

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

May 19, 2020

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department  
LARRY AINSWORTH, Chief Information Officer, Information Services Department**

**SUBJECT**

Amendment No. 3 to Revenue License Agreement with Omnitrans for Rack and Antenna Tower Space at Skyland Peak in Crestline

**RECOMMENDATION(S)**

Approve **Amendment No. 3** to revenue **License Agreement No. 05-324** with Omnitrans to extend the term of the license five years, for the period of June 1, 2020 through May 31, 2025 for rack space and antenna tower space at the County-controlled communication site at Skyland Peak in Crestline for total revenue in the amount of \$84,530.  
(Presenter: Terry W. Thompson, Director, 387-5000)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**  
**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The total revenue to be received by the County during this five-year amendment is \$84,530. Revenue received from this license will be deposited in the Rents budget (781000100). Annual revenue is as follows:

<u>Year</u>	<u>Annual Revenue</u>
June 1, 2020 – May 31, 2021	\$16,906
June 1, 2021 – May 31, 2022	\$16,906
June 1, 2022 – May 31, 2023	\$16,906
June 1, 2023 – May 31, 2024	\$16,906
June 1, 2024 – May 31, 2025	<u>\$16,906</u>
<b>Total Revenue</b>	<b><u>\$84,530</u></b>

**BACKGROUND INFORMATION**

The recommended action will amend an existing license agreement with Omnitrans by extending the license term five years, for the period of June 1, 2020 through May 31, 2025, for the continuing use of rack space, which includes antenna space and a data circuit, within the County-owned equipment shelter and antenna at the County-controlled communication site at Skyland Peak in Crestline.

**Amendment No. 3 to Revenue License Agreement with Omnitrans for Rack and Antenna Tower Space at Skyland Peak in Crestline  
May 19, 2020**

The County leases the land at Skyland Peak from the United States Department of Agriculture-Forest Service (USFS) under the provisions of a twenty-year communications use Lease Agreement No. 97-82, approved by the Board on February 4, 1997 (Item No. 08), which expired December 31, 2016. The County applied for renewal of the agreement on June 21, 2016 and has continued to occupy the site and abide by the provisions of the lease with written permission of USFS while a new lease agreement is processed.

On May 3, 2005 (Item No. 82), the Board of Supervisors (Board) approved a five-year License Agreement No. 05-324 with two five-year options to extend the term of the license, with Omnitrans for radio equipment rack space, which included antenna tower space and a data circuit, at the County-controlled communication site at Skyland Peak. In the fifteen years since the license was originally approved, the Board has approved two amendments extending the term of the license for the period of June 1, 2010 to May 31, 2015, and again for the period of June 1, 2015 through May 31, 2020 and adding two additional five-year options to extend the term of the license.

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	June 15, 2010	93
2	May 19, 2015	59

On September 26, 2019, Omnitrans provided notice to the County of its intention to exercise the third of four options to extend the term of the license. RESD reviewed the provisions of the option and determined the terms of the license agreement required it be renewed under the same terms and provisions, including the rate. Given that Omnitrans was in good standing under the license, RESD prepared an amendment to extend the term for the renewal period of June 1, 2020 through May 31, 2025. Amendment No. 3 to License Agreement No. 05-324, provides for the continued use by Omnitrans of rack space, which includes antenna space and a data circuit, within the County-owned equipment shelter and antenna tower, at the County-controlled communication site at Skyland Peak in Crestline, for the period of June 1, 2020 through May 31, 2025, provided that if the USFS lease is not renewed, the license with Omnitrans shall simultaneously terminate.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined that it does not constitute a project. Accordingly, no further action is required under CEQA.

Summary of License Terms

Licensee: Omnitrans  
( Erin Rogers, Interim CEO/General Manager)

Location: Skyland Peak Communication Site, Crestline

Size: Four radio equipment racks, antenna space and a data circuit

Term: Five years commencing June 1, 2020

Options: None

**Amendment No. 3 to Revenue License Agreement with Omnitrans for  
Rack and Antenna Tower Space at Skyland Peak in Crestline  
May 19, 2020**

Summary of License  
Terms

Rent:	Revenue per year per rack: \$4,226.50 Monthly: N/A Annual: \$16,906 *Low-range for comparable facilities in the Crestline area per the competitive set analysis on file with RESD
Annual Increases:	None
Improvement Costs:	None
Maintenance:	Provided by Licensee for its radio equipment and antennas; Provided by County for the equipment shelter and site.
Utilities:	Provided by County
Insurance:	The Certificate of Liability Insurance, as required by the license, is on file with RESD
Right to Terminate:	Unless the USFS lease is earlier terminated, either party may terminate with 60-days' notice

**PROCUREMENT**

Not Applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel and Bonnie Uphold, Deputy County Counsel, 387-5455) on April 28, 2020; ISD (Tim Trager, Chief, Public Safety Communications Division, 388-5563) on April 24, 2020; Purchasing Department (Michelle Churchill, Buyer III, 387-2070) on April 24, 2020; Finance (Joon Cho, Administrative Analyst, 387-5402 and Wen Mai, Principal Administrative Analyst, 387-4020) on April 30, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 4, 2020.

(KB: 677-7961)

**Amendment No. 3 to Revenue License Agreement with Omnitrans for  
Rack and Antenna Tower Space at Skyland Peak in Crestline  
May 19, 2020**

Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED (CONSENT CALENDAR)**

Moved: Robert A. Lovingood Seconded: Josie Gonzales

Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 19, 2020



cc: RESD- Thompson w/agree  
Contractor- C/O RESD w/agree  
File- w/agree  
la 05/28/2020