

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

April 8, 2025

FROM

NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District

SUBJECT

Funding Agreement with the California Department of Water Resources for the San Bernardino County Flood Control District Stream Gage Project

RECOMMENDATION(S)

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

1. Adopt **Resolution No. 2025-74**, as required by the California Department of Water Resources for the San Bernardino County Flood Control District Chief Flood Control Engineer or designee to:
 - a. Prepare and file a questionnaire for funding with the Department of Water Resources, and take such other actions as necessary or appropriate to obtain funding for the San Bernardino County Flood Control District Stream Gage Project.
 - b. Execute the funding agreement with the Department of Water Resources and any amendments thereto.
 - c. Utilize electronic signatures to execute agreement with the Department of Water Resources and any amendments thereto.
 - d. Submit any required documents, invoices, and reports required to obtain funding.
2. Approve the **Funding Agreement No. 25-225**, including non-standard terms, with the California Department of Water Resources, under which the San Bernardino County Flood Control District will be reimbursed up to \$250,500 through the Stream Gage Improvement Program.
3. Authorize the Chief Flood Control Engineer to execute and submit the Funding Agreement, any subsequent non-substantive amendments, or any other additional supplemental documentation such as Std 21 – Drug Free Workplace Certification, Std 204 – Payee Data Record, and compliance certifications, subject to review by County Counsel.
4. Direct the Chief Flood Control Engineer to transmit the Funding Agreement, and any subsequent non-substantive amendments, to the Clerk of the Board of Supervisors within 30 days of execution.

(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.

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

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revenue, fee revenue, and other local, state, and federal funding. The estimated installation, upgrade, and maintenance costs for the upgraded and reactivated stream gage work is \$250,500. The California Department of Water Resources (DWR) will reimburse the District up to \$250,500 (100%) of such costs which is funded by the Budget Act of 2024 (Stats. 2024, Ch. 189, Section 43). Sufficient appropriation and revenue have been included in the District's 2024-25 budget and will include sufficient appropriation for the Project in future recommended budgets as needed

BACKGROUND INFORMATION

DWR has implemented the Stream Gage Improvement Program (CalSIP) to improve the stream gaging network statewide and to provide reliable, real-time information about the conditions and amount of water flowing in rivers and streams, especially as California experiences more frequent shifts between climate extremes. Through CalSIP, DWR funds public entities to improve stream gage infrastructure and bridge data gaps. The District completed an interest survey on the CalSIP website to upgrade or reactivate the existing District stream gages. Based on the District's interest survey, DWR issued an approval notification to fund forty-four (44) stream gage upgrades and three (3) stream gage reactivations on December 5, 2024 and another approval notification to fund four (4) upgraded stream gauges on February 25, 2025 for a total of up to \$250,500.

The District's Stream Gage Project is being implemented to support and improve the stream gage network within the State of California and is intended to: (1) provide publicly available data on natural surface waters which will be accessible on the Public Works website; and (2) provide sound data that accurately informs water management decisions.

The Funding Agreement contains non-standard District terms as follows:

1. The District does not have the right to terminate the Funding Agreement, however, the State may terminate the Funding Agreement with 30 day notice to the District.
 - Under the District standard contract, the District has the right to terminate the contract, for any reason, with 30 day written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
 - Potential Impact: The District does not have the right to terminate the Funding Agreement for convenience.
2. The District is required to indemnify, defend, and hold harmless the State against all claims arising out of the District's performance under the Funding Agreement and for any acts attributable to the District's subcontractors, including contractors, suppliers and laborers.
 - The District standard contract indemnity provision requires the contractor to indemnify, defend and hold the District harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: The State is not required to defend, indemnify, or hold the District harmless from any claims. If the District is sued for any claim, the District may be solely liable for the costs of defense and damages, which could exceed the total State amount.
3. The Funding Agreement does not contain the standard District insurance requirements.
 - Standard District policy requires the inclusion of the standard District insurance requirements in contracts unless otherwise approved by the Risk Management Department.

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- Potential Impact: The District is not aware of the insurance in place by the State and therefore cannot evaluate its adequacy in terms of providing protection to the District

The District recommends approval of the Funding Agreement, including its non-standard terms, as it provides essential funding for the District's Stream Gage Project, enhancing the quality and availability of natural surface water data.

The proposed Funding Agreement with DWR aligns with the District and the Chief Executive Officer's goals and objectives to work with DWR to provide for the safety, health and social service needs of County residents by providing reliable, real-time stream flow data to better understand and manage water resources Countywide.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-54552) on March 11, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on March 12, 2025; Finance (Kathleen Gonzalez, Administrative Analyst, 387-4222) on March 20, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on March 24, 2025.

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 8, 2025



cc: Flood - Fam w/agree for sign
Contractor - c/o Flood w/agree
File - w/agree
CCM 04/14/2025