

MARIN EMERGENCY RADIO AUTHORITY

c/o Novato Fire Protection District
95 Rowland Way, Novato, CA 94945
PHONE: (415) 878-2690 FAX: (415) 878-2660
WWW.MERAONLINE.ORG

DATE: November 13, 2013
TO: MERA Executive Board
FROM: Maureen Cassingham, Executive Officer
SUBJECT: AGENDA ITEM **B-6**: REPORT ON BAY HILL SITE SUBLEASES

Recommended Action: Receive and file the Report on Bay Hill Tower Site Subleases.

Background: When the request for funding of the Bay Hill Site back-up generator replacement project was presented to the Executive Board on September 11, 2013, the Executive Board was advised that the subleases were under administrative and legal review by the Executive Officer and General Counsel for possible cost recovery. The \$70,000 project was approved on 9/11/13 given the dire need for replacement.

Both MERA and the County of Sonoma have sublease agreements with Cagal Cellular Communications (dba AT&T Wireless, formerly AWS) for the Bay Hill Site. MERA's sublease does not provide for any generator replacement or maintenance cost-sharing with Cagal. However, Section 15(c) of the Sublease between Cagal and Sonoma County requires the County to cost-share 50% of MERA's generator operations, maintenance and fuel costs. These payments should have been billed by MERA on commencement of this sublease on 4/17/06.

After extensive review of MERA's audits, and accounts payables and receivables from 4/17/06 to date, it appears that MERA never billed Sonoma County for its share. From this research, MERA may not have initiated these billings due to the lengthy environmental clearances and permitting process encountered by Sonoma County for the site (2002-2006) before commencement of the Sublease and MERA Executive Officer turnover (2) in 2006.

The request for payment process between MERA and Sonoma County is being coordinated with MERA's General Counsel along with identification/development of the documentation of MERA's Bay Hill Site O&M and fuel costs that must accompany the reimbursement request. It is anticipated this matter will be submitted to the County of Sonoma for payment in early December.