



County of Sonoma

State of California

Date: August 31, 2021

Item Number: _____
Resolution Number: _____

☐ 4/5 Vote Required

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, MAKING CERTAIN FINDINGS FOR GRANTING A LICENSE FOR RADIO COMMUNICATIONS PURPOSES IN REAL PROPERTY LOCATED AT 4499 STAGE GULCH ROAD, SONOMA, CALIFORNIA (APN 142-091-013) IN SONOMA COUNTY, CALIFORNIA AND DECLARING INTENTION TO LICENSE SUCH PROPERTY, AND PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE LICENSE TO SONOMA VALLEY COMMUNITY COMMUNICATIONS, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION ("SVCC") SHALL BE MADE.

Whereas, the County of Sonoma ("County") is the lessee under an agreement with Sandra D. Donnell, as trustee of the Sandra D. Donnell Irrevocable Trust dated 2012 ("Lessor"), owner of that certain real property known as 4499 Stage Gulch Road, Sonoma, California on Sonoma County APN 142-091-013, also referred to as Sleepy Mountain, a portion of which County has the right to install, maintain and operate certain telecommunications equipment for the benefit of first responders, sheriff deputies and emergency personnel, which agreement dated February 14, 1990, as amended by that First Amendment dated June 24, 2008 and Consent Letter dated March 15, 2021 (hereinafter the "Master Lease"); the portion of land leased by the County is hereafter referred to as the "Site";

WHEREAS, County has improved the Site with a 160' tower ("County Tower") and a permanent vault ("County Vault") for its radio and telecommunications equipment and that of its licensees;

WHEREAS, Sonoma Valley Community Communications, a California nonprofit public benefit corporation ("SVCC" or "Licensee") has applied for a license from County for ground space within the Site for Licensee's construction and placement of a separate free standing 40' monopole with anchoring guy wires, trenched cable lines to the County Vault, access to the County Vault for installation of radio equipment, access to County's backup generator, access to County's electrical supply (under the condition that Licensee shall install a submeter after the commencement date) and installation of one (1) FM antenna and two (2) communications antennas on said monopole, related to SVCC's operation of KSVY, an FM Radio broadcast on Channel 91.3 MHz;

WHEREAS, County is obligated to obtain the consent of Lessor under the Master Lease prior to entering into any new licenses; the new license with SVCC shall not be effective unless or until it is consented to by Lessor and shall be subject to all terms of the Master Lease;

WHEREAS, SVCC through its radio station KSVY 91.3 FM Mhz, provides significant and important services to the public at no charge. KSVY is a designated EAS radio station with the ability to repeat all 4 emergency generated national sources, and which EAS system is tested weekly and including by FEMA. KSVY's key emergency role is real-time reporting on emergency events as they happen including providing information on evacuation zones, exit routes, and shelters locations.

WHEREAS, Current listenership is limited to the approx. 40,000+ Sonoma Valley residents. SVCC has informed the County that SVCC's proposed new antenna at the Site will extend the broadcast range from South Petaluma Blvd all the way up the 101 corridor into Cotati and also extending up Sonoma Valley into eastern Rincon Valley, Santa Rosa, which would increase the potential number of listeners to approximately 110,000.

WHEREAS, County is informed that KSVY streaming listenership averages 2,500 unique listens per month with spikes into the mid 10,000 in times of disasters, and that KSVY's flagship Morning Show provides information about local events, educational information and local non-profit services, activities and volunteer opportunities.

WHEREAS, The Sonoma Complex Fire of 2017 caused the failure of cable TV and commercial cell carrier coverage, during which time residents relied on their radios, including by listening to KSVY for information. Listeners in turn provided direct information to KSVY by personally walking into the station building to report real time. KSVY can broadcast coverage immediately and remotely if necessary during the PGE Public Safety Power Shut Off events.

WHEREAS, additionally KSVY has provided the public with COVID-related information during the pandemic with emphasis on testing opportunities and vaccination locations here and outside the Sonoma Valley.

WHEREAS, based on these public benefits, County has approved the reimbursement to SVCC for certain costs associated with its new tower, including certain architecture, contractor, electrical and permitting fees; soils report costs, legal fees associated with its FCC extensions, and other costs payable to FCC related to extensions not to exceed \$30,000 ("Tower Costs") under adopted budget in 21020300/51805, provided the Board makes certain finding regarding the public benefit served through SVCC/KSVY's operations in Sonoma Valley.

WHEREAS, furthermore and also based on these public benefits, County Board of Supervisors finds that it is in the public interest for SVCC to pay a below market rent in the amount of \$1,000 per month at the site for its tower and vault space, subject to annual review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Sonoma does hereby find, determine, declare, and order as follows:

- 1. Verification of Recitals.** Each of the foregoing recitals is believed to be true and correct.
- 2. Findings of Public Benefit.** As shown during previous emergencies, KSVY is an important source of real time and accurate information about conditions in the Sonoma Valley. Pursuant to Government Code § 26227, the Board hereby resolves to make the following findings:
 - a) This new radio antenna to be installed on the new monopole by SVCC for the operation of KSVY is essential to expanding the capacity of KSVY to provide emergency information throughout the Sonoma Valley as shown during recent firestorms and energy blackouts.
 - b) Operation of the new antenna will expand the KSVY's audience and eliminate blind spots.
 - c) Use of the new antenna will reinforce the safety net especially for older neighbors and those with limited resources in preparing for emergencies including evacuating and with other important information concerning public health and safety.
 - d) These public benefits are necessary to meet the social needs of the population in the County, the property will be used for emergency communications purposes by SVCC, the property will not be needed for other County purposes, and the terms and conditions of the license are in the best interests of the County and the general public.
- 3. Authorization to Reimburse SVCC for Tower Related Costs.** Based on the findings above, the Board approves, a funding request of up to \$30,000 for reimbursements to SVCC of the Tower Costs, upon its appropriate registration at the County Purchasing Portal as a supplier and submission of necessary and appropriate documentation and invoices and subject to compliance with purchasing department rules and the terms of the license.
- 4. Authorization to Charge a Below Market Base Rent.** Based on the findings above, the Board approves that the County Department of General Services shall charge a below market rent to SVCC in the amount of One Thousand (\$1,000.00) per month, in addition to certain road maintenance costs, subject to annual review.

5. Delegation of Authority to Execute License Agreement. The Board hereby delegates authority to the Director to execute a communication license agreement with SVCC for the permitted use of the site for radio communications by KSVY, and the requirements for reimbursement of Tower Costs, in form and terms and conditions approved by County Counsel.

6. Directions to County Counsel and Real Estate Manager. County Counsel and the Real Estate Manager are hereby instructed to take such action as may be necessary or appropriate to assist in executing the license agreement with SVCC to allow for construction of the new tower and installation of antennas and equipment subject to the prior receipt of necessary environmental clearance and building permits and other approvals from regulatory agencies at SVCC's sole cost and expense.

7. California Environmental Quality Act ("CEQA"). Actions associated with the transaction with SVCC including, issuance of required permits for and construction of the SVCC tower and related infrastructure have been determined to be categorically exempt by Permit Sonoma under Section 15301(b) of the State CEQA Guidelines. The project involves the addition of a small radio tower to an existing facility that currently has a 160-foot tower and equipment vault. In addition, and for the same reasons, the project is exempt under the CEQA "general rule" under Section 15061(b)(3) that a project is not subject to CEQA where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. Similarly the County finds the execution of the license agreement with SVCC is therefore also exempt. The Board hereby directs staff to post a notice of exemption.

Be It Further Resolved

Supervisors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.