

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

**April 7, 2020**

**FROM**

**BRENDON BIGGS, Interim Chief Flood Control Engineer, Flood Control District**

**SUBJECT**

Amendment to Memorandum of Understanding with the City of Yucaipa for the Wilson III Project and Sale of Surplus Property Located in the City of Yucaipa

**RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Flood Control District, approve **Amendment No. 1 to Memorandum of Understanding Contract No. 13-378** with the City of Yucaipa for the development of a basin and channel to be located at the confluence of Wilson Creek and Oak Glen Creek, in the City of Yucaipa.

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

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**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 Yucaipa (City) is the lead agency for the Wilson III Project, of which the estimated total cost is \$17.4 million. The District's share of costs for the basin and channel improvements to be located at the confluence of the Wilson Creek and Oak Glen Creek (Wilson III Project) is \$350,000, of which \$300,000 will be reallocated from Agreement No. 11-523, approved by the Board of Supervisors (Board) on July 26, 2011 (Item No. 48) for a feasibility study that was never conducted and is no longer needed. Both the District and the City have agreed to reallocate the funds to this project. The remaining District's share of costs is anticipated to be funded through the sale of the District's surplus property to the City as well as the District's property tax revenue, if necessary. Sufficient appropriation and revenue will be included in the District's 2020-21 recommended budget (1930002526-F02479).

**BACKGROUND INFORMATION**

The City's Master Plan of Drainage identified the need to construct the Wilson III Project and the District concurs that it is needed as a part of the regional flood control and water conservation program for the area. During a budget meeting on April 29, 2010, the Zone 3 Advisory Committee, comprised of appointed representatives and officials of the respective cities within Zone 3, recommended that Zone 3 participate in the funding of the Wilson III Project with the City. Zone 3 participation in the Wilson III Project is accomplished by designating a portion of the District's owned property [Assessor's Parcel Number (APN) 0303-181-19] as surplus to the needs of construction, operation, and maintenance of the Wilson III Project and sell those

**Amendment to Memorandum of Understanding with the City of Yucaipa  
for the Wilson III Project and Sale of Surplus Property Located in the  
City of Yucaipa  
April 7, 2020**

portions to the City, in phases, at fair market value. Portions of the proceeds would then be contributed by the District toward the Wilson III Project.

On July 26, 2011, (Item No. 48), the Board approved Agreement No. 11-523 with the City under which the District would contribute \$300,000 toward the cost of the Santa Ana River and Tributaries – Yucaipa Streams Ecosystem Restoration Study. Section 4.19 of Agreement No. 11-523 provides that the parties may mutually terminate that agreement. On June 4, 2013 (Item No. 76), the Board approved Memorandum of Understanding (MOU) 13-378 with the City to provide a mechanism by which the District would 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. Some portion of the proceeds realized from such sale would be contributed toward the construction of the Wilson III Project.

This Amendment will terminate Agreement No. 11-523; the \$300,000 to be paid by the District to the City under Agreement 11-523 shall be reallocated by the District to MOU 13-378 as a part of the \$350,000 to be paid by the District to the City using the District's property tax revenue. Additionally, this Amendment to MOU 13-378 provides a mechanism by which the District may identify, designate as surplus, and sell additional portions of the District's owned property (APNs 0303-151-23, 0303-151-36, 0303-191-01, and 0303-191-04) as surplus property to the City at fair market value and apply a portion of the proceeds from such sale(s) to the construction of the Wilson III Project. This Amendment also allows the District to issue an encroachment permit to the City for construction of the Wilson III Project, including any ancillary work, prior to the completion of the land transactions. The early issuance of the permit will allow the City to begin construction on a schedule that will meet its grant funding deadlines.

The current estimate for the Wilson III Project is \$17.4 million. Any excess amount from the sale of the District's surplus property after the Wilson III Project is to be utilized for other District projects in the City at the District's sole discretion. If the proceeds from the District's sale of surplus property are not sufficient to fund the Wilson III Project, the City will be responsible for funding the remainder of the cost.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on March 11, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on March 18, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on March 24, 2020.

**Amendment to Memorandum of Understanding with the City of Yucaipa  
for the Wilson III Project and Sale of Surplus Property Located in the  
City of Yucaipa  
April 7, 2020**

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

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: April 7, 2020



cc:    Flood- Doublet w/agree  
       Contractor- C/O Flood w/agree  
       File- w/agree  
la     04/20/2020