



Legislation Details (With Board Report)

File #: 12-1132 **Name:** Anderson Peak License
Type: General Agenda Item **Status:** Passed
File created: 11/26/2012 **In control:** Board of Supervisors
On agenda: 12/11/2012 **Final action:** 12/11/2012

Title: a. Approve and authorize the Contracts / Purchasing Officer to sign a “Revocable License Agreement for Non-Federal Use of Real Property” (License Agreement) between the United States of America Department of Transportation Federal Aviation Administration (FAA) and Monterey County revocable with thirty (30) days written notice;
b. Authorize expenditures of up to \$5,000 per year on shared road maintenance as defined in the Agreement; and
c. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 201210MontereyCountyBigSurLicense.pdf, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
12/11/2012	1	Board of Supervisors	approved	

a. Approve and authorize the Contracts / Purchasing Officer to sign a “Revocable License Agreement for Non-Federal Use of Real Property” (License Agreement) between the United States of America Department of Transportation Federal Aviation Administration (FAA) and Monterey County revocable with thirty (30) days written notice;
b. Authorize expenditures of up to \$5,000 per year on shared road maintenance as defined in the Agreement; and
c. Accept Non-Standard County Liability and Indemnification 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 to sign a “Revocable License Agreement for Non-Federal Use of Real Property” (License Agreement) between the United States of America Department of Transportation Federal Aviation Administration (FAA) and Monterey County revocable with thirty (30) days written notice;
- b. Authorize expenditures of up to \$5,000 per year on shared road maintenance as defined in the Agreement; and
- c. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications.

SUMMARY/DISCUSSION:

This License Agreement will provide for use of space in a shelter for radio communications at Anderson Peak to provide public safety radio communications for public safety communications in Arroyo Seco and south of Big Sur. This radio communications site will be part of the NGEN Analog Overlay. The NGEN Analog overlay 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). It is also anticipated that Monterey County ITD will provide ongoing maintenance of this system. Emergency Communications is serving as project administrator for the NGEN Project and, in that capacity, has led negotiations for this radio communications site.

This License Agreement does not include a specified term but provides the County with the ability to terminate with 30 days written notice. The FAA does not provide indemnification for the County and does not provide insurance.

OTHER AGENCY INVOLVEMENT:

This Agreement has been generally approved by County Counsel as to form but County Counsel has not approved terms related to unclear liability for interference by transmitters that may be installed by others and potential unknown costs risks. Risk Management does not approve the non-standard indemnification or insurance provisions. This site has been in place for over 20 years without unanticipated cost; therefore, the Director of Emergency Communications recommends approval of this License Agreement. ITD has reviewed this agreement and confirmed their ability to meet the requirements of this Agreement related to ongoing occupancy.

FINANCING:

It is anticipated that all NGEN users will share in the cost of this site as well as all other sites identified for the NGEN system. For Fiscal Year 2013, anticipated costs for this site were included in Emergency Communications approved budget. 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 40% of total, with outside agencies funding the remaining 60%.

Prepared by:
DeAnna Hilbrants - Administrative Manager x8883 _____

Approved by: Lynn Diebold - Director x8880 _____

Attachments:
License Agreement