

Joseph Garcia, Chief Communications Officer
Office of Public Relations

SUBJECT: REQUEST AUTHORIZATION FOR THE SUPERINTENDENT TO NEGOTIATE AND ENTER INTO A BROADCAST TOWER AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, AND THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, INCLUDING AN ASSOCIATED SUBLEASE FOR LAND LOCATED AT MCTYRE PARK FOR CONSTRUCTION OF A NEW COMMUNICATIONS TOWER

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

In 1957, the District constructed a broadcast tower on property jointly owned by the District and the State of Florida, located in the town of Pembroke Park, Florida. In 1985, the District leased space on the tower to Miami-Dade County for an annual rent of \$1 a year. In 1991, the District leased space to Broward County at the same rate. Both counties are utilizing the space on the tower for their 911 emergency services. The District no longer has any equipment on the 1957 tower. The District uses a new tower constructed in 2001 at the same site in response to a federal mandate that all public television stations switch to a digital signal by May 2003 (this 2001 tower is the subject of on-going litigation between the District and the construction company). However, the District continues to be responsible for maintenance and insurance of the 1957 tower. The District's current insurance coverage for the 1957 tower ends on May 1, 2006.

Hurricane Wilma caused significant damage to the 1957 tower. A portion of the tower's top section structurally failed causing damage to the remaining tower, as well as causing extensive property damage to other structures in the surrounding neighborhood. The damage has caused the tower to become unstable, resulting in the need for it to be significantly shortened or removed.

Over the past two years, the District has been in discussions with Miami-Dade and Broward counties with regard to their current lease agreements. Prior to Hurricane Wilma, the 1957 tower needed repairs to remain safe and operational. The discussions had centered on whether the counties would agree to share in the cost of the repairs, or if the District should raze the tower. Razing the tower would result in both counties having to find space on other towers for their emergency equipment.

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To resolve the problem of the unsafe and unstable 1957 tower and to allow both counties to continue to provide vital emergency services, Broward County officials have proposed constructing a new tower near the 1957 tower. During the construction of this new Broward tower, Broward and Miami-Dade counties would continue to occupy the 1957 tower. The 1957 tower will be brought down upon transfer of the emergency communications to the new Broward tower.

As a result of Hurricane Wilma, the District's insurance claim reimbursement for damages on the 1957 tower will cover the cost to lower the tower to 400 feet. The anticipated date of completion for the reduction in height shall be no later than April 30, 2006. The District will convey ownership of the 1957 tower to Broward County. As of May 1, 2006, Broward County will be responsible for the maintenance and insurance costs of the 1957 tower. Broward County will complete construction of a new tower as soon as possible and will be responsible for the cost associated with transferring their equipment to the new tower and removing the remaining 400 feet of the 1957 tower.

The term of the sublease of the real estate for the new Broward tower shall run concurrently with the term of the McTyre Park lease and any extensions or renewal of the McTyre Park lease. All facilities constructed on the premises shall be constructed and maintained in a condition to withstand winds from a major hurricane. Broward County shall secure the premises with a suitable fence separating the tower from the remaining portion of the park.

The new Broward tower will be no higher than 350 feet above ground and have tower faces not to exceed 40 feet in width. Broward County could construct an equipment shelter of no more than 12 feet high, 30 feet wide and 40 feet long at the site or use the existing equipment shelter at its own risk and expense.

The Office of Media Programs, Risk and Benefits Management, the School Board Attorney's Office, and the District's Federal Communications Commission counsel have all been included in this issue.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

authorize the Superintendent to negotiate and enter into a] REVISED
broadcast tower agreement with The Board of County
Commissioners of Miami-Dade County, Florida, and The
Board of County Commissioners of Broward County,
Florida, including a sublease agreement with Broward
County Board of Commissioners, effective March 15, 2006,
subject to the terms and conditions as stipulated in this
item, effective March 15, 2006.

JG/JL