

RESOLUTION NO. 2022-39

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING RESPONSIBLE AGENCY FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DECLARING THE FEE SIMPLE INTEREST IN DISTRICT-OWNED PROPERTY (A PORTION OF ASSESSOR'S PARCEL NUMBER 0473-181-17), CONSISTING OF APPROXIMATELY 80,849 SQUARE FEET IN THE CITY OF VICTORVILLE, IS NO LONGER NECESSARY FOR THE USES AND PURPOSES OF THE DISTRICT AND THE CONVEYANCE OF THE REAL PROPERTY INTEREST IS IN THE PUBLIC INTEREST; THAT PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(D), THE DISTRICT-OWNED LAND IS EXEMPT SURPLUS LAND; AND AUTHORIZING THE SALE OF SAID FEE INTEREST TO THE CITY OF VICTORVILLE AT FAIR MARKET VALUE IN ACCORDANCE WITH THE WATER CODE APPENDIX SECTION 43-6, GOVERNMENT CODE SECTION 25365, AND COUNTY POLICY 12-17, AS THE SITE FOR FUTURE DEVELOPMENT OF THE CITY'S 24-HOUR WELLNESS AND RECUPERATIVE CARE CENTER.

On Tuesday March 1, 2022, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Rowe and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County Flood Control District, State of California.

WHEREAS, the San Bernardino County Flood Control District (District) owns fee title to an approximately 3.46-acre parcel (Assessor's Parcel Number 0473-181-17) comprising a portion of the Mojave River Levee (District Property) in the City of Victorville (City); and

WHEREAS, the City owns land adjacent to the District Property northeast of First Street and River Street in the City and seeks to acquire an approximately 80,849 square foot portion (Property) of the District Property to construct and operate a 24-Hour Wellness and Recuperative Care Center (Center); and

WHEREAS, the City and District entered into a Participation Agreement (Agreement No. 21-170) that provides for the sale of the Property from the District to the City at fair market value; and

WHEREAS, the City has made a \$70,000 good faith deposit to cover the cost of \$40,000 consideration for the Property, determined by the Real Estate Services Department (RESA) to be fair market value, and the District's reimbursable administrative costs, estimated to be \$30,000; and

WHEREAS, Water Code Appendix section 43-6 provides, in pertinent part, that the Board of Supervisors may determine, by resolution duly entered in its minutes, that any real property held by the District is no longer necessary to be retained for the uses and purposes of the District, and may thereafter sell the property; and

WHEREAS, County Policy 12-17 (Surplus Real Property) provides that the District may, by resolution of the Board of Supervisors, authorize the disposition of property at fair market value; and

WHEREAS, Government Code section 25365 provides, in pertinent part, that the Board of Supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to a city within the County any real property belonging to the County upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code; and

WHEREAS, Water Code Appendix, Section 43-3 states, in part, that the District's Board of Supervisors is vested with the same powers and shall perform the same duties for and on behalf of the District "and the government thereof, to carry out the objects and purposes of this act that the Board of Supervisors of San Bernardino County now have or may hereafter have by law for said San

Bernardino County, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act, or to exercise any of the said powers of said district; provided, that such powers and duties are not in conflict with the express terms of this act"; and

WHEREAS, the District intends to convey the Property to the City pursuant to and in accordance with the Water Code Appendix Section 43-6, County Policy 12-17, and Government Code section 25365; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) (CEQA), a Mitigated Negative Declaration (MND) for the Center was prepared and adopted by the City as the CEQA Lead Agency on or about December 8, 2021; and

WHEREAS, the City, as CEQA Lead Agency, adopted the MND and the related Mitigation Monitoring and Reporting Plan (MMP), and adopted written environmental findings; and

WHEREAS, the District as a CEQA Responsible Agency must make certain findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the conveyance of the Property; and

WHEREAS, the District, as the Responsible Agency, has verified that the City-adopted MND and MMP adequately analyze the potential environmental impacts and concurs in the analysis and conclusions set forth in said MND; and

WHEREAS, the District has reviewed and determined that the conveyance of said Property is in the public interest and will not substantially conflict or interfere with flood protection in the region; and

WHEREAS, under the Surplus Land Act, Government Code sections 54220-54234 (Act), surplus land is land owned in fee simple by the District for which the Board of Supervisors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use, and the land must be declared either surplus land or exempt surplus land as supported by written findings; and

WHEREAS, the Board of Supervisors has considered the staff report presented at its meeting of March 2, 2021, relating to conveyance of the Property to the City of Victorville; and

WHEREAS, the accompanying report/recommendation provided supporting information upon which the declaration and findings set forth in this Resolution are based; and

NOW, THEREFORE, the Board of Supervisors of the San Bernardino County Flood Control District hereby finds, declares, and resolves as follows:

SECTION 1. The above recitals are true and correct and are substantive part of the Resolution.

SECTION 2. The MND and MMP for the Center are, by this reference, incorporated into this Resolution as if fully set forth herein. The District hereby certifies that, acting as the Responsible Agency for the project pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the MND, together with the MMP, and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the Center before the Board for consideration. Based on this review, the District finds that, as to those potential environmental impacts within the District's powers and authorities as Responsible Agency, that the MND contains a complete, objective, and accurate reporting of the potential impacts and represents the independent judgment and analysis of the San Bernardino County Flood Control

District as Responsible Agency. The District, in its capacity as Responsible Agency, considered the MND together with the MMP prepared for the Center, and independently finds that the MND is adequate for use by the District to take action on the conveyance of the Property. Furthermore, the District finds that no significant adverse impacts will occur as a result of the conveyance and that no further CEQA analysis is required.

SECTION 3. The Board of Supervisors of the San Bernardino County Flood Control District hereby declares that the Property is exempt surplus land pursuant to Government Code section 54221(f)(1)(D), is not necessary for the District's use or purpose, and is being transferred to another local agency, that being the City of Victorville, for the City's use and specifically for the City's development and operation of the Center.

SECTION 4. The fee simple interest in the Property, consisting of approximately 80,849 square feet located in the City of Victorville, is no longer necessary for the uses and purposes of the District.

SECTION 5. The conveyance of the Property is in the public interest.

SECTION 6. The Board of Supervisors of the San Bernardino County Flood Control District authorizes the conveyance of said fee interest at fair market value to the City of Victorville, in accordance with the Water Code Appendix section 43-6, County Policy 12-17, and Government Code section 25365.

PASSED AND ADOPTED by the Board of Supervisors of the San Bernardino County Flood Control District, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, State of California, hereby certify the foregoing to be a full, true, and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of March 1, 2022. #68, CCM.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy