



# County of Los Alamos

Los Alamos, NM 87544  
www.losalamosnm.us

## Council Meeting Staff Report

May 4, 2021

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<b>Agenda No.:</b>	A.
<b>Indexes (Council Goals):</b>	* 2021 Council Goal - N/A
<b>Presenters:</b>	Philo Shelton
<b>Legislative File:</b>	OR0887-21b

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### Title

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

### Recommended Action

**I move that Council adopt 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**

### Utility Manager's Recommendation

The Utility Manager recommends that Council adopt Incorporated County of Los Alamos Ordinance No. 708.

### Body

On March 2, 2020, Commnet Four Corners (Commnet) initiated a request to the County's Department of Public Utilities (DPU) to collocate a second telecommunication array and related equipment on the County's North Mesa Water Tower (Facility) located at 280 N. Mesa Road. There are currently three other telecommunication providers collocated on the Water Tower, including one each from Commnet, Sprint/T-Mobile, and Verizon.

The current request by Commnet is to place equipment for AT&T's First Net project. First Net, formally known as the First Responder Network Authority, is an independent authority within the U.S. Department of Commerce. Its mission is to develop, build, and operate the nationwide broadband network that equips first responders to save lives and protect U.S. communities. This network will be dedicated to America's police, firefighters, and emergency medical services. This reliable, highly secure, interoperable, and innovative public safety communications platform will bring 21st-century tools to public safety agencies and first responders, allowing them to get more information quickly and helping them to make faster and better decisions. 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. More information is available at <https://www.firstnet.com>.

Federal law requires AT&T to have the First Net system installed and on-air nationwide by July 31, 2021. The County and Commnet have been working diligently since May 2020 to meet the deadline. As the siting and construction agent for AT&T for the First Net equipment, Commnet will initially enter into the Lease for Antenna Collocation and Facilities Site (Lease) and will install, pursuant to submitted plans and specifications, the necessary AT&T equipment. Once the system is installed and operational, Commnet will then assign the Lease to AT&T pursuant to the terms of the Lease. The terms, conditions, and requirements of the proposed Lease mirrors the Lease terms with the other three Collocation Lease tenants.

As part of the County's approval process, Commnet has submitted and obtained the necessary Community Development Department zoning review and approvals. DPU has initially reviewed the plans submitted by Commnet and has tentatively approved the plan, however, a more robust review

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by DPU will be conducted based on the final building plans and specifications submitted with the Building Permit Application.

As the Lease is now traveling through the final Board of Public Utilities and County Council approval processes, Commnet has requested that the County, as owner of the Facility, allow Commnet to proceed with their application for the necessary Building permit(s). In this manner, it is hoped that construction can begin on the earliest possible date once the Lease is effective.

#### **Alternatives**

If Council declines to grant the proposed telecommunication collocation lease, or includes provisions not consistent with other telecommunication leases on the North Mesa Water Tower, the applicant may have other remedies to pursue.

#### **Fiscal and Staff Impact/Planned Item**

Execution of the Lease is expected to generate annual revenue of \$9,075.48 , escalated by 3% per year for the initial term and any renewal terms. No direct or significant staff impact is anticipated.

#### **Attachments**

- A - Publication Notice for Ordinance 708
- B - Ordinance 708
- C - Commnet Collocation Lease
- D - North Mesa Vicinity Map