



# Broward County

## Legislation Text

File #: 20-248, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Bertha Henry

**Department:** County Administration

### Information

#### Requested Action

MOTION TO AUTHORIZE County Administrator to approve and execute (subject to review and approval as to legal sufficiency by the Office of the County Attorney), a Memorandum of Understanding with New Cingular Wireless PCS, LLC, AT&T Mobility Corporation, or other appropriate affiliate of either (collectively "AT&T"), to address the termination of existing agreements for the use of space at and around the Broward County Convention Center ("Convention Center") and provide a new license agreement with the appropriate AT&T entity for future use of space at the Convention Center, both of the foregoing subject to the general business terms stated in Exhibit A; and to authorize the County Administrator to include other business terms that do not increase the amount of County's financial contribution stated in Exhibit A and to take any necessary administrative and budgetary actions.

#### Why Action is Necessary

The delegation of authority to draft and execute the agreement(s) with AT&T requires Board action.

#### What Action Accomplishes

Addresses the removal of existing AT&T equipment at the Convention Center that may impact ongoing construction activities and provides for a long-term license agreement for the placement of such equipment at the Convention Center to provide telecommunication services to users of the facility.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

None.

#### Summary Explanation/Background

This agenda item supports the Board's goal of increased economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs.

While performing due diligence for the expansion of the Convention Center, it became apparent that telecommunications equipment belonging to AT&T that was located in the part of the facility slated to be demolished needed to be relocated. County staff negotiated new business terms with AT&T for a

new license agreement, the general terms (Exhibit A) of which the Board is requested to review and approve. These terms include a cost share to relocate the AT&T equipment, which is only necessary because of the Convention Center Expansion and Headquarters Hotel project.

The major terms include the following:

- AT&T will remove all relevant underground duct banks, wiring, telecommunications equipment, antennas, and other AT&T property ("AT&T Equipment") on or before February 14, 2020.
- AT&T and County will agree to a temporary relocation site for the AT&T equipment during the ongoing construction activities at the Convention Center.
- County will provide AT&T a prorated refund not to exceed \$55,000 of a certain portion of amounts paid by AT&T for the current agreement year under the existing agreements for space at the Convention Center.
- County and AT&T will enter in a new license agreement for up to an initial 15 year term, with up to three extensions (by mutual agreement) of five years each.
- County will reimburse AT&T 50% of the actual costs associated with the removal and replacement of the AT&T Equipment, up to a maximum County contribution of 200,000 ("County Contribution").
- The County Contribution to AT&T will be in the form of a license fee setoff under the New License Agreement and AT&T shall not be required to pay County any license fees until the County Contribution has been recovered through setoff.

#### **Source of Additional Information**

Alan Cohen, Assistant County Administrator, (954) 357-7354

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Current and future lost revenue for the Convention Center in an amount not to exceed \$255,000, consisting of up to \$55,000 in prorated fee refunds of a recent annual payment, and up to \$200,000 cost share to relocate the AT&T equipment, which will be in the form of a setoff against license fees paid by AT&T until such time as the balance of the County's 50% share of the AT&T relocation costs has been reimbursed.