



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Manager's Office

**DATE:** July 17, 2006  
**BOARD MEETING DATE:** August 1, 2006  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Steve Alms, Manager, Real Property Division

**SUBJECT:** First Amendment to Agreement with ATC Holding, Inc. granting the County Right of Way access and Power Services to County owned communication facilities at the North Peak of Montara Mountain, unincorporated San Mateo County, California. (No. 1016)

**RECOMMENDATION:**

Adopt a resolution authorizing:

1. Execution of an amendment to the Agreement with ATC Holding, Inc. for Right of Way and Power Services at the North Peak of Montara Mountain, in unincorporated San Mateo County, extending the term for an additional five years to July 31, 2011, and providing the County an option to extend for an additional five years to July 31, 2016 under the same terms and conditions, deleting the mutual termination clause from the agreement, and modifying the base rent to \$900.00 per month effective August 1, 2006, and
2. The County Manager or designee to accept or execute on behalf of the County, any and all notices, options, consents, approvals, terminations and documents in connection with the Amendment and the Agreement.

**VISION ALIGNMENT:**

**Commitment:** Responsive, effective and collaborative government.

**Goal 20:** Government decisions are based on careful consideration of future impact, rather than immediate gain. The amendment contributes to this commitment and goal by maintaining access and power to this essential communications site until 2016.

**BACKGROUND:**

Since 1963, the County has maintained a radio repeater facility on the North Peak of Montara Mountain in unincorporated San Mateo County. Also since that time, the County has utilized an access road to the site and power lines owned by ATC Holding,

Inc. The current Agreement with ATC, which grants to the County access rights and power use, expires on July 31, 2006. The County and ATC desire to extend the agreement.

**DISCUSSION:**

The First Amendment extends the term of the Lease through July 31, 2011, provides the County with an option to extend for an additional five-year term, and deletes the mutual termination clause.

Additionally, the County has increased the amount of equipment installed at the North Peak site over the term of the agreement, resulting in an increase in power consumption. To offset the increase in consumption and the increase in the cost of power, the First Amendment modifies the base rent to \$900.00 per month. .

The Amendment also gives the County Manager authority to exercise the 5-year option and to sign notices, approvals and other documents in connection with the Amendment and the Agreement.

The Chief Information Officer concurs with this recommendation

**FISCAL IMPACT:**

The current rate is \$8,423.04 annually. Under the negotiated terms of the First Amendment, the annual rate for fiscal year 2006/2007 is \$10,800.00. The Information Services Department has adequate funds budgeted in the proposed 2006/2007 fiscal year budget.

cc:/enc: D. Penny Bennett, Deputy County Counsel  
cc: Chris Flatmoe Chief Information Officer, Information Services Department  
Steve Dupre, Information Services Department