

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

June 11, 2024

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

LYNN FYHRLUND, Chief Information Officer, Innovation and Technology Department

SUBJECT

Amendment to Revenue License Agreement with Los Angeles SMSA Limited Partnership dba Verizon Wireless for Rack and Antenna Space in Yucca Valley

RECOMMENDATION(S)

1. Find that approval of Amendment No. 3 to Revenue License Agreement No. 08-404 with Los Angeles SMSA Limited Partnership dba Verizon Wireless, for rack and antenna space is an exempt project under the California Environmental Quality Act Guidelines Section 15301 – Existing Facilities (Class 1).
2. Approve **Amendment No. 3 to Revenue License Agreement No. 08-404** with Los Angeles SMSA Limited Partnership dba Verizon Wireless, for the use of antenna space on the San Bernardino County-owned antenna tower and approximately 2,501 square feet of County-owned land located at the Paxton Hill Communication Site in Yucca Valley, exercising an option to extend the term of the license for five years, commencing retroactively from May 1, 2024 through April 30, 2029, with the option to extend for two additional five-year terms, and adjusting the license fee schedule, increasing the revenue in the amount of \$245,999.
3. Direct the Real Estate Services Department to file the Notice of Exemption in accordance with 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.

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 amendment is \$245,999. Revenue will be deposited in the Real Estate Services Department (RESA) Rents budget (7810001000). Annual license revenue is as follows:

<u>Year</u>	<u>Revenue</u>
May 1, 2024 – April 30, 2025	\$45,874
May 1, 2025 – April 30, 2026	\$47,480
May 1, 2026 – April 30, 2027	\$49,142
May 1, 2027 – April 30, 2028	\$50,861
May 1, 2028 – April 30, 2029	<u>\$52,642</u>
Total Revenue	\$245,999

**Amendment to Revenue License Agreement with Los Angeles SMSA
Limited Partnership dba Verizon Wireless for Rack and Antenna Space
in Yucca Valley
June 11, 2024**

BACKGROUND INFORMATION

Amendment No. 3 (Amendment) to Revenue License Agreement 08-404 (License), which commences and is retroactive from May 1, 2024 through April 30, 2029, provides for the continued use of County-owned antenna space and approximately 2,501 square feet of County-owned land for a monopole and equipment shelter by Los Angeles SMSA Limited Partnership, dba Verizon Wireless (Verizon), through an extension of the term of the License of five years. The Amendment also provides option extensions to extend the term of the License for two additional five-year terms at the Paxton Hill Communication Site (Paxton Hill) in Yucca Valley for Verizon to operate its wireless communication equipment and updates certain license terms to current County-standard terms.

On May 13, 2008 (Item No. 40), the Board of Supervisors (Board) approved a five-year License, with three five-year options to extend the term of the License, with Verizon, for antenna space and approximately 2,501 square feet of land for Verizon's equipment shelter, back-up generator, and monopole, retroactive to October 1, 2007 through June 30, 2012.

On April 9, 2013 (Item No 37), the Board approved Amendment No. 1 to the License, which extended the term of the License five years through Verizon's exercise of the first of three five-year option extensions, retroactive to July 1, 2012 through June 30, 2017, adjusted the license fee and updated standard license agreement language.

On April 2, 2019 (Item No. 20), the Board approved Amendment No. 2 to the License, which extended the term of the License five years through Verizon's exercise of the second of three five-year option extensions, for the period of May 1, 2019 through April 30, 2024, following a permitted holdover for the period of July 1, 2017 through April 30, 2019, adjusted the license fee and updated standard license agreement language.

Verizon notified the Innovation and Technology Department (ITD) of its intent to exercise the third of three five-year option extensions to continue its use of County-owned antenna space and approximately 2,501 square feet of County-owned land at Paxton Hill. ITD requested RESD negotiate an extension of the term of the License for Verizon's use of the County-owned facility. This amendment accomplishes ITD's request.

The project to approve this Amendment to the License with Verizon was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt under Guidelines Section 15301 – Existing Facilities (Class 1) because approval of a license amendment 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: Los Angeles SMSA, Limited Partnership, dba Verizon Wireless

Location: Paxton Hill Communication Site in Yucca Valley

Size: Antenna space and approximately 2,501 square feet of County-owned land

**Amendment to Revenue License Agreement with Los Angeles SMSA
Limited Partnership dba Verizon Wireless for Rack and Antenna Space
in Yucca Valley
June 11, 2024**

Term: Twenty-one years, commencing October 1, 2007 through April 30, 2029

Options: Two five-year terms

Rent: Monthly: \$3,823
Annual: \$45,874*
*Mid-range for comparable facilities in the Yucca Valley area per the competitive set analysis on file with RESD

Annual Increases: 3.5%

Improvement Costs: Provided by Licensee for Licensee's equipment, monopole, and equipment shelter

Maintenance: Provided by Licensee for Licensee's equipment, monopole, and equipment shelter

Utilities: Provided by County for electric but reimbursed through the rental rate

Insurance: The Certificate of Liability Insurance, as required by the License, is on file with the RESD

Holdover: Upon the end of the term, if permitted by Licensor the License shall continue on a month-to-month term upon the same terms and conditions which existed at the time of expiration

Right to Terminate: Licensee has the right to terminate with 90-days' prior written notice if the Licensee cannot secure, loses, or forfeits any permits necessary to use or operate its facilities at Paxton Hill; County has the right to terminate with 180-days' prior written notice

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on May 2, 2024; Innovation and Technology (Tim Trager, Division Chief, 388-5563) on March 11, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on March 7, 2024; Finance (Iliana Rodriguez, 387-4205, and Garrett Baker, 387-3077, Administrative Analysts) on May 22, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 22, 2024.

(BR: 677-7961)

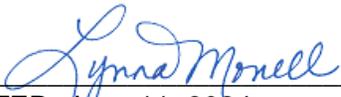
**Amendment to Revenue License Agreement with Los Angeles SMSA
Limited Partnership dba Verizon Wireless for Rack and Antenna Space
in Yucca Valley
June 11, 2024**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 11, 2024



cc: RESD - Thompson w/ agree
Contractor c/o RESD w/ agree
File w/ agree

JLL 06/26/2024