



Legislation Text

File #: 19-0746, **Version:** 1

TO: Mayor Irvin and the Aldermen

FROM: The Law Department

DATE: August 21, 2019

SUBJECT:

A resolution authorizing the execution of a Master License Agreement between the City and Verizon Wireless to facilitate the installation of small wireless facilities (small cell) on City structures within public rights of way.

PURPOSE:

To provide for an orderly and standardized method to issue "site specific" permits to Verizon Wireless (officially "Chicago SMSA Limited Partnership d/b/a Verizon Wireless") for the installation of small cell wireless equipment as required by the Small Wireless Facilities Deployment Act.

BACKGROUND:

In 2018, over the strong objection of Illinois counties and municipalities, the Illinois General Assembly passed, and former Governor Rauner approved the Small Wireless Facilities Deployment Act. The Act requires municipalities to make their utility poles and other support structures located in public rights-of-way available to telecommunication companies to install "small cell" wireless transmitters, which will be a key component in the rollout of "5G" wireless technology. The Act preempted most local governmental authority to regulate these small cell sites. Chapter 19, Article VI of the City Code represents the extent of the City's authority to regulate small cell deployment.

DISCUSSION:

The proposed Master License Agreement was developed by Klein, Thorpe & Jenkins, Ltd., which had extensive involvement in the negotiation of the Small Wireless Facilities Deployment Act and drafted major portions of Chapter 19 of the City Code. The agreement reflects the provisions of Chapter 19, Article VI as well as more recent rules with respect to small cell deployment promulgated by the Federal Communications Commission (FCC). It provides City staff with a defined process to follow when issuing "site-specific" permits to Verizon Wireless and will control the terms that all permits will be subject to.

The Council previously approved a similar agreement with AT&T should anticipate receiving similar agreements for its consideration involving other major wireless carriers.

IMPACT STATEMENT:

If approved, this agreement will streamline the process of issuing site-specific permits to Verizon Wireless consistent with the requirements of the Small Wireless Facilities Deployment Act.

RECOMMENDATIONS:

That the Council approve this resolution.

cc: Building, Grounds, and Infrastructure Committee



CITY OF AURORA, ILLINOIS

RESOLUTION NO. _____
DATE OF PASSAGE _____

A Resolution authorizing a Master License Agreement between the City and Chicago SMSA Limited Partnership d/b/a Verizon Wireless, to facilitate the installation of small wireless facilities on City structures within public rights of way pursuant to the Small Wireless Facilities Deployment Act. WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Small Wireless Facilities Deployment Act requires the City to make certain City infrastructure in public rights-of-way available for the installation of small wireless communication facilities, commonly known as "small cell;" and

WHEREAS, the City has adopted Article VI of Chapter 19 of the City Code which regulates the installation of such facilities to the extent of the City's legal authority; and

WHEREAS, consistent with the Small Wireless Facilities Deployment Act and all applicable provisions of the City Code, the City and Chicago SMSA Limited Partnership (doing business as 'Verizon Wireless'), have negotiated a Master License Agreement to facilitate the issuance of various permits for the installation of small wireless facilities upon specific City infrastructure throughout Aurora.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the Master License Agreement attached to this Resolution as Exhibit A shall be and hereby is approved; and further

BE IT RESOLVED, that the Mayor is authorized to execute said Master License Agreement on behalf of the City; and further

BE IT RESOLVED, that the City's officers and employees, including, but not limited to the City Engineer and the Chief Development Services Officer and their respective designees shall be and

hereby are authorized to perform all functions and duties necessary, including the execution of subordinate documents and agreements, to carry the purposes of the Master License Agreement.