

**CITY OF REDMOND
RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF REDMOND, WASHINGTON, DELEGATING AUTHORITY
TO THE MAYOR OR HIS DESIGNEE TO APPROVE
LICENSES, PERMITS, AND AGREEMENTS FOR THE USE
OF CITY-OWNED POLES WITHIN THE RIGHTS-OF-WAY

WHEREAS, the City of Redmond owns more than 1,650 poles within the rights-of-way; and

WHEREAS, RCW 35A.11.010 vests all power to purchase, lease, receive, or otherwise acquire real property, and to use, enjoy, hold, lease, control, convey or otherwise dispose of the same in the City Council; and

WHEREAS, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation (FCC Order), which imposes limitations on all municipalities regarding processing and review of all permits and other types of approvals, including lease agreements, associated with the deployment of small wireless facilities; and

WHEREAS, in order to improve the efficiency of the City's process of leasing access to City-owned poles in the rights-of-way and in order to remain compliant with the FCC's presumptively reasonable time periods for granting access to City-owned poles in the rights-of-way for small wireless facilities, the City Council desires to delegate authority to the Mayor or his designees to

approve the lease of City-owned poles located in the rights-of-way on the City's behalf within certain parameters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Delegation of Authority. The Mayor or his designee is hereby authorized to issue and enter into such leases, licenses, or other agreements as the Mayor may determine to be necessary and proper in order to manage the use of City-owned poles within the rights-of-way for the usage by small wireless facilities. Any such license, permit, or other agreement shall contain the following provisions:

A. Use. All leases, licenses, and agreements shall be solely limited to the installation of small wireless facilities on City-owned existing, new, or replacement poles within the rights-of-way. No use or improvement other than that specified in the license, permit, or agreement shall be allowed.

B. Indemnity. All leases, licenses, and agreements issued or agreed to by the Mayor or his designee shall provide for the City, its officers, agents, and employees, to be indemnified, defended, and held harmless from any and all claims, demands, losses, expenses, liens, charges, and liabilities of any description (including attorney's fees and costs incurred by the City in connection therewith) for claims arising out of the licensee's, lessee's, or user's usage of City-owned poles.

C. Other Permits. Obtaining a lease, license, or agreement authorized by this resolution shall not operate to relieve the licensee, lessee, or user from obtaining any and all other permits required by the City or any other governmental agency for the use or improvement authorized.

D. Compensation. A reasonable amount shall be collected in order to compensate the City for the use of the City-owned poles and to reimburse the City for any costs or expenses incurred or to be incurred in the issuance or administration of the lease, license, or agreement or otherwise due to the use or improvements authorized.

E. Term. The Term for any lease, license, or other agreement for the use of City-owned poles in the rights-of-way shall not exceed a total of ten (10) years.

F. Other Reasonable Terms. The Mayor or his designee is authorized to impose such other reasonable terms and conditions on leases, licenses, or other agreements issued or entered into under the authority of this resolution which the Mayor or his designee determines are necessary for the proper management of the City-owned poles within the rights-of-way.

Section 2. Effective Date. This Resolution shall become effective immediately upon passage by the Redmond City Council.

ADOPTED by the Redmond City Council this ____ day of _____, 2019.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. HART, MMC, CITY CLERK (SEAL)

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.