

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

August 22, 2023

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department  
BRENDON BIGGS, Director, Public Works Department – Solid Waste Management**

**SUBJECT**

Revenue License Amendment with the City of Ontario for Land in Ontario

**RECOMMENDATION(S)**

1. Find that approval of Amendment No. 2 to License Agreement No. 13-707 with the City of Ontario to extend the term of the license five years is an exempt project under the California Environmental Quality Act Guidelines Section 15301 – Existing Facilities (Class 1).
2. Waive the City of Ontario’s requirement, as provided in License Agreement No. 13-707, to provide at least one years’ notice, that was required from the City of Ontario by September 21, 2022, providing notice of the intent to exercise the second of four, five-year options to extend the term of the License Agreement.
3. Approve **Amendment No. 2 to revenue License Agreement No. 13-707** with the City of Ontario to extend the term of the license five years, for the period of September 1, 2023 through August 31, 2028, and to adjust the license fee schedule for the use of approximately 30 square feet of San Bernardino County-owned land located within the Milliken Sanitary Landfill in Ontario, for use as a wireless data transmission facility, for total revenue in the amount of \$7,280.
4. Direct the Clerk of the Board of Supervisors to file and post the 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.  
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 Discretionary General Funding (Net County Cost). The total revenue to be received during this five-year revenue license amendment is estimated at \$7,280, which is subject to annual adjustments based on the percentage change to the Consumer Price Index (CPI). Revenue will be deposited in the Department of Public Works – Solid Waste Management Division (SWMD) fund (6701004250). There are no costs associated with this license amendment. Annual revenues are as follows:

<u>Year</u>	<u>Annual Revenue</u>
September 1, 2023 – August 31, 2024	\$1,456
September 1, 2024 – August 31, 2025*	\$1,456
September 1, 2025 – August 31, 2026*	\$1,456

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<u>Year</u>	<u>Annual Revenue</u>
September 1, 2026 – August 31, 2027*	\$1,456
September 1, 2027 – August 31, 2028*	\$1,456
<b>Total Revenue</b>	<b>\$7,280</b>

\*Adjusted annually in accordance with the percentage change in the CPI.

**BACKGROUND INFORMATION**

On August 20, 2013 (Item No. 54), the Board of Supervisors (Board) approved a five-year revenue License Agreement (License), with four, five-year options to extend the term of the License, with the City of Ontario (City) for approximately 30 square feet of land at the Milliken Sanitary Landfill in Ontario, for the operation and maintenance of a telemetry communication link servicing the City’s utility department. The original term of the License was for the period of September 1, 2013 through August 31, 2018. In the 10 years since the License was originally approved, the Board has approved one amendment on August 21, 2018 (Item No. 44), which extended the term of the License five years, for the period of September 1, 2018 through August 31, 2023, adjusted the License fee schedule and updated standard license agreement language.

In October 2022, SWMD requested the Real Estate Services Department (RESO) contact the City regarding a License payment. RESO, during the discussion with the City, sent a copy of the License to the City and discussed the term expiration to come in 2023. On March 22, 2023, the City notified SWMD of its intent to exercise the second of four, five-year options, almost six months later than required to extend the License term. SWMD requested RESO to prepare an amendment to the License to extend the term of the License in accordance with the option provision and to adjust the License fee schedule. Amendment No. 2 to the License accomplishes the SWMD’s request.

The project to approve the proposed Amendment No. 2 to the License was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt under CEQA Guidelines Section 15301 – Existing Facilities (Class 1) because the approval of an amendment to a license agreement for an existing facility that does not expand the use of an activity is an exempt activity under CEQA. There is no possibility that the licensing of the subject property will have a significant effect on the environment; therefore, the activity is not subject to the provisions of CEQA.

**Summary of License**

**Terms**

Licensee:	City of Ontario (Scott Ochoa, City Manager)
Location:	Milliken Sanitary Landfill, Ontario
Size:	Approximately 30 square feet of land
Term:	Five years, commencing on September 1, 2023 through August 31, 2028
Options:	Two five-year options
Fee:	Revenue per square foot per month: \$4.04*

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Monthly: \$121.33

Annual: \$1,456

\*High-range for comparable facilities in the Ontario area per the competitive set analysis on file with RESD

Annual Increases: Based on the percentage change on the CPI

Improvement Costs: Provided by Licensee

Maintenance: Provided by Licensee

Utilities: None

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

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

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Maria Insixiangmay, Deputy County Counsel, 387-5455) on July 14, 2023; Public Works (Brendon Biggs, Director, 386-7906) on July 17, 2023; Purchasing (Peter Geriguis, Lead Buyer, 387-2573) on July 19, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404, and Garrett Baker, Administrative Analyst, 387-4376) on July 28, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 31, 2023.

(KB: 677-7961)


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Ontario  
August 22, 2023**

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 22, 2023



cc: RESD - Thompson w/agree  
Contractor - c/o RESD w/agree  
File - w/agree

CCM 08/31/2023