

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

November 5, 2019

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department
KEVIN BLAKESLEE, Chief Flood Control Engineer, Flood Control District

SUBJECT

Amendment No. 3 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 Flood Control District Land in San Bernardino.

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District (District), approve **Amendment No. 3** 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 to extend the term of the lease for five years, for the period of January 1, 2020 through December 31, 2024, adjust the rental schedule, and update standard lease agreement language for the use of approximately 0.086 acres of District-owned land, located south of Central Avenue and parallel to Lytle Creek Channel and South E Street in the City of San Bernardino as a parking lot in the amount \$25,428.

(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). The total revenue to be received by the District during this five-year amendment is \$25,428. Revenue will be deposited in the District's budget (1920002522). The annual revenue is as follows:

| <u>Year</u> | <u>Annual Lease Revenue</u> |
|-------------------------------------|-----------------------------|
| January 1, 2020 – December 31, 2020 | \$ 4,692 |
| January 1, 2021 – December 31, 2021 | \$ 4,884 |
| January 1, 2022 – December 31, 2022 | \$ 5,076 |
| January 1, 2023 – December 31, 2023 | \$ 5,280 |
| January 1, 2024 – December 31, 2024 | <u>\$ 5,496</u> |
| Total Revenue | \$25,428 |

**Amendment No. 3 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 Flood Control District Land in San Bernardino.
November 5, 2019**

BACKGROUND INFORMATION

The recommended action will amend an existing 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, 2020 through December 31, 2024 by Ng's exercise of its final five-year option, adjust the rental rate schedule, and update standard lease agreement language for Ng's use of approximately 0.086 acres of District-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 agreement, No. 06-292, with three five-year options to extend the term of the lease with George Ng and Judy Ying Ng Trust for the use of approximately 0.086 acres of District-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 15 years since the lease was originally approved, the Board has approved two amendments extending the term through December 31, 2019, 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 |

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 Lease Terms

| | |
|--------------------|---|
| Lessee: | Judy Ying Ng, Trustee of the George Ng and Judy Ying Ng Trust dated September 11, 1991 (Judy Ying Ng, Trustee) |
| 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, 2020. |
| Options: | None |
| Revenue: | Revenue per sq. ft. per month: \$.10* Monthly: \$391 Annual: \$4,692 *Low-range for comparable land in the San Bernardino area per supporting lease comparables on file. |
| Annual Increases: | 4% |
| Improvement Costs: | Provided by Lessee |

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Summary of Lease Terms

| | |
|---------------------|---|
| Custodial: | Provided by Lessee |
| Maintenance: | Provided by Lessee |
| Utilities: | Provided by Lessee |
| Insurance: | The Certificate of Liability Insurance, as required by the lease, is on file with RESD. |
| Right to Terminate: | Either party has the right to terminate with 90-days' advance written notice. |
| Parking: | Exclusively used by Lessee with Lessor access. |

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel and Sophie Akins, Deputy County Counsel, 387-5455) on October 8, 2019; Department (David Doublet, Deputy Director, 387-7918) on August 5, 2019; Finance (Wen Mai, Principal Administrative Analyst, 387-4020 and Jessica Trillo, Administrative Analyst, 387-4222) on October 18, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 21, 2019.

(LB: 453-5227)

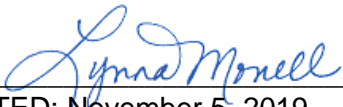
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Janice Rutherford
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 5, 2019



cc: Flood- Thompson w/agree
 Contractor- C/O Flood w/agree
 File- w/agree
la 11/8/2019