

**County of Riverside, California
Board of Supervisors Policy**

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Policy:

Board Policy B-26 specifies procedures for leasing County-owned sites for wireless communications and outlines procedures for the creation of site licenses, leases, subleases, lease amendments, lease renewals and other relevant documents for the use of real property owned by the county for allowable and appropriate uses by personal wireless communication service facilities providers. The policy outlines procedures to protect County owned and/or operated wireless communications and establishes guidelines for the use of fees and revenues from these locations.

1. NEW LEASES ON COUNTY-OWNED REAL PROPERTY

It is the policy of the County of Riverside to allow the use of County-owned lands and buildings by wireless communications providers. Such use improves routine communications services for the County's residents and the traveling public, improves public safety communications during emergencies, and provides incidental income to the County.

The Economic Development Agency (EDA) shall serve as lead agency for wireless service facilities on all County land and buildings and will negotiate terms and conditions of all licenses, leases, subleases, lease renewals, and lease amendments. No other County agency may negotiate such leases, and all County agencies are to immediately refer all wireless services inquiries to EDA. EDA will also negotiate and manage agreements to allow for co-location wireless communications at county public safety radio communications system sites.

EDA is to work with the agency using the land to ensure that the proposed wireless facility will not unreasonably compromise the agency's use of the site. EDA may recover its costs through an initial application fee and through its standard surcharge for lease administration. Prior to entering into the lease, EDA shall submit the application to Riverside County Information Technology (RCIT), which shall in turn review the proposed installation to ensure that it will not interfere with the County's public safety radio system.

Prior to entering into any lease, license or other legal entitlement with a private business for a proposed wireless facility, EDA shall consult with the County Executive Office (EO) to determine whether the land or building proposed for private cell tower use was financed or rehabilitated with proceeds from tax-exempt bonds or tax-exempt certificates of participation (Tax-Exempt Land). If the proposed lease, license or other legal

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entitlement involves Tax-Exempt Land, EDA shall consult with and obtain a prior approving opinion from the relevant Bond Counsel that the proposed use will not affect the tax-exempt status of the related financing.

Notwithstanding any other provision of this policy, EDA shall not approve any legal entitlement to co-locate private business wireless communications facilities on the County's public safety communications system, which has been financed and refinanced from time to time with tax-exempt financings, without first obtaining an approving opinion from the relevant Bond Counsel that the proposed co-location will not affect the tax-exempt status of the related financings.

EDA shall act as the permit authority and perform all plan check and construction inspection services, and shall ensure compatibility with existing building components and future County use of the real property.

EDA is authorized to offer wireless communications lease management to County affiliated special districts, community facilities districts, joint powers agencies and authorities, and similar organizations. EDA may employ consultants as needed to assist in the administration of wireless communications leases.

Prior to entering into any lease, license or other legal entitlement with a private business for a proposed wireless facility for such affiliated special districts or similar organizations, EDA shall consult with that organization to determine whether the land or building proposed for cell tower use was financed or rehabilitated with proceeds from tax-exempt bonds or tax-exempt certificates of participation. If the proposed lease, license or other legal entitlement involves Tax-Exempt Land, EDA shall consult with and obtain a prior approving opinion from the relevant Bond Counsel that the proposed use will not affect the tax-exempt status of the related financing.

RCIT shall be authorized and directed to act on behalf of the County to perform technical review of all wireless services applications for proposed wireless service facilities on County-owned real property. RCIT shall ensure that there will be no interference with the county's public safety radio system as a result of the installation before EDA enters into the lease and issues permits. RCIT may recover its costs through an initial application fee.

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All existing leases between wireless service providers and County departments, agencies, and special districts shall comply with this policy upon renewal of the lease.

2. REVENUES

Some County lands were purchased with funds which require lease or sale income to be returned to the purpose supporting the original funding. EDA shall work with the appropriate County agency in determining if land income restrictions exist. Restricted lease revenues (such as revenue generated from Parks and Open Space District, Flood Control and Water Conservation District property, and restricted Transportation Department property) shall continue to be deposited into the respective entity's restricted funds. All other unrestricted revenue generated on County-owned property from wireless service facility leases and licenses shall be deposited into the General Fund. Nevertheless, the County shall not use the revenue generated from private wireless service facility leases and licenses to pay debt service payments on the County's public safety communications system, which has been financed and refinanced from time to time with tax-exempt financings, without first obtaining an approving opinion from the relevant Bond Counsel that the using such revenue to pay debt service will not affect the tax-exempt status of the related financings.

Furthermore, to the extent that Bond Counsel has approved the lease or license as to Tax-Exempt Land, the revenues from such leasing shall be used solely as directed by Bond Counsel.

An annual report on PSEC lease revenues generated under this program shall be prepared by PSEC and included in the department's mid-year budget report.

Reference:

Minute Order 3.22 of 10/17/06

Minute Order 3.3 of 04/10/07

Minute Order 3.4 of 05/22/18