



San Bernardino County

Legislation Text

File #: 824, Agenda Item #: 55

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

August 20, 2019

FROM

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Addendum for clarification to lease agreement with United States Department of the Interior Bureau of Land Management at Moabi Regional Park

RECOMMENDATION(S)

Approve Addendum to County Agreement No. 95-673 for Clarification to Lease CAAZRI 3227 (BOR #14-06-300-1496) with the United States Department of Interior Bureau of Land Management renewing certain provisions related to general development and site development plans, revising the legal land description and providing for the annual lease payment schedule through the remaining term of the Agreement expiring on September 14, 2039.

(Presenter: Beahta R. Davis, Director, 387-2340)

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 additional Discretionary General Funding (Net County Cost). Regional Parks Department (Department) currently makes annual payments in the amount of \$30,000 to the United States Department of the Interior Bureau of Land Management (BLM) for land located within Moabi Regional Park in the city of Needles, California. The existing agreement stipulated payment dates through 2017. Approval of this Addendum will add a payment schedule for the payments for 2019 through 2039. Adequate appropriation has been included in the Department's 2019-20 budget and will be included in all future year recommended budgets through 2039.

BACKGROUND INFORMATION

On September 15, 1964, a Board of Reclamation Lease, #14-06-300-1496 (Agreement) was issued by the BLM for the land located at Park Moabi (Park) in Needles, California. This Agreement was issued for an initial 50 year term. On August 1, 1995 (Item No. 14), the Board of Supervisors (Board) approved Addendum No. 1 to the Agreement (at that time issuing Agreement No. 95-673), which altered terms and conditions for mobile home rental provisions and set forth the annual lease payment structure. In 2002, the Department requested an extension to the lease agreement in order to apply and qualify for grant funding from the California Department of Boating and Waterways. On July 11, 2002, the BLM issued a "Decision Letter" (Decision) granting a 25 year extension, extending the lease expiration date from September 14, 2014 until September 14, 2039. Though the Decision was not presented to the Board for approval at the time, the County never

appealed this Decision though given the opportunity to do so, and therefore implicitly accepted the terms and conditions therein.

The proposed Addendum revises the legal description changing the Park boundary, renews certain provisions and sets forth the annual lease payment structure for the remaining term of the Agreement. While a portion of the Park is owned by BLM, the remaining portion of the Park is owned by California State Lands Commission (CSLC). For the past several years, there has been a dispute between BLM and CSLC regarding the boundaries as to the portions of land owned by BLM and CSLC. The proposed Addendum will alter the boundary of the portion of the Park leased to the County by removing the disputed portion of land from the lease with BLM. CSLC and the BLM have mutually agreed upon these changes.

The recommended Addendum aligns with the County and Chief Executive Officer Goal and Objective to Operate in a Fiscally-Responsible and Business-Like Manner by allowing the Department to pay its lease obligations by payment dates indicated in the amended Agreement.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Dawn Martin, Deputy County Counsel, 387-4322) on July 29, 2019; Finance (Elias Duenas, Administrative Analyst, 387-4052) on August 5, 2019; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 6, 2019.