



## Legislation Text

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**File #:** 2022-0356, **Version:** 1

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**To:** Sonoma County Board of Supervisors

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

**Staff Name and Phone Number:** Johannes J. Hoevertsz, General Services: 707-565-2550

**Vote Requirement:** 4/5th

**Supervisory District(s):** Countywide

**Title:**

Telecommunications Site Licenses- Multiple Locations

**Recommended Action:**

- A) Delegate Authority to the Director of General Services to execute multiple telecommunications-related license agreements as follows:
- i) County, as licensor, grants to the State of California, acting through Department of General Services with consent of California Department of Forestry (CDF), as licensee, a license for use of the County-owned telecommunications facility located at 2482 Sonoma Mtn. Rd., Petaluma, for radio and antenna equipment, for a 10-year initial term, with two 5-year extensions, for a below market rent up to 50% of market rate, based on licensee's status as a public safety and emergency response cooperator, with annual rent adjustments of 3%, on terms and conditions approved by County Counsel.
  - ii) County, as licensor, grants to the State of California, acting through Department of General Services with the consent of California Department of Transportation (CalTrans) as licensee, a license for use of the County-owned telecommunications facility located at 2482 Sonoma Mtn. Rd., Petaluma, for a 10-year initial term, with two 5-year extensions, for radio and antenna equipment, for a below market rent up to 50% of market rate, based on licensee's status as a public safety and emergency response cooperator, with an annual rent adjustment of 3%, on terms and conditions approved by County Counsel.
  - iii) County, as licensor, grants to the State of California, acting through Department of General Services with the consent of California Highway Patrol (CHP) as licensee, a license for use of the County-owned telecommunications facility located at 33012 Timber Ridge Rd, Sea Ranch, CA for a 10-year initial term, with two 5-year extensions, for radio equipment in County's vault, for a below market rent up to 50% of market rate, based on licensee's status as a public safety and emergency response cooperator, with an annual rent adjustment of 3%, on terms and conditions approved by County Counsel.
  - iv) County, as licensor, grants to the Federal Bureau of Investigation (FBI) as licensee, a license for use of the County-owned telecommunications facility located at the main Sheriff Office Building at 2796 Ventura Avenue, Santa Rosa, for FBI's communications purposes, for no more than ten (10) terms of one year each, at a market rent not less than \$400 annually with annual rent adjustment of 3%, on terms and conditions approved by County Counsel.
  - v) County of Mendocino, as licensor, grants to the County, as licensee, a license for use of a

licensor-owned telecommunications facility at 25470 Ten Mile Rd., Pt Arena, for vault and antenna space providing a license for an initial term not to exceed ten (10) years with two 5-year extensions, for no monetary consideration, on terms and conditions approved by County Counsel.

- B) Authorize the General Services Director to execute future amendments and associated documents required for the operation of the aforementioned agreements, in consultation with the County Administrator and County Counsel, which are consistent with the essential terms of the original agreements and do not extend the terms of these agreements.
- C) With respect to licenses described at A) (1)-(4) above: (i) publish a notice of intent to execute said licenses pursuant to Gov. Code 6061 at least one week prior to execution thereof; and (ii) find that the property interests conveyed by County as licensor are not required for County use, as County has adequate space on the towers and vaults described in said licenses to accommodate said State licensees, and that further, said property interests conveyed provide benefits for health, law enforcement and public safety;
- D) Delegate authority to the Director of General Services to execute a license agreement for a telecommunication facility with CalSites, a California general partnership, as master landlord, and County, as licensee for premises at 4914 Burnside Road, Sebastopol (aka English Hill) to lease tower space for up to two fire watch cameras and a microwave, and vault space for supporting radio equipment for an initial term through December 31, 2026, with up to four additional one (1) year extensions, for a monthly rent of \$200, with at least 90 days' notice to terminate.
- E) Direct the Clerk of the Board to post any notice of exemption under CEQA if and as recommended by Permit Sonoma.
- F) Authorize an increase to the General Services Real Estate Division FY2022-23 Operating Budget Revenue Target and Expenditure Appropriations in the amount of \$15,600.

(4/5th Vote Required)

#### **Executive Summary:**

The County's telecommunications system, which includes a network of communications towers and equipment, supports first responder agencies, public safety fire cameras, and other important Countywide radio services. This system is managed by the County's Sheriff's Office Telecommunications Bureau (T-Comm). The main County telecom facility is located at 2482 Sonoma Mountain Rd., Petaluma, CA (APN 136-190-016) where Sonoma County owns land and operates its 40 ft. microwave tower, 185' main self-supporting tower and vault, and accommodates numerous other public agencies in connection with their respective public safety and emergency communications missions (the "Sonoma Mtn. Site"). The General Services Department (GSD) manages the leases and the capital investment projects necessary to support the communications tower infrastructure. Staff recommends that the Board delegate authority to the Director of General Services to execute the following telecommunications site agreements at County owned or controlled sites and third party owned or controlled sites as follows on form and terms approved by County Counsel:

- 1) CDF at Sonoma Mtn. Site - new telecom agreement for radio and antenna equipment;
- 2) Caltrans at Sonoma Mtn. Site - new telecom agreement for radio and antenna equipment;
- 3) CHP at 33012 Timber Ridge Rd, Sea Ranch - new agreement for radio equipment;
- 4) FBI at Sheriff's Office Building - new agreement for telecom equipment;
- 5) County at Pt Arena, 25470 Ten Mile Rd., Mendocino County - renewal of site agreement with County of Mendocino for County's for radio and antenna equipment; and

- 6) County at 4914 Burnside Road, Sebastopol (English Hill) - new agreement for radio and antenna equipment for fire watch camera(s) and public safety communications.

**Discussion:**

Staff recommends that the Board delegate authority to the Director of General Services to execute the following subject license agreements, on terms and conditions described herein, subject to review by and consultation with County Counsel, all of which are in the public interest as they enhance public safety and emergency communications for the County, other public agencies and benefit the general public. Several of the agreements provide for the County to license its facilities at a below market rate rent based on said agency -licensee being a public safety and emergency response cooperator and the State's agreement to similarly provide County with below market rate rent based on County's status as a public safety and emergency response cooperator, including at State of California Department of General Services owned site known as Oakridge Look Out at 25555 Kelly Road, Annapolis, Sonoma County.

CDF at Sonoma Mtn. Site

CDF (also known as Cal Fire) currently operates radio communications and meteorological equipment at Sonoma Mtn. for public safety purposes, which use commenced in or around 1980. County and CDF executed a license agreement dated July 1, 1980 which contained a reference to the annual renewal of the term in perpetuity. County finds necessary and appropriate to bring this site agreement up to current best practices and enter into a new agreement on County's current form. CDF uses portions of two racks in the County vault and uses no more than two antennas on the County tower. At CDF's request, County to extend a below market rate rent of up to 50% of market rent, based on CDF's status as a public safety and emergency response cooperating agency. County to supply electricity to CDF equipment and offer access to County's emergency generator for a fee. CDF to own, operate and repair its equipment at its sole cost and expense. Either party may terminate the license on not less than 180 days' prior notice.

Caltrans at Sonoma Mtn. Site

Caltrans currently operates telecommunication equipment from the Sonoma Mtn. Site in support of its public serving operations without a current written agreement. Caltrans uses portions of two racks in the County vault and uses no more than two antennas on the County main tower. County to grant a license for an initial term of 10 years, with two 5-year extension periods. At County's discretion, County may extend a below market rate rent of up to 50% of market rent, based on Caltrans status as a public safety and emergency response cooperating agency. Rent to adjust 3% annually for the initial and extended terms. County to supply electricity to Caltrans equipment and offer access to County's emergency generator for a fee. Caltrans to own operate and repair its equipment at its sole cost and expense. Either party may terminate the license on not less than 180 days' prior notice.

CHP at 33012 Timber Ridge Rd., Sea Ranch

County currently leases land on property owned by the Sea Ranch Association at 33012 Timber Ridge Road, upon which County constructed a vault for telecommunication purposes. CHP requested that County grant a new license for CHPs installation and operation of radio equipment in the County owned vault. CHP is requesting space in the County Vault for one or more racks of radio equipment and/or storage for CHP property. County to grant a license for an initial term of ten (10) years, with two 5-year extension periods. Operation of the CHP telecommunications equipment at the Sea Ranch Site will provide significant benefits for the public in Sonoma County and surrounding areas, through provision of critical public safety

communications. CHP has requested that County provide it with a below market rate rent based on CHP's status as a public safety and emergency communications cooperating agency. Rent to adjust 3% annually during the initial and extended terms. County to supply electricity to CHP's equipment and offer access to County's emergency generator for a fee. CHP to own, operate and repair its equipment at its sole cost and expense. Either party may terminate the license on not less than 180 days' prior notice.

FBI at Sheriff Office Building at 2796 Ventura Ave.

The Federal Bureau of Investigation (FBI) has limited computer, router and/or communications equipment at the Sheriff office Building that is not currently under a written agreement. County to license space to the FBI for said equipment on one (1) year terms, renewable annually at FBI's discretion, not to exceed ten (10) years. Rent to be at market rate and not less than \$400/annually, with annual rent increases of 3%. County to supply electricity to FBI's equipment. County may repair the FBI owned equipment at FBI's expense. Either party may terminate the license on not less than 180 days' prior notice.

County at 25470 Ten Mile Rd., Pt Arena, Mendocino County

County currently has a license with Mendocino County for two racks of radio equipment, associated cable trays and connection to a shared use antenna which agreement expires on or before November 12, 2023. The use of the vault and antenna is at no monetary consideration based on the provision of emergency service communications by County whiting Mendocino County. County to enter into a new site agreement for an initial term not to exceed ten (10) years with the right to extend for up to two additional 5-year terms, for no or minimal monetary consideration based on County continuing to provide emergency service communications. Mendocino to provide electricity and access to back up generator. County to maintain its equipment.

County at 4914 Burnside Road, Sebastopol - This board item seeks delegated authority to the Director of General Services to enter into a new license with CalSites, a California general partnership as licensor. County desires to enter into a new license for space at English Hill in Sebastopol for installation of fire watch cameras, microwave and related radio equipment. County to license one rack space in the Calsites'-owned vault for radio equipment and space on the existing tower for up to two fire watch cameras and a microwave antenna, at a rental rate of \$200/month, for an initial term expiring December 31, 2026, with four (4) extensions of one (1) year each; rent to adjust at no more than 3% annually. Licensor to supply electricity and access to back up generator. County to operate, maintain and repair of its equipment at County expense.

**Procedural Authority:**

The County is authorized to grant an interest in real property to other public entities upon specific findings that the real property is not required for use by the County, or that the agreement is in the public interest and necessary to meet the social needs of the population. Cal. Gov. Code sections 25365, 26227.

With respect to the recommendation to delegate authority to execute referenced in A (1)-(4) above, where County is the licensor, pursuant to Gov. Code 25365, only one Board of Supervisors' approval is required as the County is acting as a licensor to a public entity, and upon approval hereof, has made the findings that the conveyance of the interests under the license agreements property is not required for county use. Approval of agreements where County is licensor is based upon the above findings that the property is not required for public use and the agreement will provide benefits for health, law enforcement, and public safety. Staff recommends that the provisions of these agreements are in the best interest of the public in the areas of

social welfare and safety of the general public.

With respect to the recommendation to delegate authority referenced in A (5) and D above, where County is the licensee, Gov. Code, Section 25350 allows the County to enter into the proposed license agreement, and no notice of intent is required to be published as the transaction value is less than \$50,000 for the total term of the agreement including extensions, and therefore only 1 Board action is required. Staff recommends that the provisions of this agreement are in the best interest of the public in the areas of social welfare and safety of the general public and that the Board confirm said recommendations.

**Strategic Plan:**

N/A

**Prior Board Actions:**

33012 Timber Ridge Rd., Lease with The Sea Ranch Association, Board Summary Action dated October 21, 2014;

25470 Ten Mile Rd., Point Arena Mendocino County, Board Summary Action dated February 25, 2014

**FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY 21-22<br/>Adopted</b> | <b>FY22-23<br/>Projected</b> | <b>FY 23-24<br/>Projected</b> |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses                  | \$1,300                     |                              |                               |
| Additional Appropriation Requested |                             | \$15,600                     |                               |
| <b>Total Expenditures</b>          | <b>\$1,300</b>              | <b>\$15,600</b>              |                               |
| <b>Funding Sources</b>             |                             |                              |                               |
| General Fund/WA GF                 |                             |                              |                               |
| State/Federal                      |                             |                              |                               |
| Fees/Other                         | \$1,300                     | \$15,600                     |                               |
| Use of Fund Balance                |                             |                              |                               |
| Contingencies                      |                             |                              |                               |
| <b>Total Sources</b>               | <b>\$1,300</b>              | <b>\$15,600</b>              |                               |

**Narrative Explanation of Fiscal Impacts:**

FY 2021-22 rent revenues are anticipated at \$1,300 (outlined below). Corresponding expenditures are estimated at \$1,100 captured in consultant expenses (21020300-51803), and \$200 rent payable for the English Hill site (21020300-51421), and will be absorbed within the FY 2021-22 General Services adopted budget. FY 2022-23 revenues are estimated at \$15,600 (outlined below). Corresponding expenditures are estimated at \$13,200 in consultant expenses, and \$2,400 rent payable for the English Hill site. Additional appropriations will be included as part of FY 2022-23 Supplemental Budget Adjustments.

Rent Detail:

**FY 21/22**

|                                                |                   |
|------------------------------------------------|-------------------|
| 2482 Sonoma Mtn Road - Caltrans                | \$500.00          |
| 2482 Sonoma Mtn Road - CDF                     | \$400.00          |
| 33012 Timber Ridge Road, Sea Ranch - State CHP | \$400.00          |
|                                                |                   |
| <b>Total:</b>                                  | <b>\$1,300.00</b> |
| English Hill - 4914 Burnside Road-County PAYS  | \$(200.00)        |
| <b>Net Total:</b>                              | <b>\$1,100.00</b> |

**FY 22/23**

|                                                |                    |
|------------------------------------------------|--------------------|
| 2482 Sonoma Mtn Road - Caltrans                | \$6,000.00         |
| 2482 Sonoma Mtn Road - CDF                     | \$4,800.00         |
| 33012 Timber Ridge Road, Sea Ranch - State CHP | \$4,800.00         |
|                                                |                    |
| <b>Total:</b>                                  | <b>\$15,600.00</b> |
| English Hill - 4914 Burnside Road-County PAYS  | \$(2,400.00)       |
| <b>Net Total:</b>                              | <b>\$13,200.00</b> |

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

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

N/A

**Attachments:**

Notice of Intent to Execute all License Agreements referenced in the Recommended Action above

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

None