



Legislation Details (With Board Report)

<b>File #:</b>	A 22-451	<b>Name:</b>	Weathertop Amendment
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Passed
<b>File created:</b>	8/10/2022	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	8/23/2022	<b>Final action:</b>	8/23/2022

**Title:** Approve and authorize the Chief Information Officer of the Information Technology Department to execute Amendment No 2 to the Site Lease Agreement with Weathertop Ranch, LLC to make site and radio communications equipment modifications in preparation for termination of the lease, and closure of the site for a final lease amount not to exceed \$100,000.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Radio Site Lease Agreement, 3. Amendment No. 1, 4. Amendment No.pdf, 5. Completed Board Order Item No. 54

Date	Ver.	Action By	Action	Result
8/23/2022	1	Board of Supervisors	approved	Pass

Approve and authorize the Chief Information Officer of the Information Technology Department to execute Amendment No 2 to the Site Lease Agreement with Weathertop Ranch, LLC to make site and radio communications equipment modifications in preparation for termination of the lease, and closure of the site for a final lease amount not to exceed \$100,000.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

Approve and authorize the Chief Information Officer of the Information Technology Department to execute Amendment No 2 to the Site Lease Agreement with Weathertop Ranch, LLC to make site and radio communications equipment modifications in preparation for termination of the lease, and closure of the site for a final lease amount not to exceed \$100,000.

**SUMMARY:**

The County and Weathertop Ranch LLC (“Weathertop”) entered into a lease agreement dated April 1, 2013, to house radio and communications equipment (the “Lease”) on the property located at 500 El Caminito Road, Carmel Valley, CA (the “Property”). The Property was recently sold, and the new owner has properly given the County notice of termination of the Lease through its attorney. Pursuant to the terms of the Lease, the County must return the property to its original state within 30 days. The parties now wish to amend the Lease to allow the lessor to the option to undertake this obligation subject to a right to request reimbursement for actual costs.

**DISCUSSION:**

The County and Weathertop entered into the Lease for the purpose of allowing the County to install, maintain, and operate radio communications equipment on the property. This site provided an emergency communications site for the County and other agencies operating in Monterey County.

In November 2017, the parties executed Amendment No. 1 to the Lease, which authorized the County to sublease space on the property to Pacific Gas & Electric Company (“PG&E”) for the purpose of adding additional communications equipment to improve communications throughout the County and assist in

recovery and emergency response in the event of a natural disaster.

Weathertop recently sold the Property, and the new owner has given notice of termination of the Lease. Upon termination, the Lease requires the County to remove all equipment, restore and repair as needed any affected areas of the property, and return the Property it to its original condition prior to vacating the premises. The County has notified its sublessee, PG&E of this request and they have vacated the property. In addition, the Information Technology Department has secured a different emergency communications site that the County can relocate to with no interruption in emergency communications services.

The approval of Amendment No 2 will allow the County to timely vacate the property, thereby reducing costs as well as the risk of litigation.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the Amendment No 2 to the Site Lease Agreement.

FINANCING:

No additional funds are required as the cost of this site lease is covered by The Next Generation Radio System Project users, who are aware of this additional expense. The cost was included in the FY22-23 Approved Budget for the Information Technology Department, ITD 1930, Appropriations Unit INF002.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This radio site provided critical radio communications to the north county portion of Monterey County.

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

Prepared by: Sandra Shaffer, Management Analyst III, 759-6957

Approved by:

\_\_\_\_\_ Date: \_\_\_\_\_  
Eric A. Chatham, Chief Information Officer, 759-6920

Attachments:

- Weathertop Ranch LLC Radio Site Lease Agreement
- Weathertop Ranch LLC Amend No 1 Radio Site Lease Agreement
- Weathertop Ranch LLC Amend No 2 Radio Site Lease Agreement