



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager



Date: December 12, 2016

Board Meeting Date: February 28, 2017

Special Notice / Hearing: None

Vote Required: Majority

To: Honorable Board of Supervisors

From: John L. Maltbie, County Manager

Subject: Amendment to the Permit Agreement with New Cingular Wireless PCS, LLC, for the operation of an existing wireless communication facility on the roof of the Community Services Building located at 2415 University Avenue in City of East Palo Alto (Permit No. 5282)

RECOMMENDATION:

Adopt a resolution authorizing:

- A) The President of the Board of Supervisors to execute a an amendment to the Permit Agreement with New Cingular Wireless PCS, LLC, for the continued operation of an existing wireless communication facility on the roof of the Community Services Building located at 2415 University Avenue in the City of East Palo Alto, to modify the termination, indemnification and insurance language, and increase the monthly Base Permit Fee; and
- B) The County Manger, or his designee, to accept or execute on behalf of the County any and all notices, options, consents, approvals, terminations, and documents in connection with the agreement.

BACKGROUND:

In 2000, as authorized by Resolution No. 64098, the County and Bay Area Cellular Telephone Company ("BACTC") entered into a Permit Agreement for the installation, construction and operation of a wireless communication facility on the roof of the Community Services Building located at 2415 University Avenue in the City of East Palo Alto. Shortly thereafter, in 2001, BACTC was sold to New Cingular Wireless PCS, LLC ("Cingular"), and Cingular has operated the site ever since. In accordance with Resolution No. 71545, the Permit Agreement was extended to May 31, 2016 and Cingular has since occupied the premises in holdover. County and Cingular desire to amend the Permit to authorize Cingular to extend the term, increase the Base Permit Fee, and modify the insurance, indemnification, and termination sections of the Permit.

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DISCUSSION:

Real Property Services has negotiated an amendment to the Permit Agreement which increases the monthly Base Permit Fee from \$5,521.78 to \$6,843.63, in accordance with Information Services Department Radio Site Equipment Rates for installed equipment. The monthly Base Permit Fee will also increase 3% annually. The amendment extends the Term to May 31, 2021, provides the Permittee with an option to extend for an additional five years, modifies the termination language, and modifies the Indemnification and Insurance clause. There are no changes to the Premises or use of the facility as a result of this Amendment.

County Counsel has reviewed and approved the Permit and Resolution as to form. The Director of Public Works, County Risk Manager, and Network & Radio Supervisor concurs in this recommendation.

Approval of the Permit contributes to the Shared Vision 2025 outcome of a Collaborative Community by establishing an agreement that benefits the County of San Mateo and Cingular while also serving the public.

FISCAL IMPACT:

The initial monthly Base Permit Fee of \$6,843.63 will be deposited to the Facilities Account for the Department of Public Works.