DATE: January 25, 2017
TO: Waste Management Authority
FROM: Wendy Sommer, Executive Director
BY: Brian Mathews, Senior Program Manager
SUBJECT: ACWMA Property Lease: Sprint, AT&T, T-Mobile, and Others

SUMMARY
At its January 12, 2017 meeting, the Programs and Administration Committee approved and forwarded to the Waste Management Authority for consideration changes to the Sprint electrical power-line trench lease on Authority property near Altamont Pass. The changes include modifications to allow for two or more sub-leases to be added to the lease. The changes are now before the Authority for approval.

DISCUSSION
In 2015 the WMA approved renewal of an electrical power-line trench lease, which services Sprint antenna facilities on property neighboring our own. Details of the lease modifications are detailed in the Programs and Administration Committee memo, available here: http://www.stopwaste.org/sites/default/files/meeting/Property%20-Trench%20leases-P%26A-1-12-17_0.pdf

RECOMMENDATION
Adopt Resolution #2017-02 to authorize the Executive Director to:

- Amend the Sprint electrical trench lease to reduce the rent by the terms described herein if and when new tenants sub-lease the electrical power-line trench; and
- Enter into a lease agreement based on the terms described herein with AT&T for use of the electrical power-line trench operated by Sprint; and
- Enter into a lease agreement based on the terms described herein with T-Mobile for use of the electrical power-line trench operated by Sprint; and
- Enter into a lease agreement(s) based on the terms described herein with tenant(s) as may be identified in the future for use of the electrical power-line trench operated by Sprint.
RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ELECTRICAL POWER TRENCH LEASE WITH SPRINT APPROVED JUNE 25, 2015

WHEREAS, the Alameda County Waste Management Authority ("Authority"), owns 1,600 acres of real property in eastern Alameda County; and

WHEREAS, the Authority put out to bid to lease said real property for the purpose of establishing an electrical power-line trench to traverse Authority property to supply power to cellular sites on property neighboring the Authority’s property; and

WHEREAS, Sprint responded to said bid and entered into a lease agreement, signed September 2016, with the Authority; and

WHEREAS, subsequent to executing the lease agreement with Sprint, the Authority was approached by both AT&T and T-Mobile to sub-lease the electrical power-line trench;

NOW THEREFORE, BE IT RESOLVED THAT:

The Authority authorizes the Executive Director to amend the lease agreement with Sprint, such that:

- If one new tenant subleases the electrical trench, the Authority will reduce the original rent to Sprint (primary tenant) by 25%, and charge the new tenant 75% of the original lease;
- If two new tenants sublease the electrical trench, the Authority will reduce the original rent to Sprint by 33%, and charge each of the new tenants 66% of the original rent;
- Additional tenants would reduce the original rent to Sprint by 37.5%, and all subleasing tenants would pay 62.5% of the original rent; and,
- Authorize the Executive Director to enter into new lease(s) with AT&T and/or T-Mobile and/or other tenants as may be identified in the future for use of the electrical power-line trench according to the above terms and as approved to form by Authority Counsel.

ADOPTED this 25th day of January 2017, by the following votes:

AYES:  
NOES:  
ABSTAINING:  
ABSENT:  

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #WMA 2017 - 02

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WENDY SOMMER  
Executive Director