



## Legislation Text

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**File #:** 2021-0670, **Version:** 1

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** General Services

**Staff Name and Phone Number:** Caroline Judy, 565-8058; Pamela Asselmeier, 565-1753

**Vote Requirement:** Majority

**Supervisorial District(s):** Fifth

**Title:**

Licenses for Telecommunications Purposes with County of Mendocino for premises located at: (1) 44301 and 44701 Fish Rock Road, Mendocino County; and (2) Oak Ridge Lookout, 25555 Kelly Road, Annapolis

**Recommended Actions:**

- A) Authorize the Director of General Services to execute a license agreement with the County of Mendocino, as licensor, for a telecommunications facility located at 44301 and 44701 Fish Rock Road, in the unincorporated area of Mendocino County (Mendocino APN's 143-040-090 and 143-110-28).
- B) Authorize the Director of General Services to execute a license agreement with the County of Mendocino, as licensee, for a telecommunications facility located at Oak Ridge Look Out, 25555 Kelly Road, Annapolis (APN 121-190-011), for premises under ground lease to County from the State of California.

(Fifth District)

**Executive Summary:**

The County's radio towers and infrastructure communications program supports critical law enforcement, fire services, public safety fire cameras and other important county-wide radio and microwave communications. The program provides critical public safety and data communications. The County's radio towers and their repeaters, power supplies, and related equipment are the crucial links that transmit radio communications between base stations and radios in the field as well as between radios. Without that equipment, emergency Incident Command cannot get situational awareness updates and cannot direct first responders to certain locations. The County's radio towers and infrastructure is essential to our response capabilities.

The General Services department manages the leases and the capital investments and projects necessary to support the communications tower infrastructure. Two communications tower licenses are the subject of this Board item; both are located in Mendocino County and serve western Sonoma County. The Sonoma County Sheriff uses vault space in the County of Mendocino's vault at Fish Rock and the Mendocino County Sheriff uses vault space in the County's vault at Oak Ridge Look Out. Both licenses allow necessary and important activities as they permit critical radio communications designed to protect the public safety of Sonoma and Mendocino County residents.

**Discussion:**

The County's current License with the County of Mendocino for the operation of County's telecommunications equipment in Mendocino County's vault at the Fish Rock site expired on May 22, 2020. The County has

remained in holdover status at the site with Mendocino's consent. During that holdover period, Mendocino worked to secure an extension under its master lease for the site with master lessor CalNeva Broadband LLC. The County's telecommunications equipment located in the Mendocino vault has been at this site since on or about 2009. The parties desire to extend the license to the County for rack space in Mendocino's vault at Fish Rock for the term permitted by Mendocino's master lease, and any further extensions thereof, the consideration for which is County licensing space to Mendocino in the County's vault at the Oak Ridge Look Out site near Annapolis.

County's license agreement with Mendocino for vault space at Oak Ridge Look Out expired on June 2019 and Mendocino has remained at said site under a holdover status. The parties desire to extend the license to Mendocino for rack space in County's vault at Oak Ridge Look Out for an additional ten (10) year term, commencing July 1, 2019 and expiring June 30, 2029, with certain rights to extend, the consideration for which is Mendocino licensing space to County in Mendocino's vault at the Fish Rock site. Said license shall be conditioned upon and subject to the execution of a new ground lease under negotiations with State of California Department of General Services and subordinate to all terms and provisions thereof. Both licenses allow necessary and important activities as they permit critical radio communications designed to protect the public safety of Sonoma and Mendocino County residents.

**A. Fish Rock Telecommunications Site.**

The County originally licensed space at the Fish Rock telecommunications site in approximately 1986 for its safety and emergency operations. This site is located at 44301 and 44701 Fish Rock Road, in the southern area of Mendocino County ("Mendocino") and near the town of Gualala (APNs 143-040-090 and 143-110-28). County's radio equipment is located in the Mendocino vault and County's tower equipment is located on a tower owned by Cal Neva Broadband LLC ("CalNeva") at the site. County's existing license, executed in 2009 and amended in 2019 with Mendocino expired May 22, 2020, which was the expiration date of Mendocino's master lease term with CalNeva. County has been in holdover until Mendocino and Cal Neva finalized their new master lease agreement for Mendocino's vault. The County General Services Department together with the Sheriff's Office Telecommunication ("T-Comm") Bureau requested approval for continued operation of the Sheriff T-Comm Bureau equipment for the maximum period allowed under Mendocino's master lease with CalNeva.

County licenses six (6) radio communications racks in Mendocino's Vault at the Fish Rock site. As consideration for the license to County at the Fish Rock site, the County has licensed rack space to Mendocino for its radio equipment in the County-owned vault at the Oak Ridge Lookout site at 25555 Kelly Road, Annapolis, Sonoma County, California. County has the right to operate at Oak Ridge Look Out under County's master ground lease with State of California DGS. The County owns the vault at Oak Ridge. No monetary rent is charged by either County or Mendocino based on this mutually beneficial arrangement at their respective vaults. (See Section B below.)

Related to license with Mendocino for said vault premises, the County also has a license with CalNeva, as successor to Central Valley Cable TV, LLC, for space on its tower at the same site for placement and operation of County's microwave and other antennas and fire watch camera equipment. Sheriff's T-Comm Bureau maintains approximately 11 spaces on the Cal Neva tower for microwave and other antennas and fire watch cameras for safety and emergency communications. County's license for tower space is secured under a Communications sublease agreement dated October 1, 2002 with CalNeva Broadband, LLC (as successor in

interest to Central Valley Cable TV, LLC) which sublease with CalNeva currently expires on January 3, 2026. Mendocino licenses rack space in County's vault at Oakridge to County of Mendocino Sheriff's Office for its respective radio equipment related to safety and emergency response.

A new license agreement with Mendocino for vault space for operation of County radio equipment together with the license with CalNeva for tower space at the Fish Rock Site for the County's antennas are both necessary for the T-Comm Bureau to operate at Fish Rock Site.

Staff recommends that the Board delegate authority to the Director of General Services to execute a Revocable License, on the terms set forth in the licenses which are attached to this Board Item, or substantially in conformance with said agreements and approved by County Counsel, with the following terms: the initial term of the License to commence on or about May 23, 2020 through February 28, 2025 with the right to extend the term at County's option for up to two additional five-year terms, subject to Mendocino's right to extend under its master lease with Cal Neva, the consideration for which is County's agreement to license rack space to Mendocino in County's vault at Oak Ridge under County's ground lease with State DGS, for no monetary rent, with operation, repair and maintenance of all equipment at Mendocino's site at County's expense, for use by the Sheriff's Office Telecommunications Bureau's operations, under a sublicense with other terms as described in Section B below.

The Fish Rock Communications Site is strategically important to the Mendocino network to provide adequate topographic clearance for the radio relay network loop protection.

Staff recommends the execution of this License as a continued presence at Fish Rock is in the public interest, supports continued and improved communication coverage of fire and emergency services and protects the safety of County residents and their property.

#### **B. Oakridge Telecommunications Site.**

County has granted a sub-license to Mendocino and other public agencies for space in its vault at Oak Ridge Lookout located at 25555 Kelly Road, Annapolis, Sonoma County. County is currently under a holdover with the State of California, Department of General Services ("DGS") as it renegotiates a new ground lease for County's vault and antennas for telecommunications purposes at Oak Ridge. Mendocino has licensed rack space in the County owned vault at Oak Ridge since at least 2008 and its existing license expired on June 30, 2019. County and Mendocino each desires to continue said license for Mendocino to license two racks in County's vault the consideration for which is Mendocino's grant of a license to County for rack space at Fish Rock, for no monetary consideration. County's ground lease under negotiations with the DGS is for a term of ten (10) years, commencing on July 1, 2019, and terminating on June 30, 2029, subject to certain extension rights. County's Ground Lease will permit licenses to other public agencies with no colocation cost owed to DGS.

Staff recommends that the Board approve a revocable license with Mendocino for rack space in County's vault at Oakridge the material terms of which agreement include: a term commencing on or about June 30, 2019 through June 30, 2029, with the right to extend the license term by two additional five-year terms upon 90 days' prior notice. The consideration for the Oak Ridge premises is the premises licensed by Mendocino to County of Sonoma at 44301 and 44701 Fish Rock Rd, Mendocino County, for no monetary rent, with the right to terminate on not more than 90 days' notice. The operation, repair and maintenance of all equipment at County's site at Mendocino's expense, for use by the Mendocino Sheriff's Office Telecommunications operations and subject and subordinate to all terms and conditions of the master ground lease between

County and DGS, on the terms set forth in the licenses which are attached to this Board Item, or substantially in conformance with said agreements and on form approved by County Counsel.

The Oakridge Communications Site is strategically important to the Mendocino Sheriff's Office and emergency network to provide adequate topographic clearance for the radio relay network loop protection. Staff recommends the execution of this License as a continued presence for Mendocino at Oakridge is in the public interest, supports continued and improved communication coverage of fire and emergency services and protects the safety of Sonoma and Mendocino County residents and their property.

**Procedural Authority:**

The license from Mendocino to the County for the Fish Rock site is for an amount less than \$50,000. Therefore, Government Code Section 25350 requires one (1) Board action, and no notice of intent is required to authorize the General Services Director to execute the License Agreements on file with this item.

The license from the County to Mendocino County for the Oak Ridge site is authorized by Government Code § 25526.6. The license is in the public interest and the property interest conveyed will not substantially conflict or interfere with the use of the property by the County.

Both licenses are also authorized under Government Code Section 26227. Based upon the discussion set forth above, the licenses are necessary to meet the social needs of the population, and provide benefits for the health, law enforcement, and public safety of the community.

**Ongoing efforts**

The County departments supporting radio communications have long recognized the importance of capital investment, maintenance, and protection of these critical communications assets. The Board of Supervisors has approved capital budgets in prior years enabling the completion of improvements at the Sheriff's REDCOM, Mt. St. Helena, Sleepy Mountain, Sonoma Mountain, Sonoma Raceway, and various equipment upgrades. The recent addition of fire cameras also required communications equipment enhancements. General Services has worked to standardize tower lease agreements to maximize revenues to offset capital and maintenance expenses. While much work remains to be done, it is important to note the significant progress made in the past several years.

**Prior Board Actions:**

Board Approval regarding execution of a new ground lease with State of California Department of General Services regarding a telecommunications facility for radio equipment operations at the Oak Ridge Look Out at 25555 Kelly Road for a ten year term commencing July 1, 2019 with three 5 year options to extend, pursuant to Summary Report Agenda Item 5, dated July 9, 2019.

Board Approval regarding execution of an extension of license term with County of Mendocino for vault space premises at the located at 44301 and 44701 Fish Rock Road site for radio equipment operations pursuant to Summary Report Agenda Item 30, dated December 18, 2018.

Resolution No. 09-1120, Dated December 14, 2009 to Execute a Revocable License Agreement for Telecommunications purposes with the County of Mendocino for Property located at 44301 and 44701 Fish Rock Road, unincorporated area of Mendocino County.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

County does not pay monetary consideration for vault space at the Fish Rock site licensed from Mendocino. County does pay for the operation, maintenance, repair and replacement of the radio equipment at the site. Utilities are paid for by Mendocino.

County does not collect rent from the County of Mendocino for the vault space licensed to Mendocino at the County's Oak Ridge Look Out site. Mendocino County pays for the operation, maintenance, repair and replacement of its radio equipment at the Oak Ridge. Utilities are paid for by County at Oak Ridge.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll)</b>	<b>Monthly Salary Range (A - I Step)</b>	<b>Additions (number)</b>	<b>Deletions (number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None; there is no monetary consideration paid for these premises.

**Attachments:**

None

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

On File 1 - Revocable License Agreement with County of Mendocino as licensor and County as licensee dated \_\_\_\_, 2021 for the Fish Rock Site.

On File 2 - Revocable License Agreement with County of Mendocino as licensee and County as licensor dated \_\_\_,2021 for the Oak Ridge Look Out site.