



**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 Highland 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 Highland Peak Telecommunications facility during an initial ten-year term beginning July 1, 2021, for payment to the County at an initial monthly fee of \$11,000, as recommended by the Public Works Director.

**FISCAL IMPACT:**

100% General Fund. The Department of Information Technology will receive an initial monthly fee of \$11,000.

**BACKGROUND:**

The County has a long-term lease with a private landowner (Master Lease), that expires August 31, 2081, that permits the County to maintain a telecommunications facility and tower on the property on Morgan Territory Road, Contra Costa County, identified as Assessor's Parcel No. 006-090-003, and commonly known as Highland Peak.

The County and the State for its California Highway Patrol (CHP), entered into a

☒ 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

year-to-year license agreement which term began June 1, 2002, for the operation and maintenance

### BACKGROUND: (CONT'D)

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 three 5-year options to renew.

The New Agreement requires the State to pay the County an initial monthly fee of \$11,000, which will increase over the term of the New Agreement. The term of the New Agreement could be extended through June 30, 2046. 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 year-to-year license agreement.

### ATTACHMENTS

Highland Peak License Agreement