



## Legislation Details (With Board Report)

**File #:** A 17-348      **Name:** American Towers, LLC Lease Agreement  
**Type:** BoS Agreement      **Status:** Passed  
**File created:** 8/11/2017      **In control:** Board of Supervisors  
**On agenda:** 8/29/2017      **Final action:** 8/29/2017

**Title:** a. Authorize the Director of Information Technology or designee to execute a non-standard License Agreement with American Towers, LLC for the lease of a tower site for an amount not to exceed \$95,000 for the 5-year term of September 1, 2017 through August 31, 2022;  
b. Accept non-standard provisions as recommended by the Director of Information Technology; and  
c. Authorize the Director of Information Technology or designee to execute up to three (3) future amendments, subject to County Counsel review, to extend the License Agreement term for five (5) additional years per amendment and to allow for a three percent (3%) annual increase; where the total cost of the first amendment does not exceed \$110,000 over 5 years; the total cost of the second amendment does not exceed \$120,000 over 5 years; and the total cost of the third amendment does not exceed \$130,000 over 5 years, provided the amendments do not significantly change the scope of work and do not alter the non-standard terms of the License Agreement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Lease Agreement, 3. Completed Board Order

Date	Ver.	Action By	Action	Result
8/29/2017	1	Board of Supervisors	approved	

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**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

a. Authorize the Director of Information Technology or designee to execute a non-standard License Agreement with American Towers, LLC for the lease of a tower site for an amount not to exceed \$95,000 for the 5-year term of September 1, 2017 through August 31, 2022;  
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SUMMARY/DISCUSSION:

Monterey County Information Technology Department, Radio Shop and the Monterey County Sheriff's Department recommend entering into a License Agreement with American Towers, LLC for co-occupancy at the Table Mountain radio communications site, located at Turkey Flat Rd, San Ardo, CA.

Equipment proposed for this location will be two directional antennas (one for transmission of VHF public safety radio communications, and one to provide connectivity to the greater Monterey County NGEN radio system). Additionally, a standard communications rack will be installed in the site which will house the radio equipment, and one standard electrical receptacle to provide power.

Currently there is a portion of south-eastern Monterey County that does not have adequate access to public safety communications. Placement of equipment at this location will help provide essential emergency radio communications services to the Monterey County Sheriff's Deputies.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed this agreement and cannot approve due to the following non-standard provisions: County obligation to indemnify and hold harmless Licensor; County obligation to perform a various studies, at County cost, on demand by Licensor; non-standard indemnification and insurance provisions; limitation on amount of Licensor's liability to County and assets available to satisfy liability to County; disclaimers of warranty; potential County liability for attorneys' fees; interest charges on past due amounts; and Licensor's right to require County to remove or relocate its telecommunications equipment.

The Auditor-Controller has reviewed and approved as to payment provisions.

FINANCING:

The lease amount was not known to the Sheriff's Office at the time of budget submission and approval. The funds for payment of this lease agreement in the amount of \$19,000 will be absorbed in the FY 2017-18 Adopted Budget for the Sheriff's Office. Transactions relating to future fiscal years will be included in each respective Recommended Budgets.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This radio site will provide critical radio communications to the south-eastern portion of Monterey County. Currently, there is inadequate access to public safety communications in this area which puts Monterey County Sheriff deputies at risk. This site will also connect to the NGEN system and Emergency Communications Department's Public Safety Access Point to deliver 911 dispatch services to that region.

Mark a check to the related Board of Supervisors Strategic Initiatives

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

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

Approved by:

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

Attachments: American Towers, LLC License Agreement

Attachments are on file with the Clerk of the Board