



Legislation Text

File #: 2019-1934, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): General Services, Sheriff's Office

Staff Name and Phone Number: Pamela Asselmeier: 707-565-1753

Vote Requirement: 4/5th

Supervisorial District(s): Second

Title:

License with USGS for Use of County Property at Sonoma Mountain for Telemetry Equipment

Recommended Action:

- A) Authorize the Clerk of the Board to publish a Notice of Intent to authorize the General Services Director to execute a license with United States Geological Survey (USGS) for use of County property at 2482 Sonoma Mountain Rd., Petaluma, CA for installation and maintenance of USGS seismic telemetry equipment, on form approved by County Counsel and substantially in the form attached hereto, on terms including an initial term of ten (10) years, with four (4) additional five (5) year extensions at licensee's option; at minimum a fair market value rent as determined by staff, but in no event less than \$3,000/month, and subject to 3% annual increase; and USGS' payment of County maintenance and operating costs.
- B) Make findings in accordance with Section 25526.6 of the Government Code that the license is in the public interest and that the license will not substantially conflict or interfere with County's use of the subject property.
- C) Adopt a resolution approving budget adjustments to the FY 19/20 Budget in the amount of \$68,756 in additional appropriations and revenue for the new license with USGS.

(4/5th Vote Required) (Second District)

Executive Summary:

USGS has operated its equipment at Sonoma Mountain (2482 Sonoma Mountain Rd., Petaluma, CA; Assessor's Parcel No. 136-190-016) for earthquake monitoring in the Northern California Seismic Network (NCSN) since 1987, as part of the USGS mission to provide science to safeguard communities from natural hazards. USGS has provided an important public service and County has previously waived collection of rent for prior USGS use of Sonoma Mountain. USGS has now proposed an expanded use and improvement at the property. The proposal includes USGS building new concrete pad and a new forty (40) ft. tower. Upon completion, USGS will consolidate its radios in the County's vault and relocate several of its antennas from the County's existing tower to the new USGS Tower. USGS also proposes to continue to operate two (2) dish antennas on the County's tower.

To accommodate the proposal, the County and USGS have been negotiating a license agreement to manage USGS use of the property. The license will, among other things, provide for rent and site maintenance and operation fees from USGS for the County property, tower space, and vault space. The proposed license remains under negotiation and currently is under review by USGS. General Services Department requests

delegated authority for the Department's Director to further negotiate and execute a license with USGS to include the terms and conditions discussed herein and allow for USGS continued use of Sonoma Mountain for seismic telemetry related purposes.

Discussion:

The County desires to continue to license space at Sonoma Mountain to USGS based on the important public services provided. The Sonoma Mountain property and infrastructure can accommodate USGS since the site is already used for communications and tower facility purposes and all USGS equipment can be configured and conditioned to avoid impact on County uses. USGS has made an application to the County to review its proposed plans for construction and installation of new equipment including a new 40' tower, new concrete pad and for the County to continue to host USGS antennas on the County owned Microwave Tower. USGS's use of the premises is to be limited to for transmitting seismic data for rapid earthquake detection and as a reception point for seismic monitoring sensors in the surrounding area. The USGS equipment is one node on the USGS private microwave backbone, designed to transmit seismic data for rapid earthquake detection, including Earthquake Early Warning (see <https://www.shakealert.org/> for more details).

Due to the improvement investments USGS will make in the County's premises, USGS has requested a long-term license. Through negotiations, the parties have arrived at the following tentative terms:

1. An initial term of ten (10) years, with four (4) additional five (5) year extensions.
2. County reserves the right to relocate USGS equipment after the first 10-year term if it conflicts with other County uses. The Telecommunications Bureau and Sheriff's Office is 100% confident that there will be no interference issues resulting from USGS's proposed installation.
3. USGS at its cost, will install a sub-meter to measure all utility usage related to the USGS equipment and improvements. USGS will pay all utility costs for its equipment and improvements. Annually, USGS will pre-pay an estimate of monthly utility charges, subject to an annual reconciliation process and payment based on actual electricity use.
4. USGS, at its sole cost, shall be responsible for all maintenance, repair and replacement costs associated with its equipment and improvements.
5. USGS shall pay County a site maintenance fee of \$150/month and a vegetation management fee of \$260/year. USGS shall also pay an annual fee to County for road maintenance and generator maintenance.
6. USGS may access the premises directly upon submitting security clearance information to the County Sheriff Department.
7. County retains the right to perform an annual inspection of the USGS equipment.

Further details of the license are under negotiation at this time. The parties continue to negotiate as to other terms and conditions, including USGS payment for back rents from at least January 1, 2019.

The Site is also a reception point for many seismic monitoring sensors in the surrounding area. All seismic data collected in the NCSN is publicly available and used for seismological research worldwide.

Over the past several years, the General Services Department has sought to standardize the terms of agreements with various entities using County owned communications tower properties. This effort helps to ensure that appropriate revenues are received to cover the actual costs of utilities, site maintenance and vegetation management, and maintenance of the County's vault and equipment supporting all users.

Pursuant to Government Code section 25526.6, the Board of Supervisors may grant or convey easements, licenses, or permits for use of county real property by governmental and other public agencies in the manner and upon the terms and conditions as the Board determines or prescribes, upon a finding that the arrangement is in the public interest and will not substantially conflict or interfere with the use of the property by the county.

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses			
Additional Appropriation Requested	\$68,756	\$40,940	\$42,052
Total Expenditures	\$68,756	\$40,940	\$42,052
Funding Sources			
General Fund/WA GF			
State/Federal	\$68,756	\$40,940	\$42,052
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$68,756	\$40,940	\$42,052

Narrative Explanation of Fiscal Impacts:

As part of submitted its project application, USGS is paying the County, on an installment plan, the review and licensing fee of \$8,966 to compensate County's costs for reviewing the application and processing the proposal, including costs incurred by the Sheriff's Telecommunications Bureau, Facilities Development and Management, and for General Services to prepare a license agreement and related materials and obtain board approval.

Projected and subject to confirmation upon execution of final license: FY 19-20 revenue includes \$68,756 for 18 months retroactive to January 1, 2019 rent no less than \$54,000, utilities \$2,700, site maintenance \$2,700, vegetation management \$390, and licensing fee of \$8,966. FY 20-21 annualized revenue for rent \$37,080, utilities \$1,800, site maintenance \$1,800, and vegetation management \$260 totals \$40,940 including a 3% annual rent increase. The monthly rent includes operations and maintenance of the road, generator, repairs to equipment and other actions all necessary to maintain the site.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Attachment 1 - Draft License with USGS

Attachment 2 - Budget Resolution

Related Items "On File" with the Clerk of the Board:

None