



Legislation Details (With Board Report)

<b>File #:</b>	A 18-188	<b>Name:</b>	Crown Castle Amendment
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Consent Agenda
<b>File created:</b>	5/16/2018	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	6/5/2018	<b>Final action:</b>	

**Title:** a. Approve and authorize the Information Technology Department to exercise the second of three (3), five (5) year extensions of the existing Wireless Communications Site Lease Agreement with Crown Castle MU LLC, to operate a County communications facility, for the period retroactive to June 1, 2018 through May 31, 2023, in an amount not to exceed \$77,427 in lease fees paid by the County for the first year of the extension and increases of four percent (4%) per year of the extension after that; and  
 b. Approve and authorize the Director of the Information Technology Department to execute Amendment No. 2 to the Agreement, updating the descriptions and specifications of tower-mounted equipment maintained by the County at the site.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Crown Castle Proposed Amend. No. 2, 3. Crown Castle Amend. No. 1, 4. Crown Castle Agreement, 5. Completed Board Order

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

a. Approve and authorize the Information Technology Department to exercise the second of three (3), five (5) year extensions of the existing Wireless Communications Site Lease Agreement with Crown Castle MU LLC, to operate a County communications facility, for the period retroactive to June 1, 2018 through May 31, 2023, in an amount not to exceed \$77,427 in lease fees paid by the County for the first year of the extension and increases of four percent (4%) per year of the extension after that; and  
 b. Approve and authorize the Director of the Information Technology Department to execute Amendment No. 2 to the Agreement, updating the descriptions and specifications of tower-mounted equipment maintained by the County at the site.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Information Technology Department to exercise the second of three (3), five (5) year extensions of the existing Wireless Communications Site Lease Agreement with Crown Castle MU LLC, to operate a County communications facility, for the period retroactive to June 1, 2018 through May 31, 2023, in an amount not to exceed \$77,427.48 in lease fees paid by the County for the first year of the extension and increases of four percent (4%) per year of the extension after that; and  
 b. Approve and authorize the Director of the Information Technology Department to execute Amendment No. 2 to the Agreement, updating the descriptions and specifications of tower-mounted equipment maintained by the County at the site.

SUMMARY/DISCUSSION:

The existing Wireless Communications Site Lease Agreement (Agreement) with Crown Castle MU LLC (Crown Castle) for a County communications facility at the Bryant Canyon site was approved by the County Board of Supervisors on June 24, 2008. The Agreement provides that it may be “automatically be extended for

three (3) additional five (5) year terms”. The Board approved the first of three (3) extensions on April 9, 2013, extending the Agreement term through May 31, 2018.

The Board initially approved the Agreement, notwithstanding non-standard liability and indemnification provisions, because the radio communications equipment installed at this site expanded radio communications coverage and connectivity for the County Emergency Communications Department and public safety agencies in south Monterey County. In addition, the microwave equipment at this site provides access to the County’s telecommunications network and enables the County to maintain a redundant data network at a reduced cost. The County departments in south county that benefit from the connectivity provided by the Bryant Canyon site are Health, Social Services, the Agriculture Commissioner, Libraries, and the District 3 Supervisor’s Office.

The proximity of the Bryant Canyon radio communications site continues to be key in providing coverage in this region of the County. The ability to exercise the extension clause in the Agreement ensures that there will be no interruption of services in order to negotiate a new Agreement. It is not a standard practice for the County of Monterey to enter into Agreements with “auto extension” clauses, however, due to the critical need for the continuity of radio, phone, and data network services in south Monterey County for public safety agencies and County departments, the Director of Information Technology seeks approval to exercise the second automatic extension for an additional five (5) years. Due to the unique nature of the Agreement terms, the Director of Information Technology will bring this request back to the Board prior to the final extension period, in 2023, to ensure that the Board is apprised of the continuing placement of County radio, phone, and data network equipment at the Bryant Canyon site.

The Board is asked for approval retroactive to June 1, 2018 due to Crown Castle’s slowness in locating and providing essential documents.

The amendment before the Board for its approval updates the descriptions and specifications of County tower equipment maintained at the site, as requested by Crown Castle. The amendment does not change any other term in the Agreement. Per Crown Castle’s internal processes, they will sign second to the County and return originally signed documents to ITD.

OTHER AGENCY INVOLVEMENT:

County Counsel, Risk, and Auditor/Controller’s Office were involved in review of the Agreement in 2008 and did not approve due to the non-standard terms. County Counsel does not approve continuance of the non-standard terms. Exercise of the second five-year extension does not alter the non-standard terms previously approved by the Board. Per ITD, performance under the Agreement has been positive to date.

County Counsel reviewed Amendment No. 2, updating descriptions of County tower equipment maintained at the site, as to form.

FINANCING:

The lease cost is paid on a yearly basis. The funds for the lease cost were included in the FY 2018-19 Recommended Budget for the Information Technology Department, ITD 1930, Budget Unit 8436, Appropriation Unit INF002. Transactions relating to future fiscal years will be included in each respective Recommended Budget. Should funding be reduced and/or terminated, the County may terminate this agreement by giving thirty (30) days written notice of such action to the Lessor.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The use of the Bryant Canyon communications site is crucial to the emergency communications and other County department communication systems in south county.

Economic Development  
 Administration  
 Health & Human Services  
 Infrastructure  
 Public Safety

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

Approved by:

\_\_\_\_\_  
Date: \_\_\_\_\_  
Eric A. Chatham, Director of Information Technology, 759-6920

Attachments: Proposed Crown Castle MU LLC Amendment No. 2; Crown Castle MU LLC Amendment No. 1;  
Crown Castle MU LLC Original Wireless Communications Site Lease Agreement

Attachments on file with the Clerk of the Board