

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

October 5, 2021

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Amendment to Common Use Agreement with the City of Highland for a Recreational Multi-Use Community Trail along City Creek

RECOMMENDATION(S)

Acting as the governing body of San Bernardino County Flood Control District, approve **Amendment No. 2 to Common Use Agreement No. 98-54** with the City of Highland to add segments along City Creek to the recreational multi-use community trail system and to add the expiration date of January 30, 2038, with options to extend for five years upon written amendment of the parties or either party may terminate the Agreement prior to its expiration upon one-year written notice to the other party.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Pursue County Goals and Objective 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 revenue, fee revenue, and other local, state, and federal funding. District costs are limited to administrative costs related to the approval of this proposed amendment. Improvements to District land for the development of the trail will be financed solely by the City of Highland (City). Although the District will not receive a fee from the City under the proposed amendment, the District will benefit from improved access roads and reduced maintenance costs for portions of the District's right-of-way for City Creek, defined as the Area of Common Use. Development, operation, and maintenance of the City's trail system is at the City's sole expense. Sufficient appropriation and revenue have been included in the District's 2021-22 budget (1920002522).

BACKGROUND INFORMATION

On March 1, 1993 (Item No. 42) the Board of Supervisors (Board) approved a Memorandum of Understanding (MOU) between the District and the City, Contract No. 93-134, for the development of a multi-use community trail system within portions of the District right-of-way for City Creek. Among other things, the MOU required that the District and the City enter into an agreement for the development and construction of individual trail segments.

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On January 27, 1998 (Item No. 55) the Board approved Common Use Agreement No. 98-54 (Agreement) between the District and the City under which the City was granted authorization to use portions of the District's right-of-way for City Creek, defined as the Area of Common Use, for recreational multi-use community trails.

The City's community trail has enhanced the Area of Common Use with features such as paved channel access roads, slurry sealing of existing asphalt concrete channel access roads, lockable access gates, step-throughs and signing and striping, thereby making District's right-of-way aesthetically pleasing to the community. In accordance with the Agreement, development and operation of this trail system is at the City's sole expense and responsibility, and will not interfere or conflict with any structures, facilities, operations or uses which the District has, or intends to have, for this land.

The District and City desire to amend the Agreement to add an additional stretch of multi-use trail to City Creek. The proposed amendment will add a segment to the City's multi-use trail system along the west side of the District's City Creek, from approximately 280 feet northerly of Base Line Road to approximately 450 feet southerly of Base Line Road towards Boulder Avenue. The addition of this section to the City's trail system will benefit the District by improving the District's access roads and reducing the District's maintenance costs in the Area of Common Use.

Accommodating the trail within the District's right-of-way will support the County and Chief Executive Officer's goals to improve County government operations, as well as to pursue County goals and objectives by working with other agencies and stakeholders.

The proposed amendment also adds an expiration date to the Agreement, which was previously drafted as an evergreen contract. As amended, the Agreement expires on January 30, 2038. As set forth in the proposed amendment, the City and District may renew the Agreement in five-year intervals by a mutual written amendment at the end of the initial term and each extended term. Either party may terminate the Agreement prior to its expiration upon one-year written notice to the other party.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on August 30, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on September 14, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on September 20, 2021.

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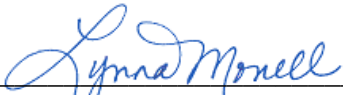
Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 5, 2021



cc: Flood - Walker w/agree
Contractor - C/O Flood w/agree
File - w/agree

CCM 10/12/2021