



# County of Monterey

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

## Legislation Details (With Board Report)

**File #:** 12-946                      **Name:**

**Type:** General Agenda Item                      **Status:** Passed

**File created:** 10/3/2012                      **In control:** Board of Supervisors

**On agenda:** 10/16/2012                      **Final action:** 10/16/2012

**Title:** a. Approve and authorize the Contracts / Purchasing Officer to sign a “License Agreement” with American Tower for the NGEN Radio System Project for a one year term beginning with equipment installation in an amount not to exceed \$11,142.84 for the first year and increases of 4% per year after the first one year term;  
b. Approve and authorize an auto-renewal clause as recommended by the Director of Emergency Communications;  
c. Approve payment of related fees as defined in the agreement upon recommendation of the Director of Emergency Communications; and  
d. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. License Agreement, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
10/16/2012	1	Board of Supervisors	approved	

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**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts / Purchasing Officer to sign a “License Agreement” with American Tower for the NGEN Radio System Project for a one year term beginning with equipment installation in an amount not to exceed \$11,142.84 for the first year and increases of 4% per year after the first one year term;
- b. Approve and authorize an auto-renewal clause as recommended by the Director of Emergency Communications;
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- d. 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 a tower and shelter for radio communications at Fremont Peak to provide public safety radio communications for public safety communications in North Monterey County. 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 includes an auto-renewal clause but also provides the County with the ability to terminate each year with 60 days written notice. To reduce administrative time associated with written term extensions, the Director of Emergency Communications requests approval of this auto-renewal clause.

OTHER AGENCY INVOLVEMENT:

This Agreement has been generally approved by County Counsel as to form. The Agreement is not approved by the Auditor-Controller due to the requirement for payment of interest on late payments. Risk Management does not approve the non-standard indemnification or insurance provisions. This Agreement was also reviewed by Public Works - Architectural & Facilities Division who also expressed concerns about the significant cost particularly as compared to costs for cellular tower sites. Public safety communications equipment may include antennas that are up to 18 feet long which typically requires more space on a radio communications site than cellular sites. The coverage provided by this site will be of significant value to the public safety community. ITD has reviewed this agreement and confirmed their ability to meet the requirements of this Agreement related to ongoing occupancy.

FINANCING:

Approval of recommended actions will have no impact on the General Fund until FY 2014-15. The first two years of license fees will be paid using Homeland Security Grant Funds administered by the Monterey County Office of Emergency Services (OES). Once those funds are exhausted, 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. 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%. After the Homeland Security Grant Funds are expended, this lease would likely be considered operations and maintenance.

Prepared by:

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Lynn Diebold - Director of Emergency Communications - 769-8880 \_\_\_\_\_

Date: 10/03/2012

Attachment: License Agreement