

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

**November 19, 2024**

**FROM**

**NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

**SUBJECT**

Amendment to Revenue Lease Agreement with Judy Ying Ng, Trustee of the George Ng and Judy Ying Ng Trust dated September 11, 1991, for use of Land in San Bernardino

**RECOMMENDATION(S)**

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

1. Find that approval of Amendment No. 4 to Revenue Lease Agreement No. 06-292 with Judy Ying Ng, Trustee of the George Ng and Judy Ying Ng Trust dated September 11, 1991, for use of land in San Bernardino is an exempt project under the California Environmental Quality Act Guidelines Section 15301 - Existing Facilities (Class 1).
2. Approve **Amendment No. 4** to Revenue Lease **Agreement No. 06-292**, under San Bernardino County Code Section 18.0103, with Judy Ying Ng, Trustee of the George Ng and Judy Ying Ng Trust dated September 11, 1991, to extend the term, adjust the rental schedule, and update standard lease agreement language, for the use of approximately 0.086 acres of San Bernardino County Flood Control District-owned land, located south of Central Avenue and parallel to Lytle Creek Channel and South E Street in the City of San Bernardino, to be used as a parking lot, for the period of January 1, 2025, through December 31, 2029, in the amount of \$30,960.
3. Direct the Real Estate Services Department to file the Notice of Exemption in accordance with 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.**

**FINANCIAL IMPACT**

Approval of this item will not require Discretionary General Funding (Net County Cost). The total revenue anticipated to be received by the San Bernardino County (County) Flood Control District (FCD) during the five-year amendment period is \$30,960. Revenue will be deposited in FCD's Zone 2 fund (1920002522). Annual revenue effective January 1, 2025, is as follows:

<u>Year</u>	<u>Annual Lease Revenue</u>
January 1, 2025 – December 31, 2025	\$5,724
January 1, 2026 – December 31, 2026	\$5,940
January 1, 2027 – December 31, 2027	\$6,180
January 1, 2028 – December 31, 2028	\$6,432
January 1, 2029 – December 31, 2029	<u>\$6,684</u>

**Amendment to Revenue Lease Agreement with Judy Ying Ng, Trustee  
of the George Ng and Judy Ying Ng Trust dated September 11, 1991, for  
use of Land in San Bernardino  
November 19, 2024**

<u>Year</u>	<u>Annual Lease Revenue</u>
<b>Total Revenue</b>	<b>\$30,960</b>

**BACKGROUND INFORMATION**

The recommended action will amend Lease Agreement No. 06-292 (Lease) with Judy Ying Ng, Trustee of George Ng and Judy Ying Ng Trust dated September 11, 1991 (Ng), to extend the term of the Lease for five years for the period of January 1, 2025, through December 31, 2029, adjust the rental rate schedule, and update standard lease agreement language for Ng's use of approximately 0.086 acres of FCD-owned land in the City of San Bernardino as a parking lot.

On April 18, 2006 (Item No. 45), the Board of Supervisors (Board) approved a five-year Lease with three five-year options to extend the term of the Lease with (Ng) for the use of approximately 0.086 acres of FCD-owned land as a parking lot. The original term of the Lease was for the period of January 1, 2005, through December 31, 2009. In the 20 years since the Lease was originally approved, the Board has approved three amendments extending the term through December 31, 2024, adjusting the rental schedule, and updating standard lease agreement language.

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	January 12, 2010	71
2	December 16, 2014	81
3	November 5, 2019	41

FCD requested that the Real Estate Services Department (RESO) prepare the amendment to extend the term of the Lease for the period of January 1, 2025, through December 31, 2029, adjust the rental rate, and update the standard lease agreement language. All other terms and conditions of the Lease remain unchanged, including that either party may terminate the Lease by giving 90-days' notice.

The proposed amendment was reviewed pursuant to the California Environmental Quality Act and determined to be categorically exempt under Section 15301 - Existing Facilities (Class 1) because the amendment of an existing Lease secures property to operate within the existing structure with negligible or no expansion of existing use.

**Summary of Lease Terms**

Lessee:	Judy Ying Ng, Trustee of the George Ng and Judy Ying Ng Trust dated September 11, 1991
Location:	South of Central Avenue and parallel to Lytle Creek Channel and South E Street, San Bernardino
Size:	Approximately 0.086 acres
Term:	Five years, commencing January 1, 2025, and terminating December 31, 2029
Options:	None

**Amendment to Revenue Lease Agreement with Judy Ying Ng, Trustee  
of the George Ng and Judy Ying Ng Trust dated September 11, 1991, for  
use of Land in San Bernardino  
November 19, 2024**

Fees:	Monthly: \$477 Annual: \$5,724
Annual Increases:	4%
Custodial:	Provided by Lessee
Maintenance:	Provided by Lessee
Insurance:	The Certificate of Liability Insurance, as required by the lease, is on file with RESD
Holdover:	Upon the end of the term, if permitted by Lessor the Lease shall continue on a month-to-month term upon the same terms and conditions which existed at the time of expiration
Right to Terminate:	Either party has the right to terminate with 90-days' written notice

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (John Tubbs II, and Sophie A. Curtis, Deputies County Counsel, 387-5455) on October 1, 2024; Flood Control District (Grant Mann, Deputy Director, 387-7918) on October 2, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on October 2, 2024; Finance (Garrett Baker, 387-3077, and Jessica Trillo, Administrative Analysts, 387-4222) on October 24, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on November 1, 2024.

(LB: 453-5227)

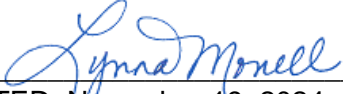
**Amendment to Revenue Lease Agreement with Judy Ying Ng, Trustee  
of the George Ng and Judy Ying Ng Trust dated September 11, 1991, for  
use of Land in San Bernardino  
November 19, 2024**

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

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: November 19, 2024



cc:     Flood - Thompson w/agree  
         Contractor - c/o Flood w/agree  
         File - w/agree  
MBA    11/25/2024