

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

December 7, 2021

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Operation and Maintenance Agreement with City of Yucaipa for Wilson Basin III Project

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve **Operation and Maintenance Agreement No. 21-930** with the City of Yucaipa for the Wilson Basin III Project, for an initial term of 25 years from the date upon which the last party signs the agreement, which may be extended by the parties in five-year increments or terminated by either party upon one- year written notice to the other party.

(Presenter: Brendon Biggs, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

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 San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and local, state, and federal funding. Operation and maintenance costs for the Wilson Basin III improvements will be borne by each party as dictated in the proposed Operation and Maintenance Agreement (Agreement) based on what facilities will be operated and maintained by each party. Sufficient appropriation and revenue have been included in the District's 2021-22 budget (1930002526-F02479) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Yucaipa City Council approved the Oak Glen Creek Specific Plan, a long-term guide for the development of approximately 115.6 acres, with the primary need for flood attenuation and sediment reduction in and adjacent to the confluence of Wilson Creek and Oak Glen Creek. Consequently, the Wilson Creek Basin III Project (Project) includes construction of a retention/detention basin and appurtenant channel improvements to provide enhanced flood control and reduced maintenance, recreational trails and park, landscaping, irrigation, groundwater recharge, improved water quality, conservation and for the re-grading of the site. Additionally, the Project will allow for the creation of developable surplus property to provide economic development opportunities to include residential, innovation, and open space for the City of Yucaipa (City).

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On April 29, 2010, the District's Zone 3 Advisory Committee, at its budget hearing, recommended Zone participation in the component of a City Project pertaining to the construction of Wilson III Basin and appurtenant channel improvements to provide enhanced flood control and to consider the contribution of surplus property for the flood control improvement components of the Project.

On June 4, 2013 (Item No. 76), the Board of Supervisors (Board) approved Memorandum of Understanding No. 13-378 (MOU) to provide a mechanism by which the District will identify surplus property within its ownership adjacent to Wilson Creek, at the confluence of Wilson Creek and Oak Glen Creek, and explore selling such property to the City at fair market value and apply some portion of the proceeds from such sale(s) to the construction of the Project. On April 7, 2020, (Item No. 50), the Board approved the first amendment to MOU No. 13-378 to more specifically identify the property that would be sold as surplus by the District to the City and confirm funding that the District is committing to the Project.

On August 11, 2020 (Item No. 54), the Board approved Construction Agreement No. 20-660, which covered the cost and responsibilities during the construction of the Project. The Construction Agreement requires the City to be responsible for the operation and maintenance of the Project until the initial five-year operation and maintenance resource agency permits, as defined herein, are obtained by the City and transferred to the District, and the District has accepted the completed Project.

This Agreement satisfies Section 3.7 of Construction Agreement No. 20-660, which requires that the parties negotiate and execute an operations and maintenance agreement as a precondition to the District's acceptance of the Project. The proposed Agreement further defines and sets forth the roles and responsibilities of the parties for the long term, ongoing operation, maintenance, and use of the Project.

This Agreement is in alignment with the County and the Chief Executive Officer's goals of providing for the safety, health, and social services needs of County residents, as well as pursuing County goals and objectives by working with other agencies and stakeholders by providing a streamlined approach to the operation and maintenance of the Project.

The Agreement expires 25 years from the date upon which the last party signs the Agreement, unless extended by the mutual written agreement of the District and the City for successive five-year terms after the initial term or early termination by either party upon providing the other party one-year advance written notice. The Yucaipa City Council approved the Agreement at its meeting on October 11, 2021.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on October 19, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on November 12, 2021; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 15, 2021.

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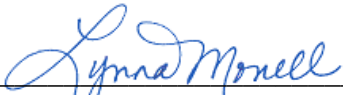
Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Dawn Rowe

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 7, 2021



cc: Flood - Walker w/agree
Contractor - C/O Flood w/agree
File - w/agree w/maps
CCM 12/16/2021