



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: November 9, 2021

Subject: Approve a License Agreement with the State of California Highway Patrol for use of a portion of the County's Vollmer Peak telecommunications facility.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a license agreement with the State of California (State), for its California Highway Patrol, to authorize the State to access and use a portion of the County's Vollmer Peak Telecommunications facility during an initial ten-year term, beginning July 1, 2021, for payment to the County at an initial monthly fee of \$8,850, as recommended by the Public Works Director.

FISCAL IMPACT:

100% General Fund. The Department of Information Technology will receive an initial monthly fee of \$8,850.

BACKGROUND:

The County entered into a license agreement (Master License) with East Bay Regional Parks District (District) that permits the County to maintain a telecommunications facility and tower on District property identified as Assessor's Parcel No. 267-010-009, and commonly referred to as Vollmer Peak. Following the Public Works Director's exercise of its option to extend the Master License, the Master License now expires on January 31,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **11/09/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 9, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Margaret Eychner,
925. 957-2463

2027, and the County has an option to extend the Master License through January 31, 2037.

BACKGROUND: (CONT'D)

The County and the State, for its California Highway Patrol (CHP), entered into a month-to-month license agreement which term began September 1, 1990, for the operation and maintenance of a radio relay station together with the necessary appurtenances. The County and the State wish to terminate that license agreement and enter into a long-term license agreement (New Agreement) that will have an initial term that begins on July 1, 2021, and expires June 30, 2031, with one 5-year and one 7-month option to renew, to provide for a maximum term that coincides with the maximum term of the Master License.

The New Agreement requires the State to pay the County an initial monthly fee of \$8,850, which will increase over the term of the New Agreement. The term of the New Agreement could be extended through January 31, 2037. However, because there is a possibility of earlier expiration or termination of the Master License, the Agreement provides that it will expire immediately upon the expiration of the Master License. Further, either party may terminate the New Agreement upon advance written notice to the other party.

The New Agreement allows the State to maintain critical telecommunications equipment used by the CHP, and it adequately compensates the County for the use of its facility. For these reasons, the Department recommends that the Board approve entering into the New Agreement with the State.

CONSEQUENCE OF NEGATIVE ACTION:

County and State would continue to operate within the terms of the existing month-to-month license agreement.

ATTACHMENTS

Vollmer Peak License Agreement