



# County of Monterey

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

## Legislation Details (With Board Report)

**File #:** 13-0318 **Name:** Robert Knolls Lease Agreement  
**Type:** General Agenda Item **Status:** Passed  
**File created:** 3/25/2013 **In control:** Emergency Communications  
**On agenda:** 4/16/2013 **Final action:** 4/16/2013  
**Title:** a. Approve and authorize the Contracts / Purchasing Officer to sign a "County of Monterey Wireless Communication Site Lease Agreement" between the County of Monterey and Weathertop Ranch LLC for a 5 year term beginning April 1, 2013 with 3 additional 5 year renewals and an autorenewal clause after that for a cost of \$500 per year; and  
b. Accept Non-Standard County Indemnification Provisions as recommended by the Acting Director of Emergency Communications.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 201303RobertsKnollLeaseSignedByLessor.pdf, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
4/16/2013	1	Board of Supervisors	approved	Pass

a. Approve and authorize the Contracts / Purchasing Officer to sign a "County of Monterey Wireless Communication Site Lease Agreement" between the County of Monterey and Weathertop Ranch LLC for a 5 year term beginning April 1, 2013 with 3 additional 5 year renewals and an autorenewal clause after that for a cost of \$500 per year; and  
b. Accept Non-Standard County Indemnification Provisions as recommended by the Acting Director of Emergency Communications.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- Approve and authorize the Contracts / Purchasing Officer to sign a "County of Monterey Wireless Communication Site Lease Agreement" between the County of Monterey and Weathertop Ranch LLC for a 5 year term beginning April 1, 2013 with 3 additional 5 year renewals and an autorenewal clause after that for a cost of \$500 per year; and
- Accept Non-Standard County Indemnification Provisions as recommended by the Acting Director of Emergency Communications.

**SUMMARY/DISCUSSION:**

This Lease Agreement will provide for use of property to build a tower and shelter for radio communications in Carmel Valley to provide public safety radio communications in the Carmel Valley area. This site has been used as a public safety communications site since 1968. The existing tower will be replaced with a new tower and the existing shelter will be replaced with a National Electrical Manufacturer's Association (NEMA) cabinet.

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 in collaboration with Information Technology, Public Works and public safety users of the NGEN system.

This Lease Agreement is for a 5 year term with three additional five year terms followed by auto-renewal of 5 year terms if the agreement is not terminated. Either party has the right to terminate the agreement with 30 days written notice. The indemnification terms requested by the property owner are broader than requested by Risk Management. Considering the public safety value of this site and since this site has been in place for nearly 50 years without incident, the Department requests that the County accept this risk.

#### OTHER AGENCY INVOLVEMENT:

The Department of Emergency Communications worked closely with County Counsel, Public Works - Real Property Section and Risk Management to develop a template lease. This Agreement has been generally approved by County Counsel as to form. Risk Management does not approve the non-standard indemnification provisions. 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 and 2014, anticipated costs for this site were included in Emergency Communications recommended 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 30% of total, with outside agencies funding the remaining 70%.

Prepared by: John Vaught, Administrative Services Assistant, 769-8887

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Approved by: DeAnna Hilbrants, Acting Director, 769-8883

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#### Attachments:

201303RobertsKnollLeaseSignedByLessor.pdf - County of Monterey Wireless Communication Site Lease Agreement