

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

February 9, 2021

FROM

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

SUBJECT

Amendment No. 1 to Revenue License Agreement with the City of Loma Linda for the Use of San Bernardino County Flood Control District Land in Loma Linda

RECOMMENDATION(S)

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

1. Find that, pursuant to California Government Section 25526.6, **Amendment No. 1** to revenue License Agreement **Contract No. 10-752** with the City of Loma Linda to extend the term of the license by five years for the period of February 16, 2021 through February 15, 2026, following a permitted seventeen month holdover period of September 16, 2019 through February 15, 2021, adjust the license fee schedule, add the District's annual inspection fee, and update standard license agreement language for the use of approximately 3,450 square feet of unimproved San Bernardino Flood Control District-owned land along San Timoteo Creek located South of Redlands Boulevard and West of Anderson Street in Loma Linda to operate and maintain two underground conduits is in the public interest and that the extended use will not substantially conflict or interfere with the District's use of the land.
2. Approve **Amendment No. 1** to revenue License **Agreement, Contract No. 10-752** with the City of Loma Linda, to extend the term of the license by five years for the period of February 16, 2021 through February 15, 2026, following a permitted seventeen month holdover period of September 16, 2019 through February 15, 2021, adjust the license fee schedule, add the District's annual inspection fee, and update standard license agreement language for the use of approximately 3,450 square feet of unimproved San Bernardino Flood Control District-owned land along San Timoteo Creek located South of Redlands Boulevard and West of Anderson Street in Loma Linda for total revenue in the amount of \$6,929.

(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 total revenue to be received by the San Bernardino County Flood Control District (District) during this five-year amendment is \$6,929. Revenue will be deposited in the District's Fund (1910002518). Annual revenue is as follows:

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<u>Period</u>	<u>Annual Revenue</u>
September 16, 2019 – February 15, 2021	\$ 1,393
February 16, 2021 – February 15, 2022	\$ 1,022
February 16, 2022 – February 15, 2023	\$ 1,063
February 16, 2023 – February 15, 2024	\$ 1,105
February 16, 2024 – February 15, 2025	\$ 1,150
February 16, 2025 – February 15, 2026	<u>\$ 1,196</u>
Total Revenue	\$ 6,929

BACKGROUND INFORMATION

On July 27, 2010 (Item No. 81), the Board of Supervisors (Board) approved a 10-year revenue License Agreement Contract No. 10-752 (Agreement), with the City of Loma Linda (City) with four five-year options to extend the term of the license for the City’s use of 3,450 square feet of District land located South of Redlands Boulevard and West of Anderson Street in Loma Linda for two underground conduits. The original term of the license was from September 16, 2009 through September 15, 2019 for total revenue in the amount of \$8,291. In the 10.5 years since the original license was executed, there have been no prior amendments.

The District requested that the Real Estate Services Department (RESD) prepare an amendment as a result of the City’s exercise of its first of four available five-year option extensions. As part of the extension, the District requested that RESD add the District’s annual inspection fee and update the late charge fee. Negotiations regarding those fees caused the license to go into a permitted holdover on September 16, 2019. The City has continued to occupy the licensed area and abide by the provisions of the Agreement. Approval of Amendment No. 1 to the Agreement will extend the term of the license for an additional five-years for the period of February 16, 2021 through February 15, 2026 following the permitted holdover period of September 16, 2019 February 15, 2021, adjust the license fee schedule, add the District’s annual inspection fee, and update the standard license agreement language for the City’s use of approximately 3,450 square feet of District-owned land along San Timoteo Creek in Loma Linda. All other terms and conditions of the Agreement remain unchanged.

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 Loma Linda
(T. Jarb Thaipejr, Public Works Director)

Location: A portion of District-owned land along San Timoteo Creek located South of Redlands Boulevard and West of Anderson Street in Loma Linda

Size: Approximately 3,450 square feet of District land

Term: Five years commencing February 16, 2021, following a

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permitted seventeen-month holdover for the period of September 16, 2019 through February 15, 2021

Options: Three five-year options to extend remain

Rent: Revenue per sf per month: \$0.02
Monthly: \$0.02
Annual: \$1,022*
*Low-range for comparable facilities in the Loma Linda area per the competitive set analysis on file with RESD

Annual Increases: 4%

Improvement Costs: None

Maintenance: Provided by Licensee

Utilities: Provided by Licensee

Insurance: Both government agencies are self-insured

Right to Terminate: Either party may terminate with 90-days' notice

PROCUREMENT

Pursuant to California Government Code Section 25526.6, the Board may grant licenses for use of any District-owned property to the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon the terms and conditions as the Board determines, upon a finding by the Board that the licenses are in the public interest and that the licenses will not substantially conflict or interfere with the District's use of the property.

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 January 13, 2021; FCD (David Doublet, Assistant Director, 387-7918) on January 11, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Wen Mai, Principal Administrative Analyst, 387-4020) on January 25, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on January 25, 2021.

(LB: 453-5227)

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 9, 2021



cc: SDD/SBCFCD- Thompson w/agree for sign
Contractor- C/O SDD/SBCFCD w/agree
File- w/agree
LA 02/19/2021