

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

June 14, 2022

FROM

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

SUBJECT

Amendment to Revenue License Agreement with Yucaipa Valley Water District for the Use of San Bernardino County Flood Control District Land in Yucaipa

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve **Amendment No. 4** to revenue License **Agreement No. 02-298** with the Yucaipa Valley Water District to extend the term of the license, due to the licensee's exercise of its existing five-year extension options, for the period of July 1, 2022 through June 30, 2027, following a permitted month-to-month holdover for the period of April 1, 2022 through June 30, 2022, and adjust the fee schedule, for the non-exclusive use of approximately 2,500 square feet of San Bernardino County Flood Control District land to operate and maintain an existing water well site along the Potato Creek Spreading Grounds in Yucaipa for total revenue in the amount of \$11,804. (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). San Bernardino County Flood Control District (District) is funded by property taxes, fees, and other local, state, and federal funding. The total revenue anticipated to be received by the District during this five-year amendment, including the permitted holdover at the current fee rate of \$80 per month for three months and the annual inspection fee, is \$11,804. Revenue will be deposited in the District's Zone 3 Fund (1930002526). Total revenue is as follows:

<u>License Period</u>	<u>Annual License Fee</u>	<u>Annual Inspection Fee</u>
April 1, 2022 – June 30, 2022	\$ 240	\$ 0
July 1, 2022 – June 30, 2023	\$ 994	\$1,236*
July 1, 2023 – June 30, 2024	\$ 1,034	\$1,236*
July 1, 2024 – June 30, 2025	\$ 1,075	\$1,236*
July 1, 2025 – June 30, 2026	\$ 1,118	\$1,236*
July 1, 2026 – June 30, 2027	\$ 1,163	\$1,236*
Total Revenue	\$ 5,624	\$ 6,180

*Current fee per District's Annual Schedule of Fees Ordinance (Ordinance No. FCD 20-01), which is subject to change.

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BACKGROUND INFORMATION

The recommended action will amend the existing license agreement with the Yucaipa Valley Water District (YVWD) by extending the term of the license due to YVWD's exercise of the first of its two existing five-year extension options, for the period of July 1, 2022 through June 30, 2027, following a permitted month-to-month holdover for the period of April 1, 2022 through June 30, 2022, and adjust the fee schedule for the non-exclusive use of approximately 2,500 square feet of District land to operate and maintain an existing water well site along the Potato Creek Spreading Grounds in Yucaipa.

On April 23, 2002 (Item No. 38), the Board of Supervisors (Board) approved a five-year license, Agreement No. 02-298, with three five-year options to extend the term with YVWD to construct, operate, and maintain a well site and appurtenant facilities in the District's right-of-way in the Potato Creek Spreading Grounds in Yucaipa. The District has access to the well site area at all times for the purpose of inspecting the property and for any routine and emergency maintenance of construction repair work on the District's facilities. The original term of the license was from April 1, 2002 through March 31, 2007. Since the license was originally approved, the Board has approved three amendments to extend the term of the license agreement, adjust the annual fee, add extension options, and update standard license agreement language.

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	May 15, 2007	49
2	March 13, 2012	53
3	March 7, 2017	67

The District requested that the Real Estate Services Department (RESO) prepare an amendment to extend the term of the revenue license agreement due to YVWD's exercise of the first of its two existing five-year extension options for the period of July 1, 2022 through June 30, 2027, following a permitted month-to-month holdover for the period of April 1, 2022 through June 30, 2022. Either party may terminate this revenue license agreement by giving 90-days' notice.

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:	Yucaipa Valley Water District (Brent Anton, Engineering Manager)
Location:	Potato Creek Spreading Grounds, west of Bryant Avenue and south of Oak Glen Road in Yucaipa
Size:	Approximately 2,500 square feet
Term:	Five years commencing July 1, 2022

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Options:	One five-year option to extend the term
Revenue:	Annual: \$994* *Mid-range for comparable facilities in the Yucaipa area per the competitive set analysis on file with RESD; Licensee is also required to pay the annual District inspection fee
Annual Increases:	4%
Improvement Costs:	None
Maintenance:	Provided by Licensee for well site and appurtenant facilities; provided by District for access roads
Utilities:	Not applicable
Insurance:	The Certificate of Liability Insurance, as required by the license, is on file with RESD
Right to Terminate:	Both the District and the Licensee have the right to terminate with 90-days' prior written notice

PROCUREMENT

Not applicable due to YVWD's exercise of its existing extension option.

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 May 5, 2022; San Bernardino County Flood Control District (Grant Mann, Deputy Director, 387-7918) on April 19, 2022; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on April 19, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 24, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on May 25, 2022.

(PN: 677-8321)

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 14, 2022



cc: SDD/SBCFCD- Thompson w/agree
 Contractor- C/O SBCFCD w/agree
 File- w/agree
LA 06/29/2022