



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

(1) DEPARTMENT Central Services	(2) MEETING DATE 1/14/2020	(3) CONTACT/PHONE Philip M. D'Acri (805) 781-5206	
(4) SUBJECT Request to approve a sublease between County of San Luis Obispo and County of Santa Barbara for 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 sublease between County of San Luis Obispo and County of Santa Barbara for a communications facility at San Antonio Peak in the County of Santa Barbara, for five (5) years, by 4/5 vote. All Districts.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$3,550.00 Revenue	(8) ANNUAL FINANCIAL IMPACT \$7,987.44 Revenue	(9) BUDGETED? N/A
(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) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>7/26/1988, 7/13/2010 & 11/5/2019</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Courtney Pene			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

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

DATE: 1/14/2020

SUBJECT: Request to approve a sublease between County of San Luis Obispo and County of Santa Barbara for 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 sublease between County of San Luis Obispo and County of Santa Barbara for a communications facility at San Antonio Peak in the County of Santa Barbara, for five (5) years, by 4/5 vote. All Districts.

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 operated a communications facility. KSBY was the holder of a master lease with the Tompkins Survivor's Trust (as predecessor in interest). Said sublease agreement allowed the County of San Luis Obispo 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 of San Luis Obispo 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 ("SLO County") and the County of Santa Barbara ("SB County"), that KSBY would not extend a new term and the subleases would terminate on October 31, 2019.

On November 5, 2019, the Board approved a ground lease agreement between SLO County and 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" or "Master Lessor"). The Board approved continued use of the property and the communications facility to ensure uninterrupted SLO County communications for non-commercial use, in support of public communications for first responders, including Sheriff and CAL/County Fire Departments. SLO County

took possession of the ground lease premises as-is effective November 1, 2019 to maintain the communication facility, with the intention to optionally sublease to other non-commercial users, and local public agencies, such as SB County.

SB County also sought continued use of the property and the communications facility to ensure uninterrupted communications for their non-commercial use, supporting SB County's public communication.

This five (5) year sublease will run concurrently with the master ground lease agreement, securing a communications facility for neighboring SB County. Also supporting its vital public communications. It will also ensure revenue income of \$7,987.44 annually to SLO County to offset the cost due to the Master Lessor due by SLO County.

OTHER AGENCY INVOLVEMENT/IMPACT

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

FINANCIAL CONSIDERATIONS

This sublease will generate revenue income of \$3,550.00 for remaining FY 2019-20, and \$7,987.44 annually thereafter to SLO County to offset the cost of the master ground lease agreement due to the master lessor.

In addition to the rental revenue due to SLO County monthly, SB County is responsible for all costs of maintaining and repairing its own antenna and other related equipment in accordance with good engineering practices, in a manner that meets industry and SLO County standards. SB County may not make any site modifications without SLO County's consent and SB County will be subject to additional consideration and rental review.

The ground lease agreement between SLO County and the Master Lessor approved by the Board on November 5, 2019, will be paid with FC 114 Information Technology operating budget. The ground lease rent totals \$39,000 annually and the sublease rental income of \$7,987.44 annually will offset rent due for a net annual rental expense of \$31,012.56. No additional general fund support is being requested at this time.

RESULTS

Approval of this five (5) year sublease will allow SB County to continue operating an existing communication facility for the purposes of SB County's public safety and SLO County's South County areas, and will also generate rent revenue to offset the ground lease rent due by SLO County. This action supports SLO County's desired community-wide results of a well-governed and healthy community in support of our Santa Barbara County neighbor.

ATTACHMENTS

- 1 Attachment 1 - Location Map
- 2 Attachment 2 - Ground Lease Agreement
- 3 Attachment 3 - Sublease Agreement