROM

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

SUBJECT

Amendment No. 3 to Revenue License Agreement 91-623 with the City of Upland for the Use of San Bernardino County Flood Control District Land in Montclair

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve **Amendment No. 3** to revenue License **Agreement No. 91-623** with the City of Upland to extend the term of the license by exercising the third 10-year option, for the period of July 1, 2021 through June 30, 2031, adjust the license fee schedule, and update standard license agreement language, for the City of Upland to operate and maintain an underground sewer line on 5,000 square feet of District land located on the east side of the San Antonio Wash, north of Interstate 10, in the City of Montclair, for total revenue in the amount of \$7,966.

(Presenter: Terry W. Thompson, Director, 387-5252)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total revenue to be received by the San Bernardino Flood Control District (District) during this 10-year amendment is \$7,966. Revenue will be deposited into the District budget (1910002518). Annual revenue is as follows:

<u>Year</u>	<u>Annual License Revenue</u>
July 1, 2021 - June 30, 2022	\$ 664
July 1, 2022 – June 30, 2023	\$ 690
July 1, 2023 – June 30, 2024	\$ 718
July 1, 2024 – June 30, 2025	\$ 746
July 1, 2025 – June 30, 2026	\$ 776
July 1, 2026 – June 30, 2027	\$ 807
July 1, 2027 – June 30, 2028	\$ 840
July 1, 2028 – June 30, 2029	\$ 873
July 1, 2029 – June 30, 2030	\$ 908
July 1, 2030 – June 30, 2031	<u>\$ 944</u>
Total Revenue	\$7,966

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BACKGROUND INFORMATION

The recommended action will amend the existing revenue License Agreement (Agreement) with the City of Upland (City), by extending the term of the license 10 years for the period of July 1, 2021 through June 30, 2031, adjusting the license fee schedule, and updating standard license agreement language, for the City to operate and maintain an underground sewer line on 5,000 square feet of District land, located in the Montclair Basin, on the east side of the San Antonio Wash, north of Interstate 10, in the City of Montclair.

On July 1, 1991 (Item No. 69) the Board of Supervisors (Board) approved the Agreement, No. 91-623, for a term of 10 years with four 10-year options to extend the term of the license with the City for the non-exclusive use of a 5,000 square feet of District land for a sewer line. The land is located in the Montclair Basin on the east side of the San Antonio Wash, north of Interstate 10, in the City of Montclair. The original term of the Agreement was for the period of July 1, 1991 through June 30, 2001. In the 30 years since the license was approved, the Board has approved two amendments as follows to extend the term of the license through June 30, 2021 through the City's exercise of its extension options and adjust the license fee:

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	July 24, 2001	35
2	September 27, 2011	90

The proposed Amendment No. 3 to the Agreement, exercises the third extension option to again extend the term of the license by an additional 10 years for the period of July 1, 2021 through June 30, 2031. Amendment No. 3 also adjusts the license fee schedule and updates standard license agreement language. All other terms and conditions of the Agreement remain unchanged.

Summary of License Terms

Licensee:	City of Upland (Debbie Stone, Mayor)
Location:	Montclair Basin on the east side of the San Antonio Wash, north of Interstate 10, in the City of Montclair
Size:	Approximately 5,000 square feet (10 feet by 500 feet)
Term:	10-years commencing July 1, 2021
Options:	One 10-year option to extend
Fee:	<u>Annual</u> (old) \$638 (new) \$664
Annual Increases:	4%
Improvement Costs:	None

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Maintenance: Provided by Licensee

Right to Terminate: District may terminate on 90 days prior written notice.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel and Sophie A. Akins, Deputy County Counsel, 387-5455) on June 24, 2020; Public Works (Sameh Basta, Chief, Permits/Operations Support Division, 387-7995) on June 10, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294 and Wen Mai, Principal Administrative Analyst, 387-4020) on July 9, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 13, 2020.

(RTA: 266-6533)

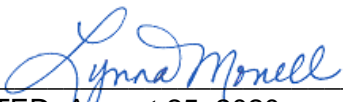
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: August 25, 2020



cc: SDD/SBCFCD- Biggs w/agree
 Contractor- C/O SDD/SBCFCD w/agree
 File- w/agree
la 09/9/2020