



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Central Services	(2) MEETING DATE 11/5/2019	(3) CONTACT/PHONE Philip M. D'Acri (805) 781-5206	
(4) SUBJECT Request to approve a ground lease between County of San Luis Obispo and Casmalia 1, 2, 3 & 4, LLC, Casmalia Land and Cattle Company, et al., for maintaining a communications facility at San Antonio Peak in the County of Santa Barbara, for five (5) years, by 4/5 vote. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board approve and authorize the Chairperson to sign a ground lease between County of San Luis Obispo and Casmalia 1, 2, 3 & 4, LLC, Casmalia Land and Cattle Company, et al. for maintaining a communications facility at San Antonio Peak in the County of Santa Barbara, for five (5) years.			
(6) FUNDING SOURCE(S) FC 114 Information Technology	(7) CURRENT YEAR FINANCIAL IMPACT \$17,390.48 Rent	(8) ANNUAL FINANCIAL IMPACT \$39,000 Rent annually	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) NA		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Dates: <u>7/26/1988, 7/13/2010</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Courtney Pene			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Central Services / Philip M. D'Acri
(805) 781-5206

DATE: 11/5/2019

SUBJECT: Request to approve a ground lease between County of San Luis Obispo and Casmalia 1, 2, 3 & 4, LLC, Casmalia Land and Cattle Company, et al., for maintaining a communications facility at San Antonio Peak in the County of Santa Barbara, for five (5) years, by 4/5 vote. All Districts.

RECOMMENDATION

It is recommended that the Board approve and authorize the Chairperson to sign a ground lease between County of San Luis Obispo and Casmalia 1, 2, 3 & 4, LLC, Casmalia Land and Cattle Company, et al. for maintaining a communications facility at San Antonio Peak in the County of Santa Barbara, for five (5) years.

DISCUSSION

On July 26, 1988, the Board approved a sublease agreement with KSBY Communications, Inc. ("KSBY") for property located on San Antonio Peak in northern Santa Barbara County, where KSBY operates a communications facility. KSBY was the holder of a master lease with the Tompkins Survivor's Trust (as predecessor in interest). The sublease agreement allowed the County of San Luis Obispo ("County") to share the equipment, building and towers with KSBY.

A new master lease was made effective as of November 1, 2009, and the master lease was provided to the County on April 29, 2010.

On July 13, 2010, the Board approved a new sublease agreement commencing August 1, 2010 through its option term, expiring on October 31, 2019. KSBY notified its subtenants, the County of San Luis Obispo and the County of Santa Barbara, that KSBY would not extend a new term and the subleases would terminate on October 31, 2019.

The County reached out to the trustee, for the property owner, Casmalia 1, LLC, a California limited liability company, Casmalia 2, LLC, a California limited liability company, Casmalia 3, LLC, a California limited liability company, Casmalia 4, LLC, a California limited liability company, and Casmalia Land and Cattle Company, LLC, a California limited liability company (hereinafter collectively referenced to as "Tompkins Family"). The County requested continued use of the property and the communications facility to ensure uninterrupted County communications for non-commercial use, in support of public communications for first responders, including Sheriff and CAL/County Fire Departments. The Tompkins Family agreed to allow County to accept the premises as-is effective November 1, 2019 and maintain the communication facility, and optionally sublease to other non-commercial users, and local public agencies.

This five (5) year ground lease will secure this communications facility which supports vital communications providing public safety and emergency dispatch communications for Sheriff, fire, medical, Office of Emergency Services, Public Works, and other County operations in the South County area. This facility also provides public safety radio coverage for the Diablo Canyon Nuclear Power Plant and vicinity.

OTHER AGENCY INVOLVEMENT/IMPACT

This ground lease was negotiated by Central Services' Real Property division staff and reviewed and approved by the Information Technology Department. The ground lease was also reviewed by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

As a result of the lease departure, a new base ground lease has been established for the period from November 1, 2019 through June 30, 2020 which totals \$26,000.00. The remaining budget for this specific ground lease available is \$8,610.52 and the unfunded balance totals \$17,390.48. In addition to the base ground lease, which is not included in this financial request, the Information Technology Department is responsible for the payment of electrical service to the site and additional costs associated with maintaining the building, tower, grounds, and other auxiliary expenses not covered by the lessor.

Due to KSBY's unanticipated notice to terminate lease, additional base rent funding is required for the balance of FY 2019-20 as follows:

Total Base Rent of New Lease:	\$26,000.00
Remaining Budget:	<u>\$8,609.52</u>
Variance Required:	\$17,390.48

The variance will be paid with FC 114 Information Technology operating budget. For FY 2020-21, the new rental price is set to increase to a total of \$39,000, all future financial impact will be included with the annual budget process. No additional general fund support is being requested at this time.

RESULTS

Approval of this five (5) year ground lease will allow the County continued operation of an existing communication facility for the purposes of public safety, emergency dispatch, and law enforcement communications in the South County area. This action supports the County's desired community-wide results of a well-governed and healthy community.

ATTACHMENTS

- 1 Attachment 1 – Location map
- 2 Attachment 2 - Casmalia & Cattle Company, et al. ground lease