



Staff Report – Public Hearing for Ordinance

Public Hearing for Cellco Partnership (d/b/a Verizon) Franchise and License Agreements
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SUMMARY: Staff recommends the City Council conduct a public hearing to provide citizens an opportunity to give public testimony regarding the proposal of an ordinance to establish a Franchise Agreement and a separate, but related, License Agreement between the City of Camas and Cellco Partnership doing business as Verizon. The Franchise Agreement would be approved via Ordinance and would allow Verizon to install, operate and maintain telecommunication facilities within the City of Camas rights-of-way. The License Agreement would be approved separate from the Franchise Agreement and would allow Verizon to install, operate and maintain wireless facilities on publicly owned structures (e.g. poles).

Prior to the City Council conducting the Public Hearing, Staff will review changes to the Franchise and License Agreements that have been made since the first presentation of a Draft at the August 17 Council Workshop. In summary, the changes are as follows:

- References to other telecommunication companies (e.g. MCI Metro, AT&T, etc.) have been removed.
- Insurance provisions have been changed in Section 24 of the Draft Franchise Agreement and Section 10 of the Draft License Agreement. The various amounts of insurance were raised to \$5 million each. This was negotiated to offset a request by Verizon to remove the prior section 24.10 of the Franchise Agreement which would have allowed the City access to Verizon's full availability of insurance limits company wide.

ADDITIONAL INFORMATION: At the August 17 Council Workshop, council members asked a number of questions related to the Franchise and License Agreements. Some of the questions staff was able to answer at the prior meeting, and some questions needed additional research. Below are that were noted at the August 17 meeting and responses researched by staff:

- *Some cities appear to be collecting more than \$270/year/pole and/or potentially additional fees. Why aren't we collecting more fees?*
 - The City is collecting the maximum \$270/year/pole fee as outlined in the 2018 FCC Order. Additionally, the small cell providers must pay all applicable permit fees associated with installation of the antennae itself and associated infrastructure. The City's fees appear to be in line with the FCC Order and comparable to neighboring cities.

- Terminology may also be confusing in this regard. There were references to both a Lease and a “Pole Attachment Fee” in the August 17 discussion. In this context, both of these are referring to the same thing – the amount the City is collecting per location (or pole attachment) per year. There are other application and permitting fees that the City can and anticipates collecting with each application that are separate from the \$270/year lease.
- *Can small cell antennas co-locate on the same pole?*
 - According to Verizon’s representative, the poles used typically will not structurally support more than one antenna. This should not be confused with the larger cell phone antennas which can and should co-locate on cell phone towers.
- *How many small cell antennas is Verizon anticipating installing in Camas?*
 - According to Verizon’s representative, Verizon originally anticipated installing 25 antennas County-wide, but has since reduced that number. Over the last couple of years working with Verizon, the representatives have stated they would anticipate having 5 or 6 antennas installed in Camas for the time being. Obviously that number could increase or decrease as the need determines. It is also worth noting that AT&T, who already has a Franchise and License Agreement with the City, has yet to approach staff regarding any installations.
- *What are the health effects of being close to small cell antennas?*
 - Unfortunately, there is a multitude of contradictory information on this topic. In working with cell phone providers, independent attorneys and experts, and based on information received at various conferences, the best response to this question from staff’s perspective is that all installations of small cell facilities are required to meet all FCC regulations – including any and all health related requirements. These requirements are not something the City has regulatory control over.
- *What do the small cell antennas generally look like?*
 - See attached Small Cell Presentation with various photos and examples.
- *What are the design guidelines for small cell antennas in Camas?*
 - See attached Design Guidelines that were included in prior Council agenda packets related to this topic.

RECOMMENDATION: Staff recommends that Council conduct a public hearing, deliberate and if desired, direct staff to place the respective Ordinances for the Franchise Agreement and License Agreement on the October 5, 2020 Regular Meeting Agenda for Council’s consideration.