

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Adopt Rates and Fees for Small Wireless Facilities in City Rights-of-Way	STAFF PRESENTER: Alan Claypool, Chief Information Officer
	CASE NUMBER: None.
	OTHER PRESENTER: None

PROPOSED ACTION:

ADOPT RESOLUTION NO. 2018-1857 ADOPTING THE RATES AND FEES FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF SMALL WIRELESS FACILITIES IN THE CITY RIGHTS-OF-WAY, PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

BACKGROUND AND PREVIOUS ACTIONS:

On March 31, 2017 HB2365 (wireless facilities; rights-of-way) was signed into law. The bill allows wireless carriers (i.e. Verizon, AT&T, Sprint and others) to install, operate and maintain small cell wireless facility equipment in city rights-of-way. Small cells are low-powered wireless base stations that help wireless carriers add capacity to their networks to provide better access to cell phone coverage and high-speed wireless data services in areas not being served by traditional cell sites.

On January 8, 2018 the City Council approved of: 1) the form of Wireless Provider Rights-of-Way License Agreement authorizing Wireless Providers to use City rights-of-way to operate a wireless network; 2) the Standard Terms; and 3) the delegation of authority to the City Manager or designee to negotiate and execute such properly finalized License Agreements with Wireless Providers; and 4) the delegation of authority to the Director of Engineering to issue Small Wireless Facilities Site Permits.

HB2365 permits the city to charge a rate or fee to a wireless provider for the use of the rights-of-way. The rate or fee charged to a wireless provider for the use of the rights-of-way is limited to the actual cost of managing the rights-of-way, must be competitively neutral and a maximum of \$50 annually per Small Wireless Facility (SWF).

Permits the city to require an application and limits the application fee to maximum of \$750.

All rates, fees and terms must be established and made publicly available. Pursuant to State law, the city provided a 60-day notice of proposed rates and fee changes on December 8, 2017. The city also posted its notice of intent to establish fees via the city's website and social media accounts on January 25, 2018.

STAFF ANALYSIS:

The proposed wireless provider rights-of-way rates and fees are used for wireless providers requesting right-of-way access for the installation or collocation of a wireless facility. These rates and fees are in accordance with State law.

FISCAL ANALYSIS:

The wireless provider will fund the installation, operation and maintenance of the small wireless facilities. The city will receive the application and permitting fees and annual rates as specified by State law.

According to State law, the total application fee for a SWF in the rights-of-way “may not exceed seven hundred fifty dollars.” The city of Goodyear’s established fees of \$849 to process a similar application when applied to wireless facilities would exceed the \$750 maximum; therefore, the City’s Application Fee for a SWF in the ROW shall be set at seven hundred fifty \$750. This fee, along with the other State restricted rates and fees such as the \$50 annual rate for right-of-way use per facility, will be set upon Council approval of these modified rates and fees.

RECOMMENDATION:

Approve the Resolution concerning the rates and fees for wireless providers installation, operation and maintenance of small wireless facilities in city rights-of-way, declaring an emergency and providing for an immediate effective date.

ATTACHMENTS:

1. Resolution No. 2018-1857
2. Exhibit 1: Rates and Fees Schedule