



Legislation Text

File #: 2021-0791, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): General Services
Staff Name and Phone Number: Pamela Asselmeier 565-1753
Vote Requirement: Majority
Supervisorial District(s): First

Title:

License for Communications Purposes with Sonoma Valley Community Communications

Recommended Action:

- A) Delegate authority to the Director of General Services to execute a license agreement with Sonoma Valley Community Communications (SVCC) as licensee for operation of KVSY, FM 91.3 MHz, a nonprofit radio station, at County's master leased premises located at 4499 Stage Gulch Road, Sonoma (APN 142-091-013) on a form approved by County Counsel with the same or substantially similar terms to those in the attached resolution.
- B) Make findings supporting the public benefit associated with the operation of KSVY to provide for (i) County reimbursing SVCC for tower design, construction, permitting and related costs not to exceed \$30,000 upon receipt of appropriate invoicing and compliance with purchasing department requirements; and (ii) County determining to charge a below market rent for ground and vault space at County's site;
- C) Adopt a Resolution confirming the terms of the license and the findings in support of KSVY's contribution to emergency communications in Sonoma Valley that benefit the general public and (i) reimbursement of SVCC's tower construction costs not to exceed \$30,000; and (ii) charging a below market rent for ground and vault space at County's site.

(First District)

Executive Summary:

Sonoma Valley Community Communications (SVCC) has applied for a license from the County for new tower, ground and vault space for SVCC's operation of KVSY, FM Radio Broadcast at 91.3 MHz a nonprofit radio station. The subject land and existing vault are within the County's leased premises under the County's Master Lease with Sandra D. Donnell, as trustee of the Sandra D. Donnell Irrevocable Trust dated 2012, as landlord ("Landlord"). Based on the public interest derived from SVCC supporting communications during emergencies, the County would charge rent that is below fair market value. The Board of Supervisors also approved a FY 21-22 Budget Item in support of reimbursement of SVCC tower costs, including a contribution of Tourism Impact Funds to cover certain SVCC tower engineering expenses. In support of these actions, County is obligated to make certain findings associated with KSVY's operations involving public emergency communications as being in the public's benefit.

The license is for SVCC's construction and placement of a separate 40' monopole tower with anchoring guy wires, trenched cable lines to the County Vault, access to the County Vault, access to County's backup

generator, access to County's electrical supply (under the condition that SVCC shall install a submeter after the commencement date) and installation and operation of one (1) FM antenna and two (2) communications antennas on said monopole, and related radio equipment all related to SVCC's operation of KSVY. The term shall be on an annual basis commencing on or about September 1, 2021 and terminating at the end of the current term of the Master Lease which is June 30, 2029. Base Rent shall be \$1,000/month subject to annual adjustment commencing in 2022. SVCC will be obligated to pay certain future road maintenance costs in connection with the license (not to exceed \$5,000 every three years).

Through a budget request offered by the District 1 Supervisor and approved by the Board in June 2021, a funding request of up to \$30,000 is available as reimbursements to SVCC for certain fees and expenses incurred by SVCC, namely: 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, subject to compliance with purchasing department rules and terms of the license.

Discussion:

Staff recommends that the Board approve a revocable license with SVCC for its operation of KSVY within the master leased premises of the County at Sleepy Mtn, 4499 Stage Gulch Road, which license shall include rights for installation of a 40' monopole antenna, concrete pad, associated cabling and wiring infrastructure, space in County's Vault for SVCC's radio equipment, installation of FM antenna and up to 2 additional communications antennas, access to County's backup generator, on an annual basis, for a term commencing on or about September 1, 2021 through June 30, 2029, with the right to annual extensions subject to County's extension under the Master Lease with Landlord.

SVCC shall pay monthly base rent of \$1,000.00 for 840 sq. ft. of ground space and vault space, which rent shall be subject to increase if SVCC's ground space increases due to revised site plans and permitting requirements. This base rent is acknowledged to be below market rate, consistent direction from the Board. The fair market value of ground space rent would be \$2,327, and \$200 for rack space in the County vault. Thus, the reduction from fair market value is \$1,527. Commencing September 1, 2022, and annually thereafter on each September 1 of the Term, the monthly Rent will increase by three- and one-half percent (3.5%).

Per the County's lease with Landlord, fifty percent of the rent (\$500.00) will be paid to the Landlord. Licensee shall also pay certain future road maintenance costs, not to exceed \$5,000 every three years. Licensee would be responsible for maintenance and repair of its own Premises and equipment, but would not pay County any other site maintenance costs.

The operation, repair and maintenance of all SVCC equipment shall be at SVCC's sole cost and expense. SVCC shall install a submeter at the Vault and shall reimburse County for SVCC's electrical use. The license shall be subject and subordinate to all terms and conditions of the master lease between County and Landlord, on form approved by County Counsel with the same or substantially similar terms to those in the attached resolution.

SVCC shall not commence construction at the site unless and until it obtains all necessary permits and

approvals including approval by Department of General Services FDM of licensee's site plans, construction drawing and receipt by SVCC of a final building permit from PRMD. SVCC shall post a construction bond in an amount not less than \$100,000. SVCC's license is contingent upon it receiving and retaining a valid operational FCC license.

The Board of Supervisors recently approved a budget item which included allowing SVCC to submit for reimbursement to the County, for the following fees and expenses incurred by SVCC: 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, subject to compliance with purchasing department rules. In connection with this action, staff was directed to negotiate a license with below market rent for ground and vault space.

Government Code § 26227 allows the Board to "contract with other public agencies or private agencies or individuals to operate those programs which the board of supervisors determines will serve public purposes. In the furtherance of those programs, the board of supervisors may make available to a public agency, nonprofit corporation, or nonprofit association any real property of the county which is not and, during the time of possession, will not be needed for county purposes, to be used to carry out the programs, upon terms and conditions determined by the board of supervisors to be in the best interests of the county and the general public." Pursuant to this section, the Board must make findings acknowledging the public benefit provided to the residents of Sonoma Valley by the emergency communications provided by KSVY during natural disasters and other emergencies.

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY 22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$30,000		
Additional Appropriation Requested			
Total Expenditures	\$30,000		
Funding Sources			
General Fund/WA GF	\$30,000		
State/Federal			
Fees/Other- TIF Contribution (First District)			
Use of Fund Balance			
Contingencies			
Total Sources	\$30,000		

Narrative Explanation of Fiscal Impacts:

The board approved \$30,000 in certain fees and costs incurred by the Licensee identified in this Board Report

for Licensee to be reimbursed upon registration in supplier portal, compliance with purchasing requirements and receipt of appropriate invoices.

The Board through the budget request and approval, directed Staff to provide a below market rent to licensee based on the public benefit created through licensee's emergency alert broadcast message ability.

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 - Resolution

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

On File 1 - License Agreement between County and SVCC

On File 2 - Site Plans