



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: General Services  
Department No.: 063  
For Agenda Of: October 11, 2011  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** General Services: Bob Nisbet, Director (560-1011)

Contact Info: Paddy Langlands, Assistant Director (568-3096)

**SUBJECT:** Sublease Agreement with San Luis Obispo County for Communication Site at Plowshare Peak; Fifth Supervisorial District; ORES Folio # 003639

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve the attached Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines (Post); and
- b) Approve and execute the Sublease Agreement between the County of Santa Barbara, as Sublessee, and the County of San Luis Obispo, as Sublessor, for a term of ten (10) years with three (3) options to extend of five (5) years each, for no monetary consideration, at Plowshare Peak, Santa Barbara County, in the Los Padres National Forest.

**Summary Text:**

This Board action will permit the County of Santa Barbara to relocate its communications antennas and equipment from an aging facility at Plowshare Peak consisting of a County-owned tower and U.S. Forest Service equipment shelter to an adjacent, newly upgraded tower and equipment shelter operated by the County of San Luis Obispo. This will also allow the County of Santa Barbara to upgrade critical Fire Department communications equipment.

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**Background:**

The County of San Luis Obispo (“SLO County”) is the operator of a communications site (hereinafter “Site”) located on Plowshare Peak, Santa Barbara County, on a portion of real property commonly known as County Assessor’s Parcel Number 131-040-003 in the Los Padres National Forest.

The Site is leased by SLO County from the United States Forest Service (“USFS”) under a Communications Use Lease dated April 4, 2007 (the “Master Lease”), which grants SLO County the right to rent space at the Site to other public agencies for communications purposes.

Adjacent to the Site at Plowshare Peak, the County of Santa Barbara (“SB County”) operates a communications site in an aging facility. SB County desires to relocate its communications antennas and equipment onto SLO County’s newly upgraded Site, and to demolish and dismantle the aging facility with the consent of the USFS. The attached Sublease Agreement (hereinafter "Agreement") would arrange for that relocation to occur, and also allow the County of Santa Barbara to upgrade critical Fire Department communications equipment.

In lieu of rental payments, this Agreement provides for SB County to provide space for SLO County’s communications equipment at another communications site at Tepusquet Peak, which is operated by SB County.

Only if SB County is unable to secure permits for SLO County’s equipment at Tepusquet Peak within two and a half years of the effective date of the attached Agreement would SB County be required to make rental payments to SLO County for the Plowshare Peak Site (in the amount of \$400 per month). However, at this time SB County staff does not anticipate any difficulty whatsoever in securing the permits from the USFS for the Tepusquet Peak expansion, as the project is minor in nature and the USFS has given every preliminary indication that it is agreeable to granting the necessary permits.

SLO County and SB County have worked cooperatively together with the USFS on their respective communications facilities since 1974, in order to provide for the public safety of both San Luis Obispo County and Santa Barbara County residents.

The attached Agreement would be for a term of ten (10) years, and provide for three (3) additional option periods of five (5) years each.

**Fiscal and Facilities Impacts:**

There are no fiscal or facilities impacts associated with this Board action. This Agreement requires no monetary compensation to the County of San Luis Obispo from the County of Santa Barbara, nor is it likely to require any monetary compensation in the future.

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**Special Instructions:**

After Board action, distribute as follows:

- |  |                                  |
|--|----------------------------------|
| 1) Notice of Exemption (Post)                      | Clerk of the Board File          |
| 2) Original and duplicate orig. Sublease Agreement | GS/Real Estate Svcs., Attn: Heyl |
| 3) Copy of Sublease Agreement                      | Clerk of the Board File          |
| 4) Minute Order                                    | GS/Real Estate Svcs., Attn: Heyl |

**NOTE:** The Office of Real Estate Services (ORES) will deliver the original and duplicate original Sublease Agreement to SLO County for signatures. Upon receipt of the SB County's original fully-executed Sublease Agreement, ORES will return a copy to the Clerk of the Board for its files and keep the original in the ORES files.

**Attachments:**

- Notice of Exemption
- Original and duplicate original "Sublease Agreement"

**Authored by:**

Harrison Heyl, Office of Real Estate Services, (805) 568-3072