



Legislation Text

File #: 2022-0449, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): General Services

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

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Telecommunications Site Use Agreement at 21789 Siri Road, Monte Rio

Recommended Action:

- A) Delegate Authority to the Director of General Services to execute a telecommunications site use agreement and all related instruments and agreements, for a County grant of interest to New Cingular Wireless PCS, LLC, a Delaware limited liability company, for use of a portion of the County-owned telecommunications facility located at 21789 Siri Road, Monte Rio, CA, Sonoma County, for an initial term of five (5) years, with no more than three (3) five (5) year extensions, for an initial rent of Four Thousand per month (\$4,000.00) with an annual rent adjustment of 3%, in form approved by County Counsel.
- B) Find that the property interests conveyed by County under the site use agreement are not required for County use, will not substantially conflict or interfere with use of the subject property by County, and that further, said property interests conveyed and the site use agreement provide benefits for health, law enforcement and public safety.

Executive Summary:

Pursuant to a long-term lease from a private landlord, County has constructed and maintains a telecommunications facility located at Siri Road in Monte Rio. New Cingular Wireless PCS, LLC, (doing business as "AT&T Mobility") has approached County and has proposed a site agreement to allow New Cingular to construct and install multiple antennas and related equipment on the County facility. The proposed site agreement would benefit the County and the public interest, and staff is requesting authority to complete and execute the proposed site agreement, which among other things will be for an initial term of not less than five years with at least three 5-year extensions, for an initial rent of no less than \$4,000.

Discussion:

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 county-wide radio services. This system is managed by the County's Sheriff's Office Telecommunications Bureau (T-Comm).

County maintains a telecom facility at the 21789 Siri Road, Monte Rio (APN: 072-021-042) site pursuant to an existing master lease ("Master Lease"). The Master Lease commenced on December 1, 2014, with an initial ten (10) year term, and at County option may be extended until November 30, 2054. Under the Master Lease, County leases approximately 2,500 square feet from the master lessor, on which land County constructed a

telecommunications facility on or about 2018, which facility was built with capacity to co-locate third party equipment.

Under the proposed site use agreement with County, New Cingular Wireless PCS, LLC (“Cingular”) will be co-located at the Site, and will have the right to: install new antenna and radio equipment; install a new equipment shelter on the County’s existing concrete tower pad; use air space to connect an ice bridge from its shelter to the County tower; and use existing site infrastructure, including conduits for fiber and power. The subject use agreement shall be made expressly subject to the terms of the Master Lease including termination rights therein.

Summary of Material Terms of Site Use Agreement:

- 1) Cingular to install approximately nine (9) antennas, twelve (12) RRU’s (remote radio units) and three (3) surge suppressors all mounted at the 120’ level on the County tower, including equipment that supports FirstNet program.
- 2) Cingular to install a new equipment shelter on the County’s existing concrete tower pad on area measuring approximately 135 sq. ft., for its radio equipment.
- 3) Cingular to use air space to connect an ice bridge from its equipment shelter to the County tower for Cingular’s transmission cables, and existing conduits for fiber and power.
- 4) Cingular to pay initial rent of not less than \$4,000 per month.
- 5) Cingular to pay County for a portion of County’s prior site improvement costs in an amount up to \$150,000 within approximately two years of completion of installation of Cingular’s equipment.
- 6) Rent payment shall commence upon the completion of Cingular’s construction at the Site or January 1, 2023, whichever is earlier.
- 7) The initial term of the site use agreement will be five (5) years commencing on or about July 1, 2022, with three - five (5) year options to extend the term, with an annual rent adjustment of 3%.
- 8) Cingular to contribute to road maintenance fees and generator back up access charges.
- 9) The operation, repair and maintenance of Cingular’s equipment is at its expense, including equipment to support the FirstNet network.

County and Cingular have exchanged and intend to execute a nonbinding letter of intent that incorporates the material terms to be incorporated into the site use agreement.

Under the terms of the Master Lease, County is obligated to obtain the consent of the master lessor and share 60% of the colocation rental revenue with the master lessor. In light of that requirement, County will retain 40% of said colocation revenue, meaning that initial monthly revenue to the County will be approximately \$1,600.

The County is seeking a capital cost reimbursement from Cingular of up to \$150,000 to offset some of the total construction costs of approximately \$1.1m incurred by County to develop the Site in 2018. The County’s facility was constructed with the capacity to support co-location of another telecommunications carrier. Upon completion of installation of Cingular’s equipment on the County tower, said tower is expected to be at seventy percent (70%) of capacity and can be expected to accommodate additional future co-location requests. Installation and operation of the Cingular’s telecommunications equipment at the Site will provide significant benefits for the public in the greater Monte Rio area, as subscribers of Cingular’s network (known as AT&T) are reportedly unable to reliably communicate to first responders and surrounding areas.

Staff recommends that the Board delegate authority to the Director of General Services to execute the subject

site use agreement substantially in conformance with the terms set forth above.

Staff further recommends colocation with Cingular because of its affiliation with the FirstNet program. Under a recommendation from the 9/11 Commission, the Federal Communications Commission (FCC) allocated additional spectrum for public safety use and established FirstNet. Congress authorized FCC to enter into public-private partnerships to build a nationwide public safety broadband network. In 2017, AT&T was awarded a 25-year, \$6.5 billion contract to build and maintain the nationwide FirstNet public safety network. Under the award to AT&T, FirstNet provided it with 20 megahertz (MHz) of broadband spectrum, which AT&T can use for public safety use, including in Sonoma County through new operations of Cingular. The State of California has consented to AT&T deploying FirstNet in the State, which was supported by public safety stakeholders who had long advocated for a nationwide network for public safety. Cingular, as a business unit of AT&T, will be required to install equipment at the Site under the proposed site use agreement that directly supports the FirstNet system, which will be a significant benefit to first responders and emergency communications when the network is fully implemented, resulting in an important public benefit.

Staff recommends the execution of said site use agreement with Cingular as the conveyance of the property interest is in the best interest of the County and the general public as the improved telecommunications capacity that will be delivered will enhance public safety and emergency communications for the improved health and welfare of the general public. Moreover, the facility space was designed and built to accommodate such third-party collocations, and the County has no other existing or planned uses of the tower and site spaces that will be made available for use by AT&T.

County previously prepared and filed an Initial Study and Mitigated Negative Declaration under CEQA which anticipated colocation by a third party in addition to County's facilities at the Site. Upon consultation with Permit Sonoma, it has been determined that there is no change in condition or circumstance that would require any further environmental compliance analysis, including under CEQA. Cingular shall be required to obtain all necessary building permits and other entitlements.

Procedural Authority: If in the public interest and if the use will not interfere with County's use of the subject property, Government Code section 25526.6 allows the County to lease or license County real property to a public utility corporation, on terms and conditions as determined by the County. Here, Cingular is a public utility under law and is regulated by the California Public Utilities Commission. County has adequate space on the towers and vault space described in the proposed site use agreement to accommodate Cingular, and there are no existing or current plans to otherwise use said spaces. Further, the property interests to be conveyed under the proposed site use agreement will benefit first responders and the public by assuring more reliable telecommunications in an area currently lacking coverage.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure

Goal: Goal 4: Implement countywide technological solutions to promote resiliency and expand community access.

Objective: Objective 1: Leverage funding and seek grants to expand communications infrastructure

within the community to improve equitable access to broadband, wireless, and cell phone services.

Prior Board Actions:

Agenda Item Summary Report Number 29, July 22, 2014; Agenda Item Summary Report Number 19, September 25, 2012.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

County will incur no new costs as a result of this proposed site use agreement. County to receive colocation share of revenue and reimbursement of up to \$150,000 towards County's prior capital improvements costs expended to develop the Site previously.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

None

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

None