



Legislation Details (With Text)

File #: 19-282 **Version:** 1 **Name:**
Type: Resolution **Status:** Agenda Ready
File created: 6/6/2019 **In control:** Town Council
On agenda: 6/13/2019 **Final action:**
Title: Adoption of Resolution 2019-16 Approving the Master License Agreement for Small Wireless Facilities in the Public Right-of-Way ("MLA") and Authorizing the Town Manager to Execute License Agreements in the Form of the Approved MLA but Requiring other Forms of License Agreements to be Approved by the Town Council.

Sponsors:

Indexes:

Code sections:

Attachments: 1. SWF Master License Agreement_FINAL TO COUNCIL 6-13-19, 2. 2019-16 Approving MLA for SWF and Authorizing Town Manager to Execute, 3. 061319 Council Master License Agreement for SWF in ROW

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 6/13/2019 | 1 | Town Council | Adopted | Pass |

TO: Mayor and Town Council

FROM: Jill B. Keimach, Town Manager
Andrew Miller, Town Attorney
Deborah Robberson, Assistant Town Attorney

DATE: June 13, 2019

CONTACT:

Andrew Miller, Town Attorney, 480-348-3691

AGENDA TITLE:

Adoption of Resolution No. 2019-16 Approving the Master License Agreement for Small Wireless Facilities in the Public Right-of-Way ("MLA") and authorizing the Town Manager to execute license agreements in the form of the approved MLA but requiring other forms of license agreements to be approved by the Town Council.

RECOMMENDATION:

Adopt Resolution 2019-16.

BACKGROUND:

At its Study Session on May 9, 2019, the Council reviewed the draft Master License Agreement for Small Wireless Facilities in the Public Right-of-Way. The Council reviewed the draft and no revisions were recommended.

In 2017, the Legislature enacted HB 2365 that required municipalities to adopt standard terms for the

use of its public rights-of-way to construct, install, and operate small wireless facilities. The deadline to adopt the municipality's standard terms is within three months after receiving the first request to use the right of way for a small wireless facility. No such applications have been filed with the Town, but a pre-application has been filed by one wireless provider. Council approval of the MLA will provide the Town's standard terms for use of its public right-of-way for future small wireless facility requests and authorize the Town Manager to execute the approved form of MLA.

However, if a potential licensee that desires to construct, install, and operate small wireless facilities on a portion of the Town right-of-way desires to enter into terms for such a license that differ from the MLA, then the Town Manager is not authorized to execute an alternate form of license agreement and any such proposed license agreement must be approved by the Town Council.

Resolution No. 2019-16 approves the MLA, authorizes the Town Manager to execute the MLA provided a licensee agrees to the exact terms of the MLA, and further provides that potential licensees who desire different license terms will have to obtain approval from the Council of any such license. It is respectfully recommended that the Council approve Resolution No. 2019-16.

NEXT STEPS

Adopt Resolution No. 2019-16 approving the Master License Agreement for Small Wireless Facilities in the Public Right-of-Way and authorizing the Town Manager to execute the "standard" MLA in the future as requested by wireless providers.

ATTACHMENTS:

Resolution No.2019-16

Master License Agreement for Small Wireless Facilities in the Right-of-Way,
CON-19-086-TMG