



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.