

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

August 20, 2024

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

**LYNN FYHRLUND, Chief Information Officer, Innovation and Technology Department**

**SUBJECT**

Amendment to License Agreement with California Tower, Inc. for Antenna Space at San Sevaine Peak near Lytle Creek

**RECOMMENDATION(S)**

1. Find that approval of Amendment No. 4 to License Agreement No. 03-201 with California Tower, Inc., for antenna space, is an exempt project under the California Environmental Quality Act Guidelines Section 15301 – Existing Facilities (Class 1).
2. Approve the Real Estate Services Department's use of an alternative procedure in lieu of a formal Request for Proposals as allowed per County Policy 12-02 - Leasing Privately Owned Real Property for County Use, to amend License Agreement No. 03-201 with California Tower, Inc. increasing the amount by \$684,711, from \$977,896 to \$1,662,607, for additional antenna space and equipment modification through September 30, 2028, with two additional five-year automatic extensions, at San Sevaine Peak in the Lytle Creek area, for the Innovation and Technology Department.
3. Approve **Amendment No. 4**, effective September 1, 2024, to License **Agreement No. 03-201**, with California Tower, Inc., increasing the amount by \$684,711, from \$977,896 to \$1,662,607, and modifying the expiration date to September 30, 2028, with two additional five-year automatic extensions, unless either party terminates upon 180 days' notice prior to term expiration, for additional antenna space and equipment modification at San Sevaine Peak in the Lytle Creek area, for the Innovation and Technology Department.
4. 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 cost of Amendment No. 4 (Amendment) to License Agreement No. 03-201 (License) over the remaining four years of the fourth extended term is \$684,711, which includes a prepaid annual amount of \$107,260 for February 25, 2024 through February 24, 2025. Effective September 1, 2024, the fee will increase by \$52,918 for a new annual total of \$160,178 with a 3% increase each year after. Payments will be made directly from the Innovation and Technology Department (ITD) Telecommunications Services fund

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(1200304020). Sufficient appropriation is included in the ITD 2024-25 budget and will be included in future recommended budgets. Annual license costs are as follows:

<u>Year</u>	<u>Cost</u>
*February 25, 2024 - February 24, 2025	\$107,260
September 1, 2024 – August 31, 2025	\$ 52,918
September 1, 2025 – August 31, 2026	\$164,983
September 1, 2026 – August 31, 2027	\$169,933
September 1, 2027 – August 31, 2028	\$175,031
**September 1, 2028 - September 30, 2028	\$ 14,586
<b>Total Cost</b>	<b>\$684,711</b>

\* Amount prepaid for the automatic extended term

\*\*Additional month added to extend the term to September 30, 2028

**BACKGROUND INFORMATION**

On February 25, 2003 (Item No. 75), the Board of Supervisors (Board) approved the License with four five-year automatic options to extend the term, with Lodestar Towers California, Inc. (LTC) for antenna and rack space at San Sevaine Peak near Lytle Creek. In the 21 years since the License was originally approved, the Board has approved three amendments reflecting a change of ownership from LTC to Spectra Site Communications, LLC to California Tower, Inc. (CT) providing for the placement of additional antennas on the CT's tower and securing 135 square feet of land for the placement of a back-up generator.

The original term of the License was for the period of February 25, 2003 through February 24, 2008. The License was automatically extended under the provisions of the License for the first of four five-year options to extend the term on February 25, 2008, then automatically extended on February 25, 2013, for the second of four five-year options, then again on February 25, 2018, for the third of four five-year options, and then again on February 25, 2023, for the fourth and final five-year option. As provided in the License, the options to extend are automatic and extend the term unless the County provides notice to CT 180 days prior to the expiration of the then current term indicating it does not want the term to be extended.

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	June 15, 2010	97
2	July 26, 2016	37
3	September 10, 2019	53

This Amendment is a mid-term upgrade, changes the expiration date, from February 24, 2028 to September 30, 2028, adds two more automatic five-year options to extend, and provides for the County's upgrade to San Sevaine North Tower at San Sevaine Peak near Lytle Creek. ITD requested the Real Estate Services Department (RESD) negotiate an amendment to the License to provide for the placement of seven antennas: including four dish antennas, two Omni antennas, and one panel antenna, on the CT owned communication facility. The annual license fee paid by the County will increase by \$52,918, to a total of \$160,178, effective September 1, 2024, with 3% annual increases for each year after.

RESD is requesting that the Board approve the use of an alternative procedure in lieu of a formal Request for Proposal (RFP), as allowed per County Policy 12-02 (Policy), to amend the License with California Tower, Inc., due to the immediate programmatic needs of the department to upgrade communication infrastructure that will benefit the response times for

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County emergency services in the Lytle Creek area. County Policy provides that the Board may approve the use of an alternative procedure to the use of a RFP process whenever the Board determines that compliance with the RFP requirements would unreasonably interfere with the financial or programmatic needs of the County, or when the use of an alternative procedure would otherwise be in the best interest of the County.

The project to approve this Amendment with CT 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:	California Tower, Inc., dba American Towers
Location:	San Sevaine Peak in the Lytle Creek area
Size:	Antenna and rack space
Term:	February 25, 2003 through September 30, 2028, automatically renewing for two additional five-year terms
Term Extensions:	Two five-year automatic extension terms
Rent:	Monthly: \$13,348 (rounded) Annual: \$160,178 *Mid-range for comparable facilities in the Lytle Creek area per the competitive set analysis on file with RESD
Annual Increases:	3%
Improvement Costs:	Provided by County
Maintenance:	Provided by Licensor for the tower and equipment shelter and fencing; provided by County for antennas and radio equipment
Utilities:	Provided by County
Insurance:	The Certificate of Liability Insurance, as required by the License, is on file with RESD
Holdover:	The options to extend are automatic and extend the term unless the County provides notice to Licensor 180 days prior to the expiration of the then current term
Right to Terminate:	The County has no right to terminate except with 180 days' notice prior to the expiration of the then existing term

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**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 July 17, 2024; Innovation and Technology (Steve Miller, Deputy Division Chief, 388-0705 ) on July 26, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on July 22, 2024; Finance (Iliana Rodriguez, 387-4205, and Garrett Baker, 387-3077, Administrative Analysts) on August 5, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on August 6, 2024.

(BR: 531-2674)

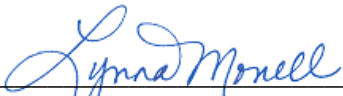
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 20, 2024



cc: Real Estate Services - Thompson w/agree  
Contractor - c/o Real Estate Services w/agree  
File - w/agree

MBA 08/22/2024