

## Agenda Item B-2

### **MARIN EMERGENCY RADIO AUTHORITY**

DATE: July 28, 2021

TO: MERA Governing Board

FROM: Maureen Cassingham, MERA Senior Advisor

SUBJECT: AGENDA ITEM **B-2**: PROPOSED NEXT GEN PROJECT COYOTE PEAK COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN MERA AND MARIN COUNTY OFFICE OF EDUCATION (MCOE)

Recommended Action: Approve Next Gen Project Coyote Peak Communications Site Lease Agreement between MERA and Marin County Office of Education (MCOE) as presented and authorize the Executive Officer to execute same.

Background: The Next Gen Project System includes 18 sites, of which 10 are existing and 8 are new, including the proposed Coyote Peak Site, also known as Walker Creek Ranch, near 1700 Marshall Petaluma Road, Petaluma.

The initial term of this Lease is 5 years, commencing on the date MERA begins construction of Next Gen facilities, with four (4) additional 5-year extensions thereafter.

In return for zero rent, MERA will provide underground electric utility services to MCOE, which include powering their two water wells at the Site. Any other potential users at the Site would be separately metered. MERA will permit MCOE use of its backup power generator provided their use does not affect delivery of power to MERA. MERA will also pay MCOE an annual common access road fee of \$5,000 for use in “maintaining, repairing and restoring” the road.

Finally, MERA will pay MCOE a one-time Administrative Fee as reimbursement for its actual costs (e.g. legal, construction, MALT Easement Amendment and related staff expense) or \$50,000 related to entering into this Agreement.

As part of MERA’s Site development costs, MERA will also improve the access road to the tower and shelter and provide a secondary diesel fuel containment structure and fuel handling plan since propane delivery to the Site is not an option.

Development of this proposed License Agreement should be credited to the tremendous efforts of MERA General Counsel Ortiz and Federal Engineering Consultant Mortimer for their extensive legal and technical inputs.

ATTACHMENT:

B-2a Coyote Peak Communications Site License Agreement between MERA and MCOE