



Legislation Details (With Board Report)

File #: A 20-111 **Name:** Anderson Peak Site Lease
Type: BoS Agreement **Status:** Passed - Information Technology Department
File created: 4/29/2020 **In control:** Board of Supervisors
On agenda: 5/19/2020 **Final action:** 5/19/2020

Title: a. Authorize the Director of Information Technology or his designee to execute a non-standard lease with United States Department of Agriculture Forest Service for the lease of a mobile radio service communications site at MT. Diablo Meridian site, at no cost to the County, for the term of June 1, 2020 through December 31, 2048; and
b. Accept non-standard provisions as recommended by the Director of Information Technology.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Anderson Peak Comm. Site Lease, 3. Item No. 40 Completed Board Order

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of Supervisors		

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b. Accept non-standard provisions as recommended by the Director of Information Technology.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Authorize the Director of Information Technology or his designee to execute a non-standard lease with United States Department of Agriculture Forest Service for the lease of a mobile radio service communications site at MT. Diablo Meridian site, at no cost to the County, for the term of June 1, 2020 through December 31, 2048; and
b. Accept non-standard provisions as recommended by the Director of Information Technology.

SUMMARY/DISCUSSION:

The Anderson Peak Radio Site is located in Big Sur near the Pfeiffer Burns State Park. While the site itself is owned by the Federal Government, access to the site on Coast Ridge Road crosses 25 private parcels of land. The County’s radio transmission equipment is located in a Federal Aviation Administration shelter, while the antennas are co-located on a wooden pole structure with United States Forest Service. The Anderson Peak site is uniquely situated in the Big Sur region to provide wireless public safety communications to the Ventana Wilderness areas, Big Sur coast.

The County first entered into a lease with the United States Department of Agriculture for this site in 2012. The proposed term of this lease is through December of 2048. A long term lease is recommended by ITD due not only to the importance of this site and the coverage it provides to the County’s first responders personnel but due to the challenges of finding and establishing additional radio site locations in Big Sur. Should the County determine the site is no longer required, the lease does permit the County to terminate by providing written notification to the lessor.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the U.S. Department of Agriculture's lease agreement and cannot approve multiple non-standard terms, including but not limited to: extensive length of time of lease agreement; non-standard notice and lack of renewal rights for County; lack of negotiation power for County in rent increase; assumption of all risk of loss by County; requirement that County defend, indemnify and hold harmless federal government for any loss and other non-standard provisions; removal of legal requirement of land owner to inspect property and warn of hazards; and an additional affirmative duty assigned to County by federal government to protect property.

FINANCING:

There is no financial impact to the County from this lease.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Anderson Peak radio site provides critical public safety communications to the Big Sur and Ventana Wilderness locations. While the structure and indemnifications for this lease are more complex than other radio site leases, the necessity of maintaining a long-term location are extremely important to Monterey County first responders and the residents of the Big Sur region.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Lynnette Beardsall, Management Analyst II, 759-6938

Approved by:

Eric A. Chatham, Director of Information Technology, 759-6920

Attachments:
Anderson Peak Communications Site Lease

Attachments on file with Clerk of the Board