

RESOLUTION NO. 2021-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING A MASTER LICENSE AGREEMENT
(MLA) TEMPLATE TO UTILIZE CITY OWNED
VERTICAL INFRASTRUCTURE WITHIN THE
CITY’S PUBLIC RIGHT-OF-WAY FOR SMALL
CELL TELECOMMUNICATIONS FACILITIES**

WHEREAS, the City has adopted regulations for Wireless Communications Facilities in the form of Chapter 20.58 of the Merced Municipal Code; and

WHEREAS, on September 19, 2016, the City Council adopted Ordinance No. 2465 to establish standards for wireless communications facilities; and

WHEREAS, on September 26, 2018, the Federal Communication Commission (FCC) adopted “Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” (WT Docket No. 17-79; WC Docket No. 17-84) as part of 5G deployment nationwide, which pertains to small cell facilities for wireless carriers; and

WHEREAS, in 2018, the FCC issued a declaratory ruling and report (FCC 18-133) to clarify the intent of the Telecommunications Act of 1996 with respect to local regulations for small wireless facilities; and

WHEREAS, this ruling requires local governments to comply within specified time periods (so-called “shot clocks”) and allows local governments to impose clear, reasonable, and feasible regulations with respect to regulations for small wireless facilities in the public right-of-way; and

WHEREAS, according to California’s Public Utilities Code (PUC 7901.1), companies defined as telephone corporations are allowed to have installations in the public right-of-way, but municipalities “shall have the right to exercise reasonable control as to time, place, and manner in which roads, highways, and waterways are accessed”; and

WHEREAS, it is inferred that the City may control height, appearance, location/placement, and safety issues for wireless facilities in the public right-of-way; and

WHEREAS, the FCC ruling was effective as of January 14, 2019; and,

WHEREAS, the City may expect applications to place small wireless facilities in the public right-of-way in the future and would benefit from having regulations in place to clarify requirements and expectations for City staff, decision-makers, and applicants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby adopts the Master License Agreement (MLA) template to utilize City owned vertical infrastructure within the City's public right-of-way for small cell telecommunication facilities, attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

John V. Arulant 10-29-21
City Attorney Date