



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/04/2022

ITEM NO: 1

ADDENDUM

DATE: October 3, 2022
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Study Session to Discuss Potential Master License Agreement for Telecommunications Facilities in the Public Right-of-Way.

REMARKS:

The following information is provided in response to Council Member questions:

- *Would the Master Agreement ultimately allow more predictable installation?*

Yes, the Master Agreement will allow for more control over the location of the installation. This will help staff by providing clear agreement with the telecom companies over where the installations are acceptable. This relieves staff of the burden of assessing each location individually and considering the appropriateness.

- *While it appears there will be more upfront work for staff to create a Master License Agreement (MLA) and work through the details, will this eliminate work downstream?*

It will relieve staff of the need to assess locations one by one, but individual installations will still require a permit on a case-by-case basis to consider structural conditions, compatibility with existing town infrastructure (e.g., many poles at key intersection have Police Department cameras that would have precedent over telecom) and the like.

- *It appears that the \$270 per year per pole charge will be collected to cover staff time to oversee and monitor the installations. Does that mean we take over the maintenance of these installations? Do we have the capacity to do this?*

PREPARED BY: Gabrielle Whelan, Town Attorney
Nicolle Burnham, Parks and Public Works

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Parks and Public Works Director

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SUBJECT: Telecommunications Master License Agreement

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REMARKS (continued):

The Town would not be responsible for maintaining the communications infrastructure, but would still own and operate and maintain the actual poles. There may be opportunity during development of the MLA to ask the telecom to cost share on future pole maintenance.

- *Would this Master Agreement apply to any applicants or would it have to be specifically created for each telecommunication provider?*

Town staff would prepare a Master License Agreement template that could be used with each provider.