



Broward County

Legislation Text

File #: 21-338, Version: 1

Broward County Commission Regular Meeting

Director's Name: Bertha Henry

Department: County Administration

Information

Requested Action

MOTION TO APPROVE License Agreement (Agreement) between Broward County and New Cingular Wireless PCS, LLC (Carrier); authorizing the Mayor or Vice-Mayor and Clerk to execute same.

Why Action is Necessary

Agreements with external agencies requires approval by the Broward County Board of County Commissioners (Board).

What Action Accomplishes

Addresses the removal of existing Carrier equipment at the Convention Center that would have impacted 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 and in the general area of the Convention Center.

Is this Action Goal Related

Yes

Previous Action Taken

January 28, 2020 Regular Meeting (Item No. 54)

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.

AT&T, dba New Cingular Wireless PCS, LLC (Carrier), has for many years been provided (for an annual fee) a license from Broward County (County) to access certain portions of the County's Convention Center Property (Center) to install, maintain, inspect, remove, augment and operate the equipment necessary to extend and distribute Carrier's wireless communications signal within and around the County Property.

Due to the Convention Center Expansion and Headquarters Hotel project, it was necessary to relocate the telecommunications equipment belonging to Carrier located in and on parts of the facility impacted by demolition and construction activity. County staff negotiated a Memorandum of Understanding ("MOU") with Carrier, which the Board approved at the January 28, 2020 Regular

Meeting (Item No. 54). The MOU (Exhibit 1) included a provision providing for the parties to enter into a new license agreement. This item approves the license agreement (Exhibit 2), which includes the terms negotiated in the MOU. The terms include a County/Carrier cost share to relocate the Carrier equipment, which was only necessary because of the expansion project.

As a result of the MOU;

- Carrier removed all relevant underground duct banks, wiring, telecommunications equipment, antennas, and other Carrier property on or before February 14, 2020;
- Carrier and County agreed to a temporary relocation site for a mobile equipment unit to be placed during the ongoing construction activities at the Convention Center;
- County provided Carrier a prorated refund not to exceed \$55,000 of a certain portion of amounts paid by Carrier for the last agreement year under the former agreement for space at the Convention Center.

Consistent with the MOU and moving forward with the new Agreement;

- County and Carrier will now enter in a new license agreement for up to an initial 15-year term, with up to three extensions of five years each; the first extension will be automatic unless one of the parties opts out, and the second and third extensions will be by mutual agreement;
- County will reimburse Carrier 50% of the actual costs associated with the removal and replacement of the Carrier Equipment, up to a maximum County contribution of 200,000 (County Contribution);
- The County Contribution to Carrier will be in the form of a license fee setoff under the New License Agreement and Carrier 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 \$200,000, consisting of up to \$200,000 cost share to relocate the Carrier equipment, which will be in the form of a setoff against license fees paid by Carrier until such time as the balance of the County's 50% share of the Carrier relocation costs has been reimbursed.