



County of San Bernardino

Legislation Text

File #: 3647, Agenda Item #: 66

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE BOARD GOVERNED COUNTY SERVICE AREAS
AND RECORD OF ACTION**

February 9, 2021

FROM

**BRENDON BIGGS, Director, Department of Public Works - Special Districts
TERRY W. THOMPSON, Director, Real Estate Services Department**

SUBJECT

License Agreement with UNAVCO, Inc. for use of District-owned Land in Lucerne Valley for County Service Area 29

RECOMMENDATION(S)

Acting as the Governing Body of County Service Area 29 - Lucerne Valley (District):

1. Find that, pursuant to California Government Section 25212, and consistent with Government Code Section 25526.6, a license agreement with UNAVCO, Inc., a public benefit corporation, for the non-exclusive use of 625 square feet of District-owned land in Lucerne Valley for the period of March 1, 2021 through February 28, 2026 for in kind data contribution in lieu of monetary fees to operate and maintain an earthquake monitoring station is in the public interest and that the license agreement will not substantially conflict or interfere with the District's use of the land.
2. Approve a five-year License Agreement, with three five-year options to extend the term of the license, with UNAVCO, Inc., as licensee, for the non-exclusive use of approximately 625 square feet of District-owned land for the period of March 1, 2021 through February 28, 2026 to operate and maintain an earthquake monitoring station located on the north side of Verde Road (Assessor Parcel No. 0449-271-04) in Lucerne Valley for in kind data contribution in lieu of monetary fees.

(Presenter: Terry W. Thompson, Director, 387-5252)

COUNTY AND CHIEF EXECUTE 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). There is no cost or revenue associated with the license agreement. In lieu of monetary fees for the use of District land, UNAVCO, Inc. (UNAVCO) will provide information to the District from the earthquake monitoring station, which measures ground shifts and related seismic events at this location, provided as a public service.

BACKGROUND INFORMATION

The recommended action will find that the license agreement with UNAVCO is in the public interest and will not substantially conflict or interfere with District's use of the property and approve a license agreement, with three five-year options to extend the term of the license, with UNAVCO for the non-exclusive use of a portion of District-owned land to operate and maintain an earthquake monitoring station located on District owned land

on the north side of Verde Road in Lucerne Valley (Assessor Parcel No. 0449-271-04) to measure ground shifts and related seismic events for in kind data contribution in lieu of monetary fees.

On September 20, 2005 (Item No. 28), the Board of Supervisors (Board) approved a 15-year use permit, agreement No. 05-942 with UNAVCO for approximately 625 square feet of District-owned land located on the north side of Verde Road in Lucerne Valley for the operation and maintenance of an earthquake monitoring station, which measures ground shifts and related seismic events. The original term of the permit was from September 1, 2005 through August 31, 2020 and had two five-year options to extend the term.

Special Districts Department (SPD) requested that the Real Estate Services Department (RESA) process a new license agreement for this location. Negotiations with UNAVCO have been delayed; but UNAVCO has continued to operate and maintain the monitoring station on a month-to-month basis under the terms of the existing use permit. Extended negotiations regarding the updated standard license agreement language delayed the new license agreement.

RESA negotiated a new five-year license agreement, with three five-year options to extend the term of the license, with UNAVCO for use of District land for no fee for the monitoring station for the period of March 1, 2021 through February 28, 2026. There is a continuing long-term need to keep the earthquake monitoring station at this location. In lieu of monetary fees, UNAVCO provides data from the earthquake monitoring station, which benefits the Department of Public Works - Transportation's survey and engineering projects that may arise in the County. The earthquake monitoring station does not interfere with any of the other uses of the District property.

The new license will supersede the existing use permit No. 05-942 upon the Board approval and commencement of the license term for the monitoring station site. Either party shall have the right to terminate the license on 90 days prior written notice.

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 License Terms

Licensee: UNAVCO, Inc.
(James Downing, Senior Contracts and Permitting Manager)

Location: North side of Verde Road in Lucerne Valley (Assessor Parcel No. 0449-271-04)

Size: Non-exclusive use of approximately 625 square feet District-owned land

Term: Five years commencing March 1, 2021 through February 28, 2026

Options: Three five-year options to extend

Fee: None

Maintenance: Ground maintenance provided by Licensee

Utilities: Provided by District and determined to be negligible because monitoring station uses very little power

Insurance: The Certificate of Liability Insurance, as required by the license is on file with RESD

Right to Terminate: Either party shall have the right to terminate the license on 90 days prior written notice.

PROCUREMENT:

Pursuant to California Government Code Section 25212, and consistent with Government Code Section 25526.6, the Board may grant licenses for use of any County-owned property to a public corporation in the manner and upon the terms and conditions as the Board determines, upon a finding by the Board that the licenses are in the public interest and that the licenses will not substantially conflict or interfere with the County's use of the property.

REVIEW BY OTHERS:

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Dawn Martin, Deputy County Counsel, 387-5455) on January 11, 2021; Special Districts (Trevor Leja, Deputy Director, 361-2337) on January 11, 2021; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on January 11, 2021; Finance (Tom Forster, Administrative Analyst, 387-4635, and Carl Lofton, Administrative Analyst, 387-5404) on January 25, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on January 25, 2021.

(JAG: 677-8210)