

# PLACER COUNTY

## ADMINISTRATIVE SERVICES DEPARTMENT

### MEMORANDUM

**TO:** Honorable Board of Supervisors

**FROM:** Jerry Gamez, Director of Administrative Services *J. A.*

**DATE:** December 10, 2013

**SUBJECT:** Ward Peak Radio Tower Communications Facility - Quit Claim Bill of Sale and Transfer of a 15-Year Communications Use Lease Agreement.

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#### ACTION REQUESTED/RECOMMENDATION:

- 1.) Approve the conveyance of the Ward Peak Radio Tower Communications Facility located at Type Site #803, Chair One Peak, Olympic Valley, CA from Falcon Cable Systems Company II, L.P. to the County of Placer;
- 2.) Adopt a Resolution authorizing the Director of Administrative Services to execute all documents, upon County Counsel and Risk Management approval, and take all actions necessary to complete the conveyance of the Ward Peak Radio Tower Communications Facility, including the execution of a zero cost, Quit Claim Bill of Sale for real property comprised of a 30 ft. tower, 20 ft. equipment shelter, antennas, equipment, dishes and emergency power generator with an estimated Fair Market Value of \$39,700 and;
- 3.) Authorize the Director of Administrative Services to execute the transfer of the related 15-year Communication Use Lease Agreement between Falcon Cable Systems Company II, L.P. and the U.S. Department of Agriculture's Forest Service, with a net annual County cost of \$800, for the continued use of real property located at Type Site #803, Chair One Peak, Olympic Valley, CA, upon County Counsel and Risk Management approval.

#### BACKGROUND:

The Ward Peak Radio Tower Communications Facility is owned by Falcon Cable Systems Company II, L.P. (Falcon Cable Systems), and is located at Type Site #803, Chair One Peak, Olympic Valley, CA. This facility is operated in accordance with the terms and conditions of a Communications Use Lease Agreement between Falcon Cable Systems and the U.S. Department of Agriculture's Forest Service. The facility was built in 1971 and encompasses approximately 650 square feet that is utilized by Falcon Cable Systems primarily to support the transport of cable television signals into the Lake Tahoe Basin. In addition, Falcon Cable Systems provided authorization for the Placer County Sheriff's Office - Search & Rescue Division to operate, at no cost, a two-way radio repeater at this facility.

In January 2013, Falcon Cable Systems notified the County of Placer of their intent to decommission the facility as cable television signals are now being transported utilizing new fiber optic technologies. Falcon Cable Systems also presented a Letter of Transfer for all equipment located at this facility to the County of Placer including the transfer of a 15-year Communication Use Lease Agreement for the continued use of this location as a two-way radio communications site for critical Search & Rescue operations throughout the surrounding recreational communities. Search & Rescue events rely heavily on two-way

radio communication systems to conduct their operations and without this critical infrastructure the safety and effectiveness of First Responders would be significantly impacted. The County's ownership of this communications facility is prudent, in consideration of its public safety significance.

County staff has been in discussions with Falcon Cable Systems and the U.S. Department of Agriculture's Forest Service regarding the conveyance of ownership of the radio tower equipment and the transfer of the related 15-year Communications Use Lease Agreement necessary to support the Sheriff's Office - Search & Rescue two-way radio communications. Staff has determined that a Quit Claim Bill of Sale from Falcon Cable Systems to confirm the County's ownership of this communications facility and the transfer of the related Communications Use Lease Agreement to the County of Placer to continue operating the site is advisable.

The recommended actions being requested will provide for the continued use of this facility through December 31, 2020 with the appropriate renewal options to support the County's existing Public Safety two-way communication equipment and digital radio infrastructure to support the County's Interoperable Radio Network Project. To validate the continued use of the Ward Peak Radio Tower Communications Facility for these purposes, County staff enlisted the assistance the Placer County Building Department to inspect the facility for the purpose of determining the facility's condition, compliance with code requirements and deferred maintenance obligations. Based on the results of these efforts no significant concerns were identified.

Therefore, in order to accept and record the Quit Claim Bill of Sale and the transfer of the related 15-year Communication Use Lease Agreement, your Board must adopt the attached Resolution authorizing the Director of Administrative Services to take all actions and execute all documentation, including an agreement that contains warranties, disclosures and representations relative to the use of the Ward Peak Radio Tower Communications Facility. This transaction is consistent with Government Code 25350.

**ENVIRONMENTAL CLEARANCE:**

Staff has determined the acquisition of this equipment is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 which provides for a project where there is no expansion of existing use.

**FISCAL IMPACT:**

The conveyance of the Ward Peak Radio Tower Communications Facility equipment is at no cost to the County. However, the annual Communication Use Lease Agreement costs total \$800 and approximately \$1,200 is estimated as annual cost for utilities and maintenance to operate the facility for a combined total of \$2,000 annually. Funding for these costs is included in the Telecommunications Division FY2013/2014 Budget (02100) and will be budgeted accordingly in subsequent years.

Cc: Kathy Buchanan, Deputy Director of Information Technology  
Melissa Nunnink, Administrative & Fiscal Operations Manager  
James Importante, Management Analyst  
Wayne Woo, Captain - Sheriff's Office  
Kevin Borden, Lieutenant – Sheriff's Office  
Dieter Wittenberg, Information Technology Manager  
Brett Wood, Purchasing Manager

Attachment(s)

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF PLACER, STATE OF CALIFORNIA**

**In the matter of: A RESOLUTION APPROVING AND  
AUTHORIZING THE DIRECTOR OF ADMINISTRATIVE  
SERVICES TO EXECUTE ALL DOCUMENTS AND TAKE  
ALL ACTIONS NECESSARY TO COMPLETE A QUIT  
CLAIM BILL OF SALE FOR THE WARD PEAK  
RADIO COMMUNICATIONS FACILITY AND TRANSFER  
OF THE RELATED COMMUNICATIONS USE LEASE  
AGREEMENT.**

**Resol. No:** \_\_\_\_\_

**Ord. No:** \_\_\_\_\_

**First Reading:** \_\_\_\_\_

The following Resolution was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held \_\_\_\_\_, 2013,  
by the following vote on roll call:

**Ayes:**

**Noes:**

**Absent:**

**Signed and approved by me after its passage.**

\_\_\_\_\_  
**Chair, Board of Supervisors**

**Attest:  
Clerk of said Board**

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WHEREAS, Falcon Cable Systems Company II, L.P., owns the Ward Peak Radio Tower  
Communications Facility located at Type Site #803, Chair One Peak, Olympic Valley, CA; and,

WHEREAS, Falcon Cable Systems Company II, L.P. operates the Ward Peak Radio Tower  
Communications Facility in accordance with the terms and conditions of a Communications Use Lease  
Agreement between Falcon Cable Systems Company II, L.P. and the U.S. Department of Agriculture's  
Forest Service; and,

WHEREAS, in January 2013, Falcon Cable Systems Company II, L.P., notified the County of Placer  
of their intent to decommission the facility and presented a Letter of Transfer for all equipment located  
at this facility including the transfer of a 15-year Communication Use Lease Agreement with the U.S.  
Department of Agriculture – Forest Service to the County of Placer in an effort to maintain two-way

radio communications for critical Search & Rescue operations throughout the surrounding recreational areas.

WHEREAS, in consideration of its public safety significance, a Quit Claim Bill of Sale from Falcon Cable Systems to confirm the County's ownership of this communications facility and the transfer of a 15-year Communications Use Lease Agreement to the County of Placer to continue operating the site is advisable.

NOW THEREFORE, BE IT RESOLVED, the County Board of Supervisors does hereby authorize the Director of Administrative Services to execute on behalf of the County of Placer all documentation and take all actions necessary to complete the conveyance of the Ward Peak Radio Tower Communications Facility, including the execution of a zero cost, Quit Claim Bill of Sale for real property comprised of a 30 ft. tower, 20 ft. equipment shelter, antennas, equipment, dishes and emergency power generator and the execution of all documents necessary to transfer to the County of Placer a 15-year Communication Use Lease Agreement with the U.S. Department of Agriculture - Forest Service for the continued use of the site.