



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: April 20, 2021
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services Janette D. Pell, Director (805) 560-1011
Contact Info: Skip Grey, Assistant Director, General Services (805) 568-3083
SUBJECT: License and Release Agreement to access a public safety radio transmission facility at Tepusquet Peak, Santa Maria; Fifth District (Folio No.: 001140)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify and authorize the Chair to execute the original and two duplicate original License and Release Agreements between the County of Santa Barbara and Jacob's Golden Eagle Trust for prior use of a portion of Ruiz Canyon Road and future use thereof for a period of approximately twenty (20) years; and
- b) Determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as it consists of the leasing or licensing of existing facilities involving no or negligible expansion of existing use and approve and direct staff to file and post the attached Notice of Exemption on that basis.

Summary Text:

This item is being brought to the Board of Supervisors to request the Board's approval, ratification and execution of the License and Release Agreement (Agreement) between the County of Santa Barbara (County) and Jacob's Golden Eagle Trust (Owner). Approval and execution of the Agreement will provide County staff continued access to the County's communications facility located on the North Site of Tepusquet Peak, east of Santa Maria, on United States Department of Agriculture, Forest Service (USFS) property, to continue to maintain and operate a public safety radio transmission facility for a future period twenty (20) years.

Background:

Tepusquet Peak is located on USFS land along the Sierra Madre mountain ridgeline, above Ruiz Canyon, approximately thirteen miles east of the intersection of Highway 101 and Betteravia Road in Santa Maria. Tepusquet Peak consists of two communication sites, the North Peak and the South Peak, that have been in operation since the early 1960s. The County first built a communications facility on the North Peak in the late 1960s and has maintained that facility since that time to house two-way radio public safety communications equipment. The site has become a major hub that links First Responders to other key sites in North County and County radio traffic throughout Santa Barbara County and portions of San Luis Obispo County.

County communications staff has accessed the site on Ruiz Canyon Road, (the Road) across a portion of the property currently owned by the Owner without a formal agreement from 2012 into this year. The Agreement will allow the County to continue to utilize the roadway to access the site to operate, repair, maintain, and license its existing public safety communications equipment, for a period twenty (20) years, from January 1, 2022 to December 31, 2041. The first annual fee (License Fee) for January 1, 2022 to December 31, 2022, will be Three Thousand Three Hundred Thirty-Four Dollars, (\$3,334). The annual License Fee shall be automatically increased annually by a fixed percentage rate of three percent (3%), commencing January 1, 2023. Over the course of the entire 20-year term, the total License Fee paid will be \$89,582.

The Agreement requires the Owner to clear vegetation along the Road and perform routine grading of the Road when necessary or upon County's request. The Agreement requires the Owner to maintain the portions of the Road on Owner's Property in a condition sufficient to allow the County ingress and egress along the Road for COUNTY's operations at the Site. It is also the Owner's responsibility to perform routine grading of the Road. The grading is expected to be required approximately once every five years.

Additionally, the Agreement provides the Owner a one-time payment in the amount of Twenty-Six Thousand Five Hundred Eighty Dollars (\$26,580) for the County's past use of the Road. This payment releases, settles, resolves and forever extinguishes all past, present and potential Claims, as defined in the Agreement, the OWNER (or its predecessor in interest) has or may have against the County, related to County's use of Ruiz Canyon Road from January 1, 2012 to the date this Agreement is executed by County. The Owner is granting the release on its own behalf and on behalf of relevant predecessors in interest. The payment also covers County's use of the Road through December 31, 2021, after which the County will begin making annual License Fee payments as described above.

The Agreement will continually allow the County to utilize the roadway to access the site to operate, repair, maintain, and license its existing public facility, with little or no expansion of the existing use or any significant physical changes that would have any potential effect on the environment. Therefore, this project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Class 1, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Fiscal and Facilities Impacts:

Budgeted: Yes

The one-time payment of \$26,580 will be funded by the Communications Services Fund 1919. The annual fee will come from 063, fund 1919, program 3100, line item 7580.

There will be no other fiscal or facilities impacts.

Key Contract Risks:

None.

Staffing Impacts:

None

Special Instructions:Special Instructions:

After Board action, please distribute as follows:

1. Original License and Release Agreement: Clerk of the Board files
2. Two Duplicate Original License and Release Agreement and Copy of the Minute Order: General Services Real Property Division.

Attachments:

1. Original and Two Duplicate Original License and Release Agreement
2. CEQA Notice of Exemption

Authored By:

James Cleary, General Services