

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

June 8, 2021

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

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

SUBJECT

Amendment No. 3 to Revenue License Agreement with Los Angeles SMSA Limited Partnership for the Use of County Land for the Department of Public Works – Solid Waste Management near Big Bear City

RECOMMENDATION(S)

Approve **Amendment No. 3** to revenue **License Agreement No. 10-82**, with Los Angeles SMSA Limited Partnership dba Verizon Wireless to waive license's strict compliance with the notice requirement for its exercise of an existing extension option, extend the term of the license five years, for the period of July 1, 2021 through June 30, 2026 due to licensee's exercise of an existing extension option, following a permitted holdover for the period of January 1, 2020 through June 30, 2021, adjust the license fee schedule for the extended term and update standard license agreement language for the use of approximately 900 square feet of County-owned land within the Big Bear Landfill near Big Bear City for the licensee's continued operation and maintenance of a wireless communication facility for total revenue for the Department of Public Works – Solid Waste Management in the amount of \$140,037.
(Presenter: Terry W. Thompson, Director, 387-5252)

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 the County during this five-year agreement, including the 18 month holdover period, is \$140,037 and will be deposited in the Department of Public Works-Solid Waste Management (SWM) fund (6701004250). There are no other costs associated with this license. Annual revenue, is as follows:

<u>Period</u>	<u>Revenue</u>
January 1, 2020 – June 30, 2021	\$ 38,853
July 1, 2021 – June 30, 2022	\$ 18,684
July 1, 2022 – June 30, 2023	\$ 19,428
July 1, 2023 – June 30, 2024	\$ 20,208
July 1, 2024 – June 30, 2025	\$ 21,012
July 1, 2025 – June 30, 2026	<u>\$ 21,852</u>
Total Revenue:	<u>\$140,037</u>

**Amendment No. 3 to Revenue License Agreement with Los Angeles
SMSA Limited Partnership for the Use of County Land for the
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BACKGROUND INFORMATION

The recommended actions will approve Amendment No. 3 to an existing license agreement, No. 11-82 with Los Angeles SMSA Limited Partnership dba Verizon Wireless (Verizon) for the continued operation of a wireless communication facility by waiving Verizon's strict compliance with the notice requirement for its exercise of an existing extension option, extending the term five years for the period of July 1, 2021 through June 30, 2026 due to Verizon's exercise of an existing extension option, following a permitted holdover for the period of January 1, 2020 through June 30, 2021, adjusting the license fee schedule, and updating standard license agreement language for the use of approximately 900 square feet of County-owned land located within the Big Bear Landfill near Big Bear City.

On February 9, 2010 (Item No. 47), the Board of Supervisors (Board) approved a five-year License Agreement No. 10-82, (License) with three five-year options to extend the term of the license with Verizon for the use of approximately 900 square feet of County-owned land within the Big Bear Landfill. The original term of the license was for the period of January 1, 2010 through December 31, 2014. In the 11 years since the License was originally approved, the Board has approved two amendments which provided approval of a redesign of the underground utility route, extend the term of the license for the period of January 1, 2015 through December 31, 2019, adjust the license fee schedule, and update standard license agreement terms.

<u>Amendment No.</u>	<u>Approval Date</u>	<u>Item No.</u>
1	March 22, 2011	37
2	December 16, 2014	61

By letter dated June 26, 2019, ATC Sequoia, LLC, (ATC), as the authorized agent of Verizon, provided notice to the County by certified mail delivery of its intention to exercise the second of three five-year options to extend the term of the License. However, the notice received by the County on July 2, 2019 was past the date of June 30, 2019, the required date for notice to be received by the County. The Real Estate Services Department (RESA) contacted SWM to determine if the department was in agreement that the extension should proceed and approval was provided. RESA provided a draft amendment to ATC which ATC failed to execute and on December 31, 2019, the License went into holdover. Verizon has continued to occupy the site and abide by the provisions of the License during holdover. Protracted negotiations regarding the language of the amendment has delayed presentation of this amendment to the Board. Amendment No. 3 to License Agreement No. 10-82, provides for the continued use of approximately 900 square feet of County-owned land by Verizon, for the operation and maintenance of a wireless communication facility for the period of July 1, 2021 through June 30, 2026, following a permitted holdover for the period of January 1, 2020 through June 30, 2021, adjusts the license fee schedule and updates standard license agreement language.

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

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Summary of License
Terms

Licensee:	Los Angeles SMSA Limited Partnership dba Verizon Wireless (Carol Maxime, Senior Counsel as Authorized Agent)
Location:	Big Bear Landfill, Holcomb Valley Road, near Big Bear City
Size:	Approximately 900 square feet of County-owned land
Term:	Five years, commencing July 1, 2021
Options:	One five-year option
License Fee:	Monthly: \$1,557* Annual: \$18,684 *Mid-range for comparable facilities in the Big Bear City area per the competitive set analysis on file with RESD
Annual Increases:	4%
Improvement Costs:	Provided by Licensee
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 has the right to terminate with 180-day's written notice; Licensee has right to terminate with 90 days' notice if Licensee cannot secure, loses, or forfeits any necessary permits

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Jolena Grider, Deputy County Counsel, 387-5455) on May 13, 2021; Department of Public Works – Solid Waste Management (Darren Meeka, Deputy Director, 386-8703) on April 14, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Carl Lofton, Administrative Analyst, 387-5404) on May 24, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 24, 2021.

(KB: 677-7961)

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 8, 2021



cc: RESD- Thompson w/agree
 Contractor- C/O RESD w/agree
 File- w/agree
LA 06/15/2021