

**INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 708**

**AN ORDINANCE GRANTING A LEASE AGREEMENT TO COMMNET WIRELESS, INC., FOR ANTENNA COLLOCATION ON COUNTY'S NORTH MESA WATER TOWER**

**WHEREAS**, the Incorporated County of Los Alamos, New Mexico ("County") through its Department of Public Utilities ("DPU") is the owner of certain public utility infrastructure within the County's jurisdictional limits, specifically the North Mesa Water Tower located at 208 N. San Ildefonso Road, Los Alamos, New Mexico; and

**WHEREAS**, it is common that public entities lease out water tower and other similar infrastructure to telecommunication providers; and

**WHEREAS**, the County and DPU have entered certain into telecommunication collocation agreements for placement of certain telecommunication equipment on the North Mesa Water Tower; and

**WHEREAS**, the collocation agreements allow placement of telecommunication equipment to broadcast and receive radio communications from such providers as Verizon and Sprint/T-Mobile; and

**WHEREAS**, Comnet Wireless, LLC ("Comnet") is one of the three existing telecommunication providers with telecommunication equipment currently placed on the North Mesa Water Tower; and

**WHEREAS**, Comnet is acting as the siting and construction agent for development of AT&T's First Net telecommunication equipment; and

**WHEREAS**, after construction and placement of the First Net equipment, Comnet will assign the Lease to AT&T for the remainder of the terms of the Lease; and

**WHEREAS**, the First Net system is being developed, built, and operated to provide the nation's first responders a dedicated network for America's police, firefighters, and emergency medical services which will be reliable, highly secure, and interoperable with many other local, state and federal public safety entities; and

**WHEREAS**, as proposed the FirstNet network will cover all 50 states, 5 U.S. territories, and the District of Columbia, including rural communities and tribal lands in those states and territories; and

**WHEREAS**, the County through its Community Development Department, under its zoning and planning authority, has approved the siting and placement of the telecommunication First Net equipment; and

**WHEREAS**, the County's Department of Public Utilities, Engineering Division, has reviewed the plans, specifications, and construction details for the proposed placement of First Net equipment and has determined that the placement, as proposed, will not be detrimental to the North Mesa Water Tower's structure, systems, or functions; and

**WHEREAS**, Comnet has submitted an application for a building permit to the Community

Development Department's Building and Safety Division; and

**WHEREAS**, no construction, placement, or siting of the First Net telecommunication equipment shall be started without all necessary permits and approvals; and

**WHEREAS**, after due and careful consideration, the County Council has concluded that entering into the *Lease For Antenna Collocation And Facilities Site* with Comnet is consistent with prior County telecommunication leases on the North Mesa Water Tower and is in the best interests of the County, public safety officials, and its residents.

**NOW, THEREFORE, THE INCORPORATED COUNTY OF LOS ALAMOS HEREBY ORDAINS:**

**Section 1. Findings.**

A. The County is authorized to lease real property pursuant to the provisions of the *Lease for Antenna Collocation And Facilities Site* as attached hereto as **Attachment A** pursuant to the authority found in Chapter 14 of the Los Alamos County Code of Ordinances.

B. Section 14-31 (6) allows the County to follow NMSA 1978, § 3-45-1 in the leasing of County public utility infrastructure as done normally in the regular operations of such facility or real property.

C. The Lease For Antenna Collocation And Facilities Site for the North Mesa Water Tower is a common in the operation of such facilities and is found to be in the best interests of the public, including facilitating the collocation First Net emergency responder telecommunication equipment.

**Section 2. Authorization to Lease; Execution of Lease by Authorized Officers.**

A. The County is hereby authorized to lease the identified space on the North Mesa Water Tower, as provided in the Lease attached hereto as **Attachment A**, to Comnet Wireless, LLC as agent for AT&T for the placement of First Net emergency responder telecommunication equipment.

B. The County Manger is hereby authorized to execute and deliver the *Lease for Antenna Collocation And Facilities Site*, with such corrections or revisions as he may determine, after consultation with the County Attorney, as appropriate and consistent with this Ordinance.

**Section 3. Publication of Ordinance.** This Ordinance shall be published in accordance with the County Charter, following the adoption of the Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective thirty (30) days after publication of its notice of adoption.

**Section 5. Severability.** Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability

of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

**Section 6. Repealer.** All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

**ADOPTED** this 4<sup>th</sup> day of May 2021.

**COUNCIL OF THE INCORPORATED  
COUNTY OF LOS ALAMOS**

---

**Randall T. Ryti,  
Council Chair**

**ATTEST: (SEAL)**

---

**Naomi D. Maestas,  
Los Alamos County Clerk**