

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS**

Date: **NOVEMBER 27, 2007**

From:  **JAMES DURFEE / ALBERT RICHIE**

Subject: **CABIN CREEK TOWER – CO-LOCATION CONSENT**

ACTION REQUESTED/RECOMMENDATION: Adopt the attached Resolution that authorizes the Director of Facility Services to execute the County's consent to a co-location request by T-Mobile, USA, at the County's Eastern Regional Landfill Site, and to execute such documents and take such actions as are necessary or advisable to carry out the purposes and intent of the Resolution.

BACKGROUND: On July 8, 1997, the County executed a "Communications Site Agreement" (Agreement) with Pacific Bell Mobile Services, Inc. (PBMS) to construct and operate cellular telephone facilities in a 30-foot by 35-foot Premises at the Eastern Regional Landfill. This Agreement includes co-location provisions, which are consistent with the County Zoning Ordinance and allow placement of other carriers' equipment within the existing shelter and on the 88-foot lattice tower. The Agreement specifies that such co-location be at the County's sole discretion, based on the payment of fair market rent and technical review by the Telecommunications Division.

In January 2007, the successor-in-interest to PBMS, T-Mobile, USA, a Delaware Corporation, doing business in the State of California as CSC-Lawyers Incorporating Service (Tenant), requested the County's consent to co-location by Metro PCS. Through a review of comparable agreements administered by neighboring agencies, Property Management successfully negotiated an up-front payment of \$25,000 for this co-location. This amount is in addition to the monthly rent, which will commence at \$540.00 per month and is subject to a 3% annual increase. If the Tenant exercises all of the four remaining 5-year Agreement extensions, this co-location may extend until September 2027. The Tenant's proposal includes the construction of a 22-foot tower extension at its sole cost, and Tenant acknowledges its responsibility to secure all applicable Governmental and Environmental approvals. The Telecommunications Division finds all aspects of the co-location request compatible with existing County equipment.

As T-Mobile has satisfied the up-front payment of \$25,000, and has met the County's insurance and technical compatibility requirements, staff requests that your Board authorize the Director of Facility Services to execute the consent for this co-location request. Such co-location consent shall be contingent upon the execution of any documents and/or certifications required by the Agreement.

ENVIRONMENTAL CLEARANCE: The County's consent to this co-location request is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which provides for the leasing of existing facilities.

FISCAL IMPACT: This co-location consent will result in the County's receipt of the \$25,000 up-front payment and annually adjusted rent commencing at \$540 per month.

JD:AR:MR:KJ

ATTACHMENT: RESOLUTION

cc: COUNTY EXECUTIVE OFFICE
TELECOMMUNICATIONS DIVISION

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Before the Board of Supervisors County of Placer, State of California

In the matter of: A Resolution that authorizes the Director of Facility Services to execute the County's consent to a co-location request by T-Mobile, USA, at the County's Eastern Regional Landfill Site, and to execute such documents and to take such actions as are necessary or advisable to carry out the purposes and intent of the Resolution.

Resol. No: _____

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

WHEREAS, On July 8, 1997, the County executed that certain "Communications Site Agreement" ("Agreement") with Pacific Bell Mobile Services that allowed installation and use of certain communications facilities ("Facilities") at the County's Eastern Regional Landfill Site; and

WHEREAS, T-Mobile, USA, ("Tenant") is the successor-in-interest to Pacific Bell Mobile Services; and

WHEREAS, Tenant has requested the County's consent to co-locate equipment of Metro PCS on the Facilities; and

WHEREAS, the Agreement allows the County to exercise its sole discretion whether to allow a co-locator on the Facilities and to make a determination of fair market value; and

WHEREAS, the Agreement provides that the County shall receive forty-percent (40%) of the gross rent received by the Tenant; and

WHEREAS, the Tenant co-location request calls for a gross rent to Tenant from co-locator of \$1,350.00 per month, subject to a three per cent (3%) annual increase, of which forty-percent (40%) currently equals \$540.00 per month; and

WHEREAS, the County has determined that \$540.00 per month subject to a three-percent (3%) annual increase, plus an up-front payment of \$25,000, provides adequate fair market value to the County; and

WHEREAS, the County has received the required fair market, up-front payment of \$25,000.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Placer, State of California, that the Director of Facility Services is authorized to execute the County's consent to the Tenant's co-location request upon the receipt by the County from Tenant (or Tenant's designee) of any documents and/or certifications required by the Agreement.

BE IT FURTHER RESOLVED that the approval provided by this Resolution shall be void and of no further effect if the County does not receive any other documents and/or certifications required by the Agreement on or before August 31, 2008.

BE IT FURTHER RESOLVED that the Director of Facility Services is authorized to revoke the County's consent to the co-location in the event of breach by the Lessee and/or the co-locator of any of the terms of the Agreement.

BE IT FURTHER RESOLVED that the Director of Facility Services is authorized to execute such documents and take such other actions as are necessary or advisable to carry out the purposes and intent of this Resolution.

