



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Ed Woo, Chief Information Officer  
Date: January 10, 2012

Subject: Bay Area Regional Interoperable Communications System (BayRICS) Joint Powers Authority (JPA) Site Access and Use Agreement

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator, or designee, to enter into a revised Site Access and Use Agreement with Motorola Solutions, Inc., establishing terms and conditions for access to certain County owned or leased radio sites by Motorola Solutions, Inc. for construction and maintenance of the Bay Area Wireless Enhanced Broadband (BayWEB) system, a public safety project of the the Bay Area Regional Interoperable Communications System (BayRICS), a joint exercise of powers authority of which the County is a member.

**FISCAL IMPACT:**

No fiscal impact.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **01/10/2012** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Mary N. Piepho, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor  
Federal D. Glover, District V  
Supervisor

ABSENT: Gayle B. Uilkema, District II  
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: January 10, 2012

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Ed Woo, CIO  
925-383-2688

cc:

## BACKGROUND:

The Bay Area Regional Interoperable Communications System (BayRICS) Joint Powers Authority (JPA) is engaged with Motorola Solutions, Inc. in a project to build the Bay Area Wide Enhanced Broadband (BayWEB) high speed data service system for use by various public safety agencies within the San Francisco Bay Area. This new system will utilize the frequency band allocated by the Federal Communication Commission (FCC) for public safety (700MHZ) and will be based on the new "Long Term Evolution" (LTE) wireless data standard. Contra Costa County coverage will be provided by utilizing many of the County's current radio sites such as Kregor Peak, Highland Peak, Cummings Skyway, and Nichol Knob.

The Site Access and Use Agreement specifies terms and conditions that allow Motorola Solutions, Inc. to access County owned or leased radio sites and facilities to build and maintain the BayWEB system. The Board of Supervisors first approved this agreement on November 8, 2011 (Agenda Item No. C.49), subject to approval as to form by County Counsel, but was never executed by the parties, and the terms of the proposed agreement have substantively changed in two areas:

1. Land Use/Building Permit Terms: The first version of this agreement did not directly address land use and building permits. This version of the agreement specifies that the County will facilitate the processing of land use permits, building permits, and environmental review items based on plans submitted by Motorola at the expense of the County.
2. Descoping the Project to Remove the Public Access System: Due to lack of interest by other jurisdictions within the greater San Francisco Bay Area, Motorola will be submitting to the National Telecommunications and Information Administration (NTIA) a request to "de-scope" the BayWEB project to remove the Public Access System component of the BayWEB system. For this reason, legal counsel for both parties have removed all references to the Public Access System from the Agreement.

It is important to note that although the Public Access System was a major component of the larger project, it was secondary to the primary goal of deploying an interoperable public safety broadband system to the region. Contra Costa County has remained on record as being supportive of the original BayWEB concept, including both the Public Safety and Public Access systems; however, due to lack of interest, Motorola has determined that it is necessary to abandon the Public Access System concept to avoid jeopardizing the Public Safety system.

## CONSEQUENCE OF NEGATIVE ACTION:

Motorola Solutions, Inc. will not be able to legally access certain Contra Costa County radio sites to construct the BayWEB system.

## CHILDREN'S IMPACT STATEMENT:

No impact.