

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

February 9, 2021

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

BRENDON BIGGS, Director, Department of Public Works – Solid Waste Management

SUBJECT

Amendment No. 2 to Revenue License Agreement 18-86 with One Internet America, LLC for Use of County-owned land in Ontario for the Solid Waste Management Division

RECOMMENDATION(S)

1. Find that, pursuant to California Government Section 25526.6, **Amendment No. 2** to revenue License Agreement, **Contract No. 18-86** with One Internet America, LLC to extend the term of the license by one year for the period of March 1, 2021 through February 28, 2022, add the right for licensee to request two additional one-year extensions of the term, subject to County's approval in its sole discretion, and adjust the license fee for the use of approximately 100 square feet of County-owned land located at 2050 South Milliken Avenue, Ontario to operate and maintain a wireless internet data transmission facility is in the public interest and that the amendment of the license agreement will not substantially conflict or interfere with the County's use of the land.
2. Approve Amendment No. 2 to revenue License Agreement, Contract No. 18-86 with One Internet America, LLC to extend the term of the license for one year for the period of March 1, 2021 through February 28, 2022, add the right for licensee to request two additional one-year extensions of the term, subject to County's approval in its sole discretion and, adjust the license fee for the licensee's use of approximately 100 square feet of County-owned land located at 2050 South Milliken Avenue, Ontario for total revenue in the amount of \$3,359.

(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 one-year amendment is \$3,359. Revenue will be deposited in the Department of Public Works – Solid Waste Management Division (SWMD) fund (6701784250) and the annual revenue is as follows:

| | |
|-----------------------------------|-------------------------------|
| <u>Year</u> | <u>Annual License Revenue</u> |
| March 1, 2021 – February 28, 2022 | <u>\$3,359</u> |
| Total Revenue | \$3,359 |

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BACKGROUND INFORMATION

The recommended action will find that the amendment to the license agreement with One Internet America, LLC (OIA) to extend OIA's use of County's land is in the public interest and will not substantially conflict or interfere with County's use of the property and will approve the amendment to extend the term of the license for one year for the period of March 1, 2021 through February 28, 2022, add the right for OIA to request two additional one-year extensions of the term, subject to County's approval in its sole discretion, and adjust the annual license fee to \$3,359, for OIA's use of approximately 100 square feet of County-owned land located at the Milliken Sanitary Landfill (Milliken Landfill) in the City of Ontario to maintain and operate a wireless internet data transmission facility.

On February 13, 2018 (Item No. 51), the Board of Supervisors (Board) approved a two-year license agreement, Contract No. 18-86 with OIA for the period of March 1, 2018 through February 29, 2020 with the right for OIA to request two one-year extensions of the term, subject to County's approval in its sole discretion for OIA's use of approximately 100 square feet of County-owned land located at the Milliken Landfill to maintain and operate a wireless internet data transmission facility for total revenue in the amount of \$6,000. The facility consists of a mast-mounted two-foot microwave antenna, a two-foot sector antenna (mounted on a non-operational weather station pole), and a weatherproof equipment cabinet containing the radio transmission equipment powered by a solar cell array mounted on the top of the equipment cabinet. The facility provides a link in OIA's system serving internet clients in the Ontario area. In the three years since the license was originally approved, the Board has approved one amendment to extend the term of the license and adjust the license fee.

| <u>Amendment No.</u> | <u>Approval Date</u> | <u>Item No.</u> |
|----------------------|----------------------|-----------------|
| 1 | January 28, 2020 | 40 |

In 2020, as permitted by the license, OIA requested a one year extension of the license, and upon review, SWMD had no objections and requested that the Real Estate Services Department (RESO) negotiate an amendment for the extension. RESO negotiated an approximate 3% increase in the license fee, which per a market survey conducted by RESO, is within market range for comparable facilities of this type in the Ontario area.

RESO 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

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| Licensee: | One Internet America, LLC (Leisser Barrera, Member) |
| Location: | Milliken Sanitary Landfill, Ontario. |
| Size: | Approximately 100 square feet of land |
| Term: | One year, commencing March 1, 2021. |

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| Options: | None, but Licensee has the right to request two additional one-year extension terms, subject to County's approval in its sole discretion |
| Revenue: | Revenue per sq. ft. per month: \$2.80* Monthly: \$279.92 Annual: \$3,359.00 *Mid-range for comparable facilities in the Ontario area per competitive set analysis on file with RESD |
| Annual Increases: | None |
| Improvement Costs: | None |
| Maintenance: | Provided by Licensee |
| Utilities: | Provided by Licensee |
| Insurance: | The Certificate of Liability Insurance, as required by the license, is on file with RESD |
| Right to Terminate: | County may terminate with 180-days' notice |

PROCUREMENT

Pursuant to California Government Code Section 25526.6, the Board may grant licenses for use of any County-owned property to the state, or to any county, city, district, or public agency or corporation, or 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 licenses are in the public interest and that the licenses 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 Kristina Robb, Supervising Deputy County Counsel, 387-5455) on January 13, 2021; SWMD (Darren Meeka, Deputy Director, 386-8703) on January 13, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Carl Lofton, Administrative Analyst, 387-5404) on January 25, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on January 25, 2021.

(LB: 453-5227)

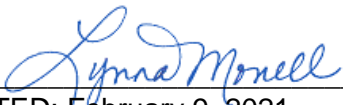
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 9, 2021



cc: RESD- Thompson w/agree
Contractor- C/O RESD w/agree
File- w/agree
LA 02/11/2021