



CITY OF HAYWARD

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Cover Memo

File #: LB 21-008, **Version:** 1

DATE: March 2, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Municipal Facility License Agreement Template: Adopt a Resolution Approving the Municipal Facility Master License Agreement Template for the Attachment of Wireless Facilities to City-Owned Vertical Infrastructure in the Public Right-of-Way, and Authorizing the City Manager to Execute Master Facility License Agreements with Qualified Companies in Substantial Conformance with the Template and Upon Approval by the City Attorney as to Form

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the Municipal Facility License Agreement (MFLA) template (Attachment III) for the attachment of wireless facilities to City-owned vertical infrastructure, such as street lights in the public right-of-way, and authorizing the City Manager to execute MFLAs with qualified companies in substantial conformance with the template and upon approval by the City Attorney as to form.

SUMMARY

Demand for wireless technology continues to grow exponentially. To meet this ongoing demand, further compounded by an increase in residents working or learning from home due to COVID-19, wireless companies desire to install small cell technology to meet the demand and prepare for future needs. In order for wireless companies to install equipment on vertical infrastructure with the City, such as street light poles, a MFLA is needed to protect both the interests of the City as well as the wireless company. The MFLA represents a multi-year effort across multiple public meeting bodies, as well as numerous rounds of negotiation and revisions with interested wireless companies over an eighteen-month span. Outside legal counsel specializing in the area of small cell municipal agreements has assisted the City in the negotiation of the MFLA terms and language to strike a balance between desired terms and what is considered fair and reasonable compared to similar sized municipalities. The template establishes the form of the MFLA for Council approval. The resolution approving the template allows the City Manager to negotiate specific terms with individual carriers in individual MFLAs, such as individualized insurance requirements, as long as overall the individual MFLA substantially conforms with the Council approved MFLA template.

This staff report summarizes the multi-year history leading up to the creation of the MFLA template, as

well as discusses key provisions of the MFLA. The process to create this template has involved feedback from internal staff, external vendors, and outside legal counsel to create a document that creates a path forward towards the deployment of small cell technology on City-owned vertical infrastructure within the City's public right-of-way.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Master Municipal Facility License Agreement Template