



San Bernardino County

Legislation Text

File #: 4323, Agenda Item #: 74

**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

Revenue License Agreement with New Cingular Wireless PCS, LLC for the Use of County Land for the Department of Public Works - Solid Waste Management Near Big Bear City

RECOMMENDATION(S)

1. Find that, pursuant to California Government Section 25526.6, a five-year license agreement, with three five-year options to extend the term of the license, with New Cingular Wireless PCS, LLC, commencing on full execution of the license, for use of approximately 886 square feet of County-owned land located at the Big Bear Landfill and Transfer Station with an address of 38550 Holcomb Valley Road near Big Bear City 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.
2. Approve a five-year revenue license agreement, with three five-year options to extend the term of the license, with New Cingular Wireless PCS, LLC, commencing on full execution of the license, for the use of approximately 886 square feet of County-owned land located at the Big Bear Landfill and Transfer Station with an address of 38550 Holcomb Valley Road near Big Bear City for the operation of a wireless communication facility for total revenue in the amount of \$128,699.
3. Adopt a finding of exemption under the California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption for the project.

(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 the County during this five-year agreement is \$128,699 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, presuming a commencement date of June 8, 2021 is as follows:

<u>Year</u>	<u>Annual Revenue</u>
June 8, 2021 - June 7, 2022	\$ 24,000
June 8, 2022 - June 7, 2023	\$ 24,840

June 8, 2023 - June 7, 2024	\$ 25,709
June 8, 2024 - June 7, 2025	\$ 26,609
June 8, 2025 - June 7, 2026	<u>\$ 27,541</u>
Total Revenue	\$128,699

BACKGROUND INFORMATION

The recommended actions will find that a five-year license agreement, with three five-year options to extend the term of the license, with New Cingular Wireless PCS, LLC (Cingular) for the operation of a wireless communication facility is in the public interest and the license agreement will not substantially conflict or interfere with the County's use of the property and provide for a new five-year revenue license agreement, with three five-year options to extend the term of the license with Cingular for the construction, operation and maintenance of a wireless communication facility on approximately 886 square feet of County-owned land located at the Big Bear Landfill and Transfer Station with an address of 38550 Holcomb Valley Road near Big Bear City.

In August 2018, Cingular proposed the placement of a wireless communication facility on approximately 886 square feet of County-owned land at the SWM-operated Big Bear Landfill and Transfer Station located at 38550 Holcomb Valley Road near Big Bear City. SWM operates and maintains a transfer station for refuse brought to the closed landfill by residents of the Big Bear area, which is then hauled to an operating landfill out of the mountain regions of San Bernardino County. The communications facility will be located approximately 900 feet north and east of the capped area of the closed landfill. SWM reviewed the request and determined that Cingular's proposed use does not substantially conflict or interfere with SWM's use of the property. SWM requested the Real Estate Services Department (RES D) prepare a license agreement providing for the use of SWM-administered land by Cingular. This new five-year license agreement, with three five-year options to extend the term of the license, provides for the license of approximately 886 square feet of County-owned land by Cingular for the construction, operation and maintenance of a wireless communication facility located at 38550 Holcomb Valley Road near Big Bear City.

Staff has reviewed the proposed project pursuant to the California Environmental Quality Act (CEQA) and determined it to be categorically exempt from further environmental review in accordance with section 15061 (b) (3) of the CEQA guidelines.

Summary of License Terms

Licensee:	New Cingular Wireless PCS, LLC (Misty Snow, Area Manager)
Location:	38550 Holcomb Valley Road near Big Bear City
Size:	Approximately 886 square feet of County-owned land
Term:	Five years, commencing upon full execution of the license
Options:	Three five-year options
License Fee:	Annual: \$24,000 *Mid-range for comparable facilities in the Big Bear City area per the competitive set analysis on file with RESD
Annual Increases:	3.5%

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 no right to terminate during the term except due to default; Licensee has the right to terminate if Licensee cannot secure, loses or forfeits any permits or licenses necessary to use or operate the Licensee's authorized equipment with 180 days' notice; Both parties have the right to terminate with 30-days' notice in the event of holdover

PROCUREMENT

Pursuant to California Government Code Section 25526.6, the Board of Supervisors (Board) may grant licenses for use of any County-owned property to a 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 license 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 Jolena Grider, Deputy County Counsel, 387-5455) on May 13, 2021; Department of Public Works - Solid Waste Management (Darren Meeka, Deputy Director, 388-8703) on May 6, 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)