

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

July 23, 2024

FROM

NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District

SUBJECT

Amendment to Agreement with the Cities of Ontario and Chino for Development, Funding, and Construction of the San Antonio Avenue Storm Drain

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve **Amendment No. 1 to Agreement No. 21-89** with the Cities of Ontario and Chino, increasing the San Bernardino County Flood Control District's project share by \$4,162,500, from \$21,900,000 to the not to exceed the amount of \$26,062,500, for the design and construction of San Antonio Avenue Storm Drain project.

(Presenter: Noel Castillo, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property taxes, fees, and other local, state, and federal funding. The City of Ontario (Ontario) will act as the lead agency and will advance all funding for the San Antonio Storm Drain Project (Project). The initial total estimated cost of the Project was \$23,360,000. The District's share of the Project cost is not to exceed \$21,900,000, however, due to the significant increases in Project construction costs over the last three years, the proposed total estimated cost of the Project is now \$34,750,000. The proposed Amendment No. 1 increases the District's not-to-exceed share by \$4,162,500, bringing the total potential District cost to \$26,062,500. Ontario has agreed to allow the District to submit reimbursement when District funding becomes available. Reimbursements will occur per the reimbursement schedule as stipulated under Section 2.1 of Agreement No. 21-89 (Agreement) and outlined in Exhibits A and B. The District reserves the right to amend the reimbursement schedule should an event occur that requires the District to re-allocate funding from improvement projects, such as this Project, to maintain and repair District facilities. Sufficient appropriation and revenue have been included in the District's 2024-25 budget (1910002518 F02699) and will be included in future recommended budgets.

BACKGROUND INFORMATION

Initially, Ontario estimated the total cost of the Project as \$23,360,000, which included inspection, materials testing, construction management, environmental permitting, utility relocation, contingency, and construction. On January 26, 2021 (Item No. 63), the Board of

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Supervisors approved the Agreement for a total cost not to exceed \$21,900,000 for the District's share of the Project cost.

The Agreement delineates the responsibilities of the District, Ontario, and the City of Chino (Chino) regarding joint participation in the construction and funding of the Project, which is intended to reduce flood risk in Ontario and Chino. Due to limited resources to resolve significant drainage issues in Chino and Ontario, the District's partnership with Ontario and Chino provides an opportunity to accomplish common goals and bring resources together to fund a major secondary storm drain project for the benefit of the community. The Project demonstrates consistency with the County's and Chief Executive Officer's goals and objectives to operate in a fiscally responsible and business-like manner to work with other agencies.

Ontario and Chino's Master Plan of Drainage identifies the need to construct a storm drain along San Antonio Avenue that will safely convey the flows generated by a 100-year storm. The proposed Project will be located on San Antonio Avenue, running northerly from the Sultana-Cypress Storm Drain in Chino to Phillips Street and easterly on Phillips Street to Oakland Avenue in Ontario. The proposed Project is a component of the District's Zone 1 Priority Project List and Ten-Year Construction Funding Program. The District's mission is to protect life and property through flood protection throughout the county. Ontario approved Amendment No. 1 on May 1, 2024, and Chino approved Amendment No. 1 on May 21, 2024.

Funding from the District for the Project became available starting in 2023-24. Due to the timing of the funding, Ontario hired a design consulting firm in 2022 to align the start of the project design with the anticipated availability of District funds. During the period between approving the Agreement and the availability of funding, the cost of construction materials increased significantly, leading to a rise in the overall construction cost estimate.

Although the Project has not yet been put out to bid, Ontario developed the cost estimates for the construction materials, which were vetted by the District based on the most recent bids for similar work in the area. The increase in funds is solely due to the rise in construction costs. The latest Project schedule indicates Ontario plans to award the construction contract towards the end of 2024 and will begin construction in spring 2025.

Upon completion of the Project, Ontario and Chino shall own, operate, and maintain the Project and all the local drainage improvements, including all catch basins, lateral connections to the mainline, and all manhole covers and appurtenances for the Project. The Agreement may be cancelled upon 30 days of written notice of any party. However, no party may cancel the Agreement without cause after Ontario awards construction contract(s).

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on January 26, 2024; Finance (Carl Lofton, 387-5404, and Jessica Trillo, 387-4222, Administrative Analysts) on June 28, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on July 2, 2024.

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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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 23, 2024



cc: Flood - Fam w/ agree
 Contractor c/o Flood w/ agree
 File w/ agree
JLL 07/25/2024