



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Details (With Text)

**File #:** 19-1303

**On agenda:** 2/25/2020

**Final action:** 2/25/2020

**Enactment date:** **Enactment #:** Agreement No. 20-075, Agreement No. 20-076, Agreement No. 20-077

**Title:** Approve and authorize the Chairman to execute a Sale and Purchase Agreement with the Fresno County Superintendent of Schools for the purchase of a communication tower and equipment storage shed located in Tranquillity, CA, total not to exceed One Dollar (\$1.00); approve and authorize the Chairman to execute a Lease Agreement with Golden Plains Unified School District, effective upon execution, which includes an 11-year base term and eight automatic 11-year extensions, total not to exceed \$99; approve and authorize the Chairman to execute a License Agreement with Golden Plains Unified School District and North Central Fire Protection District, effective upon execution, which includes an 11-year base term and eight automatic 11-year extensions (\$0); and authorize the Director of Internal Services/Chief Information Officer or his designee to execute amendments to add additional licensees to the recommended License Agreement as they are identified, who will agree to the terms and conditions of the License Agreement, without returning to the Board of Supervisors with amendment(s), subject to the review and approval of County Counsel

**Attachments:** 1. Agenda Item, 2. Agreement A-20-075 with Fresno County Superintendent of Schools, 3. Agreement A-20-076 with Golden Plains Unified School District, 4. Agreement A-20-077 with Licensee

Date	Ver.	Action By	Action	Result
2/25/2020	1	Board of Supervisors	Approved as Recommended	Pass

**DATE:** February 25, 2020

**TO:** Board of Supervisors

**SUBMITTED BY:** Robert W. Bash, Director, Internal Services/Chief Information Officer

**SUBJECT:** County Purchase of Communication Tower and Shed from Fresno County Superintendent of Schools, Lease of Real Property with Golden Plains Unified School District (GPUSD), and License Agreement with GPUSD and North Central Fire Protection District for Communication Tower and Shed in Tranquillity, CA

### RECOMMENDED ACTION(S):

1. Approve and authorize the Chairman to execute a Sale and Purchase Agreement with the Fresno County Superintendent of Schools for the purchase of a communication tower and equipment storage shed located in Tranquillity, CA, total not to exceed One Dollar (\$1.00);
2. Approve and authorize the Chairman to execute a Lease Agreement with Golden Plains Unified School District, effective upon execution, which includes an 11-year base term and eight automatic 11-year extensions, total not to exceed \$99;
3. Approve and authorize the Chairman to execute a License Agreement with Golden Plains Unified School District and North Central Fire Protection District, effective upon execution, which includes an 11-year base term and eight automatic 11-year extensions (\$0);
4. Authorize the Director of Internal Services/Chief Information Officer or his designee to execute amendments to add additional licensees to the recommended License Agreement as they are identified, who will agree to the terms and conditions of the License Agreement, without returning to the Board of Supervisors with amendment(s), subject to the review and approval of

### **County Counsel.**

Approval of the first recommended action will approve the purchase by the County of the communication tower and equipment storage shed (Tower and Shed) from the Fresno County Superintendent of Schools (FCSS). Approval of the second recommended action will authorize the County to enter into a lease agreement with Golden Plains Unified School District (GPUUSD) to lease the real property on which the Tower and Shed are located. Approval of the third recommended action will allow the County to enter into license agreements with GPUUSD and North Central Fire Protection District (NCFPD) for those agencies to continue occupancy of space on the Tower and Shed. Approval of the fourth recommended action will authorize the Director of Internal Services/Chief Information Officer to execute amendments for the strict purpose of adding additional licensees to the recommended License Agreement, without modification of any terms, conditions, or agreement amounts. This item pertains to District 1.

### **ALTERNATIVE ACTION(S):**

The Tower allows the County to maintain its critical emergency communications network and radio coverage, and allows NCFPD to maintain vital health and safety communications systems in Tranquillity. Should your Board not approve the first recommended action, the County would need to negotiate a new license agreement with the new owner of the Tower and Shed that would be chosen by FCSS. Should your Board not approve the second recommended action, the County would need another way to gain access onto the real property to complete regular maintenance on the Tower and Shed. Should your Board not approve the third recommended action, the other agencies currently occupying space on the Tower and Shed would have to work with FCSS on negotiating a new license agreement to continue keeping their equipment on the tower. Should your Board not approve the fourth recommended action, the Department would need to return to the Board for approval of additional licensees to the License Agreement.

### **FISCAL IMPACT:**

There is no Net County Cost associated with the recommended actions. The cost to purchase the Tower and Shed totals \$1. The cost to lease the real property amounts to \$1 per year. Maintenance costs for the Tower and Shed will be equally split amongst the parties in the recommended license agreement. Sufficient appropriations are included in the FY 2019-20 Internal Services Department - Information Technology Division Org 8905 Adopted Budget. Ongoing costs for the remaining term of the recommended agreements will be included in future budget requests.

### **DISCUSSION:**

On August 30, 2011, the Board approved an agreement with FCSS for space on the Tower, and use of the equipment Shed in Tranquillity, CA for a ten-year base term through June 30, 2020, and continuing thereafter on an automatic month-to-month basis through June 30, 2030. The County's equipment on the Tower allowed the County to expand and improve its regional emergency response network and radio communications in the Tranquillity area. The enhancement of interagency voice and data communications and emergency dispatch for regional safety services in Tranquillity provides a public benefit, as those enhancements result in a faster response to emergency situations.

In 2018, FCSS informed the County that they no longer had a need for the Tower and Shed and desired to transfer ownership of the Tower and Shed. During a meeting between the County, FCSS, GPUUSD, and NCFPD, the parties agreed that the County would assume ownership of the Tower and Shed, as the County was the only party involved that had the sufficient staffing, expertise, and budget to maintain the Tower and Shed.

In discussions with FCSS, it was discovered that the origins of the Tower and Shed were uncertain. Therefore, GPUUSD and FCSS entered into a proof of ownership agreement documenting and formally establishing that FCSS owns the Tower and Shed. Your Board's approval of the recommended Sale and Purchase Agreement

will allow for the County's acquisition of the Tower and Shed located at 6052 South Juanche Street, Tranquillity, CA 93668. This will permit the County to retain its emergency response network and radio communications in Tranquillity for the enhancement of interagency voice and data communications and emergency dispatch for regional safety services in the County. Staff will review the potential for capitalization of the property, and will add the property to the County's Asset Management System if it is determined that the property qualifies as a capital asset.

As part of the County's acquisition of the Tower and Shed, the County will be assuming the role of the licensor previously held by FCSS, and will be entering into licensing agreements with other current licensees for the occupancy of space on the Tower and Shed. The County will be responsible for maintaining the Tower, Shed, and premises. This includes, but is not limited to landscaping and pest control of the premises, as well as maintaining the roof, paint, and electrical panels for the Tower and Shed. The licensees in the recommended license agreement will reimburse the County for each licensee's pro-rata share of the maintenance costs.

Your Board's approval of the recommended Lease Agreement will allow the County to lease from GPUSD the real property on which the Tower and Shed are located, allowing staff to gain entry to the Tower as needed for regular maintenance and access. The recommended Lease Agreement will also allow the County to make improvements on the premises, including the installation of a generator for back-up power to the Tower and Shed. The recommended Lease Agreement contains a mutual hold harmless provision, which is common in agreements between governmental entities.

Your Board's approval of the recommended License Agreement will allow the County to lease space on the Tower and Shed to other agencies. NCFPD currently operates communication equipment on the Tower in order to maintain vital health and safety communication systems, through its license agreement with FCSS. The recommended License Agreement contains a mutual hold harmless provision, which is common in agreements between governmental entities.

REFERENCE MATERIAL:

BAI #49, August 30, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Sale and Purchase Agreement  
On file with Clerk - Lease Agreement  
On file with Clerk - License Agreement

CAO ANALYST:

Yussel Zalapa