



# Monterey County

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## Board Report

Legistar File Number: 16-695

June 07, 2016

**Introduced:** 5/25/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** General Agenda Item

- a. Approve and authorize the Contracts Purchasing Officer or Contract's Purchasing Supervisor to sign a Lease and all associated documents and approved extensions to install and operate Next Generation Radio System (NGEN) communication equipment at Pebble Beach Company's (PBC) communication facility located at 4005 Sunridge Road in Pebble Beach, CA for a period of ten (10) years in the amount of \$1,500 per month in a total amount not to exceed \$180,000 over the life of the Lease with no rental adjustment during the term of the lease commencing upon the date that a valid building permit is issued by the County of Monterey; and
- b. Approve and authorize 1 five (5) year extension beyond initial term of the Lease; and,
- c. Approve and authorize the Contract's Purchasing Officer of Contract's Purchasing Supervisor to sign a Right of Entry Agreement with AT&T, and authorize the one-time-payment for that Agreement in the amount of \$5,000, and,
- d. Accept Non-Standard Contract Terms and Conditions Provisions as recommended by the Director of Emergency Communications.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts Purchasing Officer or Contract's Purchasing Supervisor to sign a Lease and all associated documents and approved extensions to install and operate Next Generation Radio System (NGEN) communication equipment at Pebble Beach Company's (PBC) communication facility located at 4005 Sunridge Road in Pebble Beach, CA for a period of ten (10) years in the amount of \$1,500 per month in a total amount not to exceed \$180,000 over the life of the Lease with no rental adjustment during the term of the lease commencing upon the date that a valid building permit is issued by the County of Monterey; and
- b. Approve and authorize 1 five (5) year extension beyond initial term of the Lease; and,
- c. Approve and authorize the Contract's Purchasing Officer of Contract's Purchasing Supervisor to sign a Right of Entry Agreement with AT&T, and authorize the one-time-payment for that Agreement in the amount of \$5,000, and,
- d. Accept Non-Standard Contract Terms and Conditions Provisions as recommended by the Director of Emergency Communications.

### SUMMARY/DISCUSSION:

The County serves as the lead agency for the Next Generation (NGEN) Radio Project with the Department of Emergency Communications serving as the project administrator. This project replaces the existing public safety and local government voice and data radio networks to meet a federal mandate. The lease of the Pebble Beach Company's communication facility as a component of the NGEN radio system will allow for communication coverage to the Monterey

Peninsula area without interruption. The lease permits the installation of an NGEN Public Safety Radio System at Pebble Beach Company's communication facility located on Sunridge Road in Pebble Beach, CA for a period of ten (10) years. The lease payments are \$1,500 per month commencing upon the date that a valid building permit is issued by the County of Monterey. The lease payments are \$180,000 over the life of the Lease. The Transmission Site will consist of (i) three (3) antenna situated on a pre-existing cell site tower; (ii) a communications equipment area; and a permanent generator site. The Lease is subject to a superseding lease for similar purposes between the Pebble Beach Company and AT&T. The AT&T Right of Entry Agreement is required as AT&T holds a ground lease with the Pebble Beach Company for a cellular site equipment shelter. A one-time-payment of \$5,000 is required for this right of entry. The County has requested access and storage rights to the premises for the equipment related to the NGEN Project to which AT&T agrees contingent on the approval and execution of the Right of Entry Agreement.

OTHER AGENCY INVOLVEMENT:

County Counsel reviewed the lease terms and provided guidance on the acceptability of the lease terms but was not able to approve the documents due to the presence of non-standard terms and conditions, including but not limited to the following: no quiet enjoyment protection; use governed by undisclosed or unknown rules; future use may be impacted by unknown future tenants to site; recourse limitation against Landlord; lack of protection of a recorded lease; limited Landlord or reassigned liability and indemnification requirements; and unknown impact from AT&T master lease to site. Risk was provided the opportunity to review the documentation and cannot approve the lease due to non-standard insurance and indemnification provisions.

FINANCING:

Lease costs will be shared by all agencies participating in NGEN project based on the Memorandum of Agreement Re Next Generation Radio System Joint Governance and Financing executed between the County and partner agencies. There is no additional impact on the General Fund at this time. Prospectively, the County share of the annual lease payments will be included as part of the annual budget process.

Prepared by:

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Claudia S. Garza, Administrative Manager

Approved by:

\_\_\_\_\_  
William Harry, Emergency Communications Director

Attachments:

Pebble Beach Company Lease  
AT&T Right of Entry Agreement