

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

August 22, 2023

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

LYNN FYHRLUND, Chief Information Officer, Innovation and Technology Department

SUBJECT

Revenue License Agreement for Rack and Antenna Space with San Bernardino City Unified School District

RECOMMENDATION(S)

1. Find that approval of a revenue License Agreement with San Bernardino City Unified School District for rack and antenna space is an exempt project under the California Environmental Quality Act Guidelines Section 15301 – Existing Facilities - (Class 1).
2. Find that pursuant to California Government Section 25526.6, a five-year revenue License Agreement with San Bernardino City Unified School District, commencing on the first day of the month following full execution of the license, projected to be from September 1, 2023 through August 31, 2028, for the use of rack and antenna space at the San Bernardino County-owned Little Mountain Communication Site in San Bernardino, for the licensee's wireless communication equipment, for total revenue in the amount of \$55,723, is in the public interest and that the license will not substantially conflict or interfere with San Bernardino County's use of the site.
3. Approve a five-year revenue License **Agreement No. 23-867** with San Bernardino City Unified School District, commencing on the first day of the month following full execution of the license, projected to be from September 1, 2023 through August 31, 2028, for the use of rack space and antenna space at the San Bernardino County-owned Little Mountain Communication Site in San Bernardino, for the licensee's wireless communication equipment, for total revenue in the amount of \$55,723.
4. Direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption for the project as required under the California Environmental Quality Act.
(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total revenue to be received by San Bernardino County (County) during this five-year agreement is \$55,723. The revenue will be deposited in the Real Estate Services Department (RESD) Rents budget (7810001000). Annual license revenue is as follows:

Year

Annual Revenue

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September 1, 2023 – August 31, 2024	\$10,798*
September 1, 2024 – August 31, 2025	\$10,658
September 1, 2025 – August 31, 2026	\$11,032
September 1, 2026 – August 31, 2027	\$11,418
September 1, 2027 – August 31, 2028	<u>\$11,817</u>
Total Revenue	\$55,723

*Includes a one-time contract administration charge of \$500

BACKGROUND INFORMATION

This new five-year revenue License Agreement (License) with San Bernardino City Unified School District (District), will commence on the first day of the month following full execution of the license, projected to be from September 1, 2023, through August 31, 2028. The License will allow for the District’s use of rack space within the County-owned equipment shelter and antenna space on the County-owned antenna tower located at the Little Mountain Communication Site (Little Mtn.) in San Bernardino for the District to operate its wireless communication equipment.

The District requested Innovation and Technology Department (ITD) consider a proposal to place radio equipment within the County-owned equipment shelter and antennas on the County-owned antenna tower at Little Mtn. ITD requested RESD to negotiate a license agreement for the District’s use of the County-owned facility.

The project to approve this five-year revenue License with the District was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt under CEQA Guidelines Section 15301 – Existing Facilities - (Class 1) because approval of a license agreement for existing facilities is an exempt activity under CEQA. There is no possibility that the licensing of the subject property will have a significant effect on the environment; therefore, the activity is exempt from the provisions of CEQA.

Summary of License Terms

Licensee:	San Bernardino City Unified School District (Laura Cardenes, Director)
Location:	Little Mountain Communications Site in San Bernardino
Size:	Rack and Antenna Space
Term:	Five years, commencing the first day of the month following full execution of the License, projected to be from September 1, 2023 through August 31, 2028
Options:	None
Rent:	Monthly: \$858* Annual: \$10,298 *Mid-range for comparable facilities in the San Bernardino area per the competitive set analysis on file with RESD
Annual Increases:	3.5%

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Improvement Costs:	Provided by Licensee
Maintenance:	Provided by County for County's equipment shelter and antenna tower; provided by Licensee for Licensee's equipment
Utilities:	Provided by County for electric but reimbursed through the rental rate
Insurance:	Both parties are self-insured public entities
Right to Terminate:	Both parties have the right to terminate with 60-days' prior written notice; in the event of termination of the License by the Licensee, County, at its sole option may allow a holdover of 120 days for removal of Licensee's equipment

PROCUREMENT

Pursuant to California government Code Section 25526.6, the Board of Supervisors (Board) may grant licenses for use of any County property to the District in the manner and upon the terms and conditions as the Board determines, upon a finding by the Board that the license is in the public interest and that the license will not substantially conflict or interfere with the County's use of the property.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on July 13, 2023; Innovation and Technology (Tim Trager, Chief of Public Safety Communications Division, 388-5563) on July 31, 2023; Purchasing (Peter Geriguis, Lead Buyer, 387-2070) on July 19, 2023; Finance (Ivan Ramirez, Administrative Analyst, 387-4020, and Garrett Baker, Administrative Analyst, 387-3077) on August 2, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on August 2, 2023.

(KB: 677-7961)

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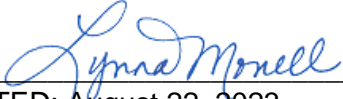
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY



DATED: August 22, 2023



cc: RESD - Thompson w/agree w/CEQA & receipt
Contractor - c/o RESD w/agree
File - w/agree w/CEQA & receipt
CCM 08/23/2023