

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

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

January 5, 2021

FROM

**LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office
BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District**

SUBJECT

County of San Bernardino Payment of San Bernardino County Flood Control District Surplus Property Administrative Fees Applicable to the San Bernardino County Transportation Authority SR-210 at Sand Creek Channel Improvements Project in the City of San Bernardino

RECOMMENDATION(S)

1. Acting as the governing body of the County of San Bernardino (County), find that maintenance of the sound wall improvements component of the SR-210 at Sand Creek Channel Improvements Project being constructed by the San Bernardino County Transportation Agency serves a general County public purpose and that providing the access for the maintenance and ongoing graffiti removal from the sound wall furthers that public purpose.
2. Acting as the governing body of the County, authorize the payment of \$21,115 to San Bernardino County Flood Control District Surplus Property Administrative Fees Applicable on behalf of the San Bernardino County Transportation Authority SR-210 at Sand Creek Channel Improvements Project in the City of San Bernardino.
3. Acting as the governing body of the San Bernardino County Flood Control District (District), authorize the receipt of payment in the amount of \$21,115 from the County for the Surplus Property Administrative Fees Applicable to the San Bernardino County Transportation Agency SR-210 at Sand Creek Channel Improvements Project pursuant to District Fee Ordinance No. 20-01.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will result in the use of Discretionary General Funding (Net County Cost). The District has incurred \$21,115 in administrative costs related to processing San Bernardino County Transportation Agency's (SBCTA's) surplus property request. The District's surplus

**County of San Bernardino Payment of San Bernardino County Flood Control District Surplus Property Administrative Fees Applicable to the San Bernardino County Transportation Authority SR-210 at Sand Creek Channel Improvements Project in the City of San Bernardino
January 5, 2021**

property administrative fees are typically paid by the applicant pursuant to District Fee Ordinance FCD No. 20-01. In this instance, the SBCTA Sand Creek Channel Improvements Project (Project) also serves a general County public purpose by providing access for the maintenance and ongoing graffiti removal from the sound wall that is being built as a component of the Project. The County, in lieu of SBCTA, is willing to pay the \$21,115 to the District using Discretionary General Funding. Adjustments to the 2020-21 Budget are not requested at this time, but will be included in a future quarterly budget report, which will be presented to the Board of Supervisors (Board) for approval.

BACKGROUND INFORMATION

SBCTA, in partnership with the California Department of Transportation, has undertaken the Project to widen and improve SR-210, which includes construction of a sound wall in the vicinity of Sand Creek in the City of San Bernardino. As the Project proponent, SBCTA completed a mitigated Negative Declaration in May 2016 and a Notice of Determination was filed on 1/17/2017 for the Project. SBCTA is now undertaking construction of the Project. SBCTA has requested an access easement (Easement) from the District of approximately 472 square feet within the District's real property (portion of APNs 1191-121-35) in order to utilize the District's existing access road for maintenance access to the sound wall. The District has reviewed SBCTA's request and determined that the requested Easement is not in conflict with regional flood control operations.

Pursuant to District Fee Ordinance FCD No. 20-01, typically, SCBTA would pay the surplus property administrative fees of \$21,115 incurred by the District in processing SBCTA's surplus property easement request. However, in review of this Project and at the request of SBCTA, County staff has determined that the conveyance of the Easement also serves a general County public purpose by providing access for the maintenance and ongoing graffiti removal on the sound wall which is a component of the Project. As such, the County proposes to pay the \$21,115 to the District with Discretionary General Funding on behalf of SBCTA for the Surplus Property Administrative Fee Applicable pursuant to District Fee Ordinance FCD No. 20-01.

Upon approval of this item, the District will receive and accept the payment of the administrative surplus property fees of \$21,115 from the County on behalf of SBCTA. A subsequent item will be brought before the Board to consider the District's conveyance of the Easement to SBCTA.

The proposed payment of fees on behalf of SBCTA is consistent with the County and Chief Executive Officer's goal and objective of working with other agencies.

The County and SBCTA have a long-standing relationship involving various transportation projects in the County and both parties plan to continue a dialogue about implementing a fee and/or transaction cost reimbursement structure that would facilitate these sorts of transactions in the future in an administratively expedited manner. This fee and/or transaction cost reimbursement structure would be brought back to the Board at a future date.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel and Penny Alexander-Kelley, Chief Assistant County Counsel, 387-5455) on December 21, 2020;

**County of San Bernardino Payment of San Bernardino County Flood Control District Surplus Property Administrative Fees Applicable to the San Bernardino County Transportation Authority SR-210 at Sand Creek Channel Improvements Project in the City of San Bernardino
January 5, 2021**

Finance (Jessica Trillo, Administrative Analyst, 387-4222) on December 21, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on December 21, 2020.

**County of San Bernardino Payment of San Bernardino County Flood Control District Surplus Property Administrative Fees Applicable to the San Bernardino County Transportation Authority SR-210 at Sand Creek Channel Improvements Project in the City of San Bernardino
January 5, 2021**

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 5, 2021



cc: File - Administrative Office
CCM 01/15/2021