

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF BOARD GOVERNED COUNTY SERVICE AREAS  
AND RECORD OF ACTION**

December 5, 2023

**FROM**

**BRENDON BIGGS, Director, Department of Public Works – Special Districts**

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

**SUBJECT**

Revenue License Amendment with Southern California Gas Company for Rack and Antenna Space in Twentynine Palms

**RECOMMENDATION(S)**

Acting as the governing body of County Service Area 70:

1. Find that approval of Amendment No. 1 to revenue License Agreement No. 18-907 with Southern California Gas Company, for rack and antenna tower 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, Amendment No. 1 to revenue License Agreement No. 18-907 with Southern California Gas Company, to extend the term of the license five years, commencing January 1, 2024, for the use of rack and antenna tower space located at Pinto Mountain near Twentynine Palms (a portion of Assessor's Parcel Number 0592-021-14) for the operation of a wireless communication facility, is in the public interest and that the license agreement will not substantially conflict or interfere with the County's use of the property.
3. Approve **Amendment No. 1** to revenue License **Agreement No. 18-907** with Southern California Gas Company to extend the term of the license five years, for the period of January 1, 2024 through December 31, 2028, adjust the license fee schedule, and update standard license agreement language for the continued use of rack space in the County Service Area 70's equipment shelter, and antenna space on the County Service Area 70's antenna structure at the Pinto Mountain Communication Site near Twentynine Palms (a portion of Assessor's Parcel Number 0592-021-14) for total revenue in the amount of \$232,495.
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.**

**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 County Service Area 70 (CSA 70) for the use of rack space and antenna tower space during this five-year amendment to revenue License Agreement No 18-907 (License) is \$232,495. The annual revenue received from this License

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will be equally deposited in the CSA 70 funds (3320001780 and 3310001786). Other costs associated with this license include electrical utility costs and maintenance costs, which are included in the 2023-24 CSA 70 budget and will be included in future recommended budgets. Annual revenue is as follows:

<u>Year</u>	<u>Annual Revenue</u>
January 1, 2024 – December 31, 2024	\$43,356
January 1, 2025 – December 31, 2025	\$44,873
January 1, 2026 – December 31, 2026	\$46,444
January 1, 2027 – December 31, 2027	\$48,070
January 1, 2028 – December 31, 2028	<u>\$49,752</u>
<b>Total Revenue</b>	<b>\$232,495</b>

**BACKGROUND INFORMATION**

On December 18, 2018 (Item No. 79), the Board of Supervisors (Board) approved a five-year License, for the period of January 1, 2019 through December 31, 2023 with the Southern California Gas Company (SCG) for radio equipment rack and antenna tower space within and on the CSA 70-owned improvements, to operate and maintain a communication facility, located at the CSA 70-owned television translator broadcast facility at Pinto Mountain, a portion of Assessor's Parcel Number (APN) 0592-021-14 near Twentynine Palms.

Public Works Department-Special Districts Division (SD) requested the Real Estate Services Department (RESA) prepare Amendment No. 1 to the License to extend the term an additional five years for the period of January 1, 2024 through December 31, 2028. Amendment No. 1 to the License accomplishes SD's request.

The project to approve Amendment No. 1 to the License 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 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:	Southern California Gas Company
Location:	Pinto Mountain (a portion of APN 0592-021-14) near Twentynine Palms
Size:	Rack and antenna tower space
Term:	Five years commencing January 1, 2024 through January 31, 2028
Options:	None
Rent:	Annual: \$43,356* *Mid-range for comparable communication facilities in the Twentynine Palms area per the competitive set analysis on file with RESA

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Annual Increases:	3.5%
Maintenance:	Provided by CSA 70 for equipment shelter and antenna structure; provided by Licensee for all Licensee's equipment;
Utilities:	Provided by CSA 70
Insurance:	Both parties are self-insured public entities
Right to Terminate:	Either party has the right to terminate with 60-days' written notice

**PROCUREMENT**

The Board, in accordance with Government Code Section 25526.6, may grant a license for the use of any real property of the County to any public utility corporation 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 will not substantially conflict or interfere with the use of the property by the County.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Aaron Guest, Deputy County Counsel, 387-5455) on October 31, 2023; Public Works Department (Brendon Biggs, Director, 387-7906) on November 1, 2023; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on October 27, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635, and Garrett Baker, Administrative Analyst, 387-3077) on November 8, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on November 15, 2023.

(KB: 677-7961)

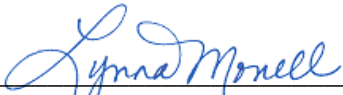
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Record of Action of the Board of Supervisors  
Board Governed County Service Areas

**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: December 5, 2023



cc:    RESD - Thompson w/ agree, NOE & Rec.  
         Contractor c/o RESD w/ agree  
         File w/ agree  
JLL    12/6/2023