



# County of San Mateo

## Inter-Departmental Correspondence

**Department:** COUNTY MANAGER

**File #:** 16-511

Board Meeting Date: 9/12/2017

**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 continued operation of a wireless communication site at the Tower Road Communication Facility (Permit No. 5193)

### **RECOMMENDATION:**

Adopt a resolution authorizing:

- A) The President of the Board of Supervisors to execute an amendment to the Permit Agreement to extend the agreement from August 1, 2019 through July 31, 2024, with New Cingular Wireless PCS, LLC. to enable their continued operation of a wireless communication site at the Tower Road Communication Facility at a starting permit fee of \$5,607.92; and
- B) The County Manager, or his designee, to accept or execute all notices, options, and documents associated with the Second Amendment and Permit Agreement including, but not limited to, extension or termination of the agreement under the terms set forth therein.

### **BACKGROUND:**

In 1992, the County and Bay Area Cellular Telephone Company ("BACTC") entered into a Permit Agreement for the installation, construction and operation of a wireless communication site at the Tower Road Communication Facility. BACTC was sold to New Cingular Wireless PCS, LLC. ("Cingular") in 2001, and Cingular has operated the site since then. In July 2009, the County and Cingular entered into a new Permit Agreement which is scheduled to expire on July 31, 2019. The current monthly fee is \$5,286, which escalates 3% annually on August 1<sup>st</sup>. County and Cingular desire to amend the Permit Agreement to extend the term and adjust the monthly fee accordingly.

### **DISCUSSION:**

Real Property Services has negotiated a Second Amendment to the Permit Agreement to extend the term to July 31, 2024 and provide an option to extend the term for an additional five years thereafter. The amendment will also increase the monthly Base Permit Fee to \$5,607.92 starting on August 1, 2019. The fee is based on ISD Radio Site Equipment Rates for installed equipment. There are no

proposed changes to the Premises or use of the site as a result of this amendment. All other terms of the Permit Agreement will remain the same.

County Counsel has reviewed and approved the Permit and resolution as to form. The Director of Public Works 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 benefiting the public.

**FISCAL IMPACT:**

The initial monthly fee of \$5,607.92 during the extended term will be deposited to the Facilities Account for the Department of Public Works.