

RESOLUTION NO. 2018-1857

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, 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.

WHEREAS, pursuant to House Bill 2365 signed into law on March 31, 2017, to be effective on August 9, 2017, the Mayor and Council of the city of Goodyear, Arizona, are authorized to charge rates and fees for the installation, operation and maintenance of wireless communications within the city boundaries pursuant to the Charter and City Code of Goodyear, and by virtue of federal and state statutes, by the city's police powers, by its authority over its public rights-of-way and highways and by other city powers and authority; and

WHEREAS, A.R.S. §§9-591 through 9-599 enacted provisions regarding the use of city rights-of-way by wireless providers and establishes specific rates and fees and also sets forth maximum rates and fees that can be charged by the city related to small wireless facility installation, operation and maintenance necessary for the management of the rights-of-way; and

WHEREAS, A.R.S. §§9-591 through 9-599 directs the city to establish and make publicly available the rates, fees and terms for installation of a wireless facility, utility pole or monopole (including collocation); and

WHEREAS, on January 8, 2018 the City Council approved of: 1) the form of Wireless Provider Right-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; and

WHEREAS, the city desires to set reasonable rates and fees to the extent allowed under the Law; and

WHEREAS, the City Council finds that the approval of the rates and fees for small wireless facility installation, operation and maintenance necessary for the management of the rights-of-way;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. ADOPTION OF FEE SCHEDULE

The Mayor and Council of the city of Goodyear hereby adopt the small wireless facility rate and fee schedule, a copy of which is attached hereto as Exhibit 1, and is incorporated herein by reference, to be used by the City Manager in collecting rates and fees.

SECTION 2. EMERGENCY EFFECTIVE DATE

This Resolution No. 2018-1857 shall be effective immediately. This is declared to be an emergency measure pursuant to A. R. S. § 19-142 (B) and shall be immediately operative for the preservation of the peace, health, or safety of the city, to allow for compliance with A. R. S. § 9-591 et seq.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 2018-1857 is a true, correct and accurate copy of Resolution No. 2018-1857, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____ 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk