



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Legislation Details (With Board Report)

**File #:** 13-0569      **Name:** Point Sur  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 5/23/2013      **In control:** Board of Supervisors  
**On agenda:** 6/11/2013      **Final action:** 6/11/2013

**Title:** a. Ratify the May 7, 2013 execution of a Revocable License Agreement for Non-Federal Use of Real Property between the County of Monterey and the United States of America by the Commandant of the Coast Guard for the use of the Point Sur Radio Communications site for public safety communications;  
b. Accept non-standard indemnification and insurance provisions as recommended by the Sheriff and Director of Emergency Communications;  
c. Authorize the Contracts / Purchasing Officer to sign amendments to this agreement where the total amendments do not result in additional cost to the County or significantly change the scope of the Agreement; and  
d. Authorize the Director of Information Technology to sign the Waiver and Release from Liability Form related to climbing towers and other structures on the site;

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Waiver and Release from Liability Form.pdf, 2. Revocable License for Non-Federal Use of Real Property.pdf, 3. Completed Board Order

Date	Ver.	Action By	Action	Result
6/11/2013	1	Board of Supervisors	approved	

a. Ratify the May 7, 2013 execution of a Revocable License Agreement for Non-Federal Use of Real Property between the County of Monterey and the United States of America by the Commandant of the Coast Guard for the use of the Point Sur Radio Communications site for public safety communications;  
b. Accept non-standard indemnification and insurance provisions as recommended by the Sheriff and Director of Emergency Communications;  
c. Authorize the Contracts / Purchasing Officer to sign amendments to this agreement where the total amendments do not result in additional cost to the County or significantly change the scope of the Agreement; and  
d. Authorize the Director of Information Technology to sign the Waiver and Release from Liability Form related to climbing towers and other structures on the site;

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve May 7, 2013 execution of a Revocable License Agreement for Non-Federal Use of Real Property between the County of Monterey and the United States of America by the Commandant of the Coast Guard for the use of the Point Sur Radio Communications site for public safety communications;
- b. Accept non-standard indemnification and insurance provisions as recommended by the Sheriff and Director of Emergency Communications;
- c. Authorize the Contracts / Purchasing Officer to sign amendments to this agreement where the total amendments do not result in additional cost to the County or significantly change the scope of the Agreement; and

- d. Authorize the Director of Information Technology to sign the Waiver and Release from Liability Form related to climbing towers and other structures on the site.

SUMMARY/ DISCUSSION:

The Department of Emergency Communications has been collaborating with the U.S. Coast Guard and the State of California to share space at an existing radio communications site at Point Sur lighthouse. This site will ultimately form part of the NGEN Analog Overlay System. The NGEN Analog Overlay System is intended to provide coverage outside of the digital system currently being installed by Harris Corporation. This includes law, fire, and an interoperability channel as well as a paging channel for fire departments. This system will be installed by the Monterey County Department of Information Technology (ITD). Installation of equipment at this site was time critical due to the need to replace an existing site at “Little River Hill” and improve public safety radio coverage along the Big Sur Coast. The County was required to remove equipment from the Little River Hill site before May 6, 2013 or pay a share of costs for upgrade of that property.

Recognizing the County’s urgent need to install radio equipment, the Coast Guard has authorized a temporary license pending completion of a structural analysis of the tower. Due to the critical public safety issue resulting from the loss of the Little River Hill radio site, the Contracts / Purchasing officer signed the Revocable License for Non-Federal Use of Real Property to permit the Department of Information Technology to install temporary equipment for the Sheriff, Emergency Medical Service Agency (EMS Agency equipment used by the contracted ambulance provider American Medical Response) and Big Sur Volunteer Fire Brigade pending the structural analysis. Upon completion of the structural analysis and approval of the Coast Guard, this temporary license will be amended and will become final. Considering the urgent need to move to this site and the public safety need, the Sheriff and Director of Information Technology recommend accepting the non-standard indemnification terms proposed by the Coast Guard.

The Coast Guard also requires that a Waiver and Release from Liability Form due to the risks of performing work on the communications tower. Because the Information Technology Department will have oversight responsibility for staff and contractors performing this work, it is recommended that the Director of Information Technology sign this Waiver and she will be responsible for notifying staff and contractors of this waiver.

OTHER AGENCY INVOLVEMENT:

The Sheriff, Department of Information Technology, and agencies participating in the NGEN system through the Department of Emergency Communications have collaborated to identify and support this solution. Risk Management is unable to approve the non-standard indemnification terms. County Counsel and Public Works - Real Property Section have reviewed the attached License Agreement and cannot approve the non-standard indemnification language, insurance provisions, dispute process, termination language or unknown responsibilities of the County regarding protection of premises, environmental compliance, Architectural Barriers Act. ITD has reviewed this agreement and confirmed their ability to meet the requirements of this Agreement related to ongoing occupancy.

FINANCING:

The Coast Guard has waived rental fees for this License. Costs to procure and build the temporary solution will be paid by the Sheriff and Big Sur Volunteer Fire Brigade through the Information Technology Department and costs for a permanent installation will be paid from the NGEN Capital Project Fund (Fund 405, Appropriation Unit EME002). Operations and Maintenance Costs for future budget years will be requested in the appropriate fiscal year budget for the appropriate department. The County share of NGEN infrastructure, operations and maintenance costs are estimated at 30% of total, with outside agencies funding the remaining 70%.

Prepared by:

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DeAnna Hilbrants - Acting Director of Emergency Communications x8883

Approved by:

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Scott Miller - Monterey County Sheriff x3750

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Dianah Neff - Director of Information Technology x6923

Attachments:

Revocable License for Non-Federal Use of Real Property

Waiver and Release from Liability Form.pdf