

October 22, 2019

County of Ventura
Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: Approval of, and Authorization for the Director of Airports, or His Designee, to Execute, the First Amendment to the License and Use Agreement with T-Mobile West, LLC, for a Cellular Tower at Oxnard Airport, to Provide for Additional Extensions, Increase Rent, and Make Other Changes; Supervisorial District No. 5 (Requires 4/5ths Vote)

Recommendation:

Staff requests that your Board:

Approve, and authorize the Director of Airports, or his designee, to execute, the First Amendment to the license and use agreement (license agreement) with T-Mobile West, LLC (Exhibit 1) for a cellular tower at Oxnard Airport, to provide for additional extensions, increase rent, and make other changes. (Requires 4/5ths Vote)

Fiscal/Mandates Impact:

Mandatory: *No*

Source of funding: *T-Mobile West, LLC*

Funding match required: *None*

Impact on other departments: *None – No impact on General Fund*

<u>Summary of Revenues and Costs</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Revenue:	\$ 33,529	\$ 32,679
Costs:		
Direct	0	0
Total Costs	\$ 0	\$ 0
Net Costs – Airport Enterprise Fund	\$ (33,529)	\$ (32,679)

Current Fiscal Year Budget Projection:

FY 2019-20 Budget Projection for Oxnard Administration – Division 5000 Unit 5001				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$1,325,501	\$1,325,501	\$1,325,501	\$0
Revenue	824,794	824,794	824,794	0
Net Cost	\$ 500,707	\$ 500,707	\$ 500,707	\$0

Revenue and appropriations are included in the FY 2019-20 adopted budget.

Discussion:

T-Mobile West, LLC and its predecessors in interest (Licensee) have, pursuant to the license agreement, occupied area on the control tower on the west end of the airport and associated equipment room at the Oxnard Airport since August 2000 for operation of a cellular communications facility. The final period of the initial term of the license agreement is due to expire on July 31, 2020.

An amendment to the license agreement has been negotiated with Licensee, which provides for four five-year extensions. The first five-year extension will commence at the expiration of the present term, unless Licensee elects not to renew by providing 60 days' notice prior to the expiration. Thereafter, the term will be automatically extended for three additional five-year terms, unless Licensee provides timely notice of nonrenewal. If Licensee does not give notice of nonrenewal, the overall extension term will be twenty years.

The proposed amendment also provides for keeping the existing rent for the first initial year of the first extension term, commencing on the first of the four extension terms, and rent thereafter will increase by 2% annually.

The proposed license and use amendment terms are summarized below.

T-Mobile West, LLC License and Use Agreement Amendment:

Premises: Equipment and antennae mounted on the existing control tower structure, together with an equipment cabinet located at ground level in an existing shed, all located just west of the existing terminal building at 2889 W. Fifth Street, Oxnard, California.

Extension of Term: Four five-year lease extensions, commencing August 1, 2020.

Rent: \$2,716.19 monthly, commencing August 1, 2020. Annual fixed two percent (2%) adjustments.

The offices of the CEO, the Auditor-Controller, and County Counsel have reviewed this item, and the Aviation Advisory Commission and the Oxnard Airport Authority recommend its approval.

If you have any questions regarding this item, please call Madeline Herrle at 388-4243, or me at 388-4200.

A handwritten signature in black ink, appearing to read "Kip Turner", with a long horizontal flourish extending to the right.

KIP TURNER, C.M.
Director of Airports

Attachment:

Exhibit 1 – Oxnard Airport First Amendment to License and Use Agreement between County of Ventura and T-Mobile West, LLC