

AGENDA DATE: May 9, 2006



RESOURCE MANAGEMENT AGENCY

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HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

AGENDA ITEM - REVISED

ITEM NO. _____
District 5

SUBJECT:

Approval of a communications site lease located on Oat Mountain within the Tule River Indian Reservation.

REQUEST(S):

1. Approve a communications site lease located on Oat Mountain within the Tule River Indian Reservation.
2. Rescind Tulare County Agreement No. 22548 approved by Board Resolution No. 2006-0019 on January 10, 2006.
3. Authorize the Chairman of the Board of Supervisors to execute the lease agreement.

SUMMARY:

On January 10, 2006 the Board approved Agreement Number 22598 with the Tule River Indian Tribe for a lease of a communications site within the Tule River Indian Reservation on Oat Mountain that the County of Tulare will be utilizing. In an attempt to expedite this project, the lease was approved by the Tribe and the County while the Bureau of Indian Affairs (BIA) was reviewing the lease language. Resolution Number 2006-0019 approving the lease, allowed the Board Chairman to approve minor additions or modifications to be made to the agreement by the BIA subject to County Counsel review. Although the agreement mirrored other BIA lease agreements, the BIA required major changes to the agreement before they would give their approval. The agreement before the Board today will cancel the prior agreement and satisfy requirements of the BIA Central California Agency.

Building improvements will consist of a fenced compound with a tower, a building, a backup generator with propane fuel supply as well as solar power equipment. In addition to these improvements, county communications equipment will be installed that will provide both voice and data communications throughout the reservation and casino area. The top four feet of the tower will be made available for the Tribe's exclusive use along with 20 square feet of rack space within the building providing a platform to

service the Tule River Tribe's future communications needs. The term of this lease will be for 25 years with an option for an additional 25 years.

A major change to Agreement Number 22598 was the federally required inclusion of an Arbitration Clause. Arbitration is not required unless both parties agree to it. If utilized, this particular Arbitration Clause is binding on the County but not on the Indian Tribe if the Secretary of the Interior determines the decision of the arbitrators is adverse to the interests of the Indians.

FINANCING:

Revenue for the project has come from:

Indian Gaming Local Community Benefit Committee
(IGLCBC) Grants:

FY 04-05	\$141,803
FY 05-06	100,000
FY 05-06	150,000
FY 04-05	13,032
FY 05-06	156,309

Office of Emergency Services (HHSA)
Homeland Defense Funds (HHSA)

There will be no rent paid for this site lease. Consideration shall consist of construction, operation and maintenance of the improvements and making space available for use by the Tule River Indian Tribe.

ALTERNATIVES:

Do not approve this lease or seek an alternative site. These alternatives are not recommended as this site works best for county communications equipment and considerable monies have been provided through grants to construct the improvements and purchase equipment.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel reviewed and approved the lease. The Tulare County Sheriff's Department worked with the Tule River Tribal Council on this project. The BIA has reviewed and approved this lease format. The Tule River Indian Tribal Council has approved and executed the lease and the BIA will sign the lease after it is approved by the Board.

SIGNATURE REQUIREMENTS:

Chairman of the Board to sign the Lease Agreement.
County Administrative Officer/Clerk of the Board of Supervisors or their authorized Deputy to attest to the Resolution.

ADMINISTRATIVE SIGN OFF:



RESOURCE MANAGEMENT AGENCY

Hal Cypert
Assistant Director – Support Services



Henry Hash, Director

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A COMMUNICATIONS)	
SITE LEASE LOCATED ON OAT MOUNTAIN)	RESOLUTION NO.
WITHIN THE TULE RIVER INDIAN)	
RESERVATION)	AGREEMENT NO.

UPON THE MOTION OF SUPERVISOR _____, SECONDED

BY SUPERVISOR _____, THE FOLLOWING RESOLUTION

WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL

MEETING HELD MAY 9, 2006, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: C. BRIAN HADDIX
County Administrative Officer/
Clerk of the Board of Supervisors

By _____
Deputy Clerk

1. Approved a communications site lease located on Oat Mountain within the Tule River Indian Reservation.
2. Rescinded Tulare County Agreement No. 22548 approved by Board Resolution No. 2006-0019 on January 10, 2006.
3. Authorized the Chairman of the Board of Supervisors to execute the lease agreement.