Agenda Item #: 3B/

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	November 28, 2023	[] Consent [] Ordinance	[X] Regular [] Public Hearing	

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Second Amendment to Communication Tower Agreement with American Towers, LLC, for the continued use of space on its communication tower from December 1, 2023 through November 30, 2028 at an annual rental rate of \$57,771.25.

Summary: On December 1, 1998, the Board of County Commissioners (Board) approved 20-year Communication Tower Joint Use Agreement (R98-2029D) as amended (R2017-1801) (collectively, the Agreement) for space on 450-foot guyed tower that is essential for the operation of the County's communication antennas and equipment shelter supporting the 800MHz system. This Second Amendment: i) extends the term for five (5) years from December 1, 2023 through November 30, 2028; ii) provides three (3) additional options to extend for five (5) years each; iii) increases the annual rent effective on the rental commencement date (i.e., January 1, 2024) to \$57,771.25; iv) replaces the "Cost of Living Adjustment to Annual Gross Rent" with "Adjustment to Annual Gross Rent"; and v) updates County standard provisions. All other terms of the Agreement remain unchanged. The agreement will continue to be administered by the Facilities Development and Operations Department. Funding for this Agreement is from the General Fund. (**Property and Real Estate Management**) <u>District 6 (HJF)</u>

Background and Policy Issues: In 1997, American Tower, L.P. constructed its tower on land leased from the Alma Steel Trust. The Board approved the initial Agreement in 1998 with OPM-USA, a Division of American Tower L.P., for a period of 20 years with options to extend concurrent with of the term of the lease between American Tower and Alma Steel Trust. The Agreement allowed County to install communication equipment supporting its 800MHZ radio system on the 450-foot Guyed Tower. The First Amendment allowed the County to exercise the option to extend the term for a period of five (5) years; document modification of the County's antenna frequency and equipment; and update and add various standard County provisions. The current annual rent is \$55,020 and will increase effective on the rental commencement date (i.e., January 2024) to \$57,771.25. This Second Amendment extends the Agreement for another five years, expiring on November 30, 2028.

Florida Statutes does not require that a Disclosure of Beneficial Interests be obtained, as American Towers LLC is an entity registered with the Federal Securities Exchange Commission whose interest is for sale to the public.

Attachments:

- 1. Location Map
- 2. Second Amendment (2)

3. Budget Availability Statement Darri l'ligal la **Recommended B**

Department Director

Approved By:

County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	<u>\$57,772</u>	<u>\$60,660</u>	<u>\$63,693</u>	<u>\$66,878</u>	<u>\$70,212</u>
NET FISCAL IMPACT	<u>\$57,772</u>	<u>\$60,660</u>	<u>\$63,693</u>	<u>\$66,878</u>	<u>\$70,212</u>
# ADDITIONAL FTE POSITIONS (Cumulative)		<u>_</u>			
Is Item Included in Current B	udget: Yes	X	No		
Does this item include the use	of federal fun	ds? Yes_	No <u></u>		
Does this item include the use	of state funds	? Yes	No <u>X</u>		
Budget Account No: Fund	<u>0001</u> Dej Program	pt <u>410</u>	Unit <u>4150</u>	_ Object	4414
B. Recommended Sources o Effective January 1, 2024,				annual increas	es.
Fixed Assets Number	<u>N/A</u>	- 1			
C. Departmental Fiscal Rev	iew: 1	-Ah			
	III. <u>revi</u>	EW COMM	<u>ENTS</u>		
A. OFMB Fiscal and/or Con	atract Develop	An	rents:	a control	11/22/23
B. Legal Sufficiency: For the Assistant County Attorney	<u>h u/12/2</u>	-3	V		-J
C. Other Department Revie	w:				
Department Director					
This summary is not to b	e used as a ba	sis for paym	ent.		

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