

(Distributed 2/23/21)

Agenda Item B-6

MARIN EMERGENCY RADIO AUTHORITY

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DATE: February 24, 2021

TO: MERA Governing Board

FROM: Maureen Cassingham, Executive Officer

SUBJECT: AGENDA ITEM **B-6**: PROPOSED NEXT GEN PROJECT SONOMA MT.
SITE LICENSE AGREEMENT BETWEEN MERA
AND SONOMA COUNTY

Recommended Action: Approve Proposed License Agreement between MERA and Sonoma County for Next Gen Project Sonoma Mountain Site as presented and authorize the Executive Officer to execute same.

Background: The Sonoma Mountain Site is one of 10 existing MERA sites to be used for Next Gen System implementation. The County of Sonoma determined that continued MERA use required a new Site License which replaces the original license dated July 22, 2003 expiring June 30, 2023, and reflects new business terms, equipment changes and related site improvements. The Proposed License has been legally and technically reviewed by MERA General Counsel Ortiz and Federal Engineering Consultant Mortimer, respectively.

Initial term of the License commences February 1, 2021 through June 30, 2030, followed by two successive five-year terms. Current annual rent is \$16,100, which will increase to \$69,528, based on the County's Public Benefit Discount for MERA's public safety communications purposes and in accordance with Telecommunications Lease Rates for State Facilities/Properties. State Lease Rates also provide for 3% annual base rent adjustments, which are included in the License. The License also requires a one-time \$3,500 Transaction Fee to cover County administrative and technical costs related to License preparation. Annual site road repairs and maintenance expense of \$1,200 and vegetation management expense of \$264, are included in the base rent. Additionally, MERA will be assessed annual site inspection fees of \$500 by the County.

Since July 2018, discussions between MERA and the County of Sonoma have been ongoing, leading to the development and presentation of the new License at today's Governing Board meeting. Refinements and concessions by both parties are reflected in its terms and conditions, which include the increased cost of doing business and new requirements that have occurred over the last nearly 18 years since the Original License was entered into.

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In particular, rent negotiations resulted in:

- 1) a cost reduction of \$2,590 per month (\$31,080/yr) due to MERA's request of Marin County to remove Bay Loop equipment from the Site by June 30, 2021; and,
- 2) graduated rent increases in Year 1 (2/1/21 to 6/30/21) at 70% of the new base, Year 2 (FY21-22) 80% of the new base and Year 3 (FY22-23) 90% of the new base, to minimize early impacts of Sonoma County's rent increase on MERA's Operating Budget.

Site construction is scheduled to begin in September of this year, preceded by bid package development, approval of Notice Inviting Bids, bid award and execution of contractor documents.

ATTACHMENT:

B-6a Revocable License Agreement for Marin Emergency Radio Authority Use of
Sonoma County Telecommunications Facilities at Sonoma Mountain