

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE DIRECTING STAFF TO TRANSFER TEN
PERCENT OF THE REVENUE COLLECTED FROM THE
NEW TELECOMMUNICATION AGREEMENTS TO THE
DIGITAL INCLUSION FUND**

WHEREAS, City Council approved City Council Policy 7-10 establishing a policy and criteria which represents the minimum standards for the lease or use of City-owned land, buildings, light poles, streetlights or other City-owned facilities for the placement and maintenance of telecommunication facilities by private telecommunication operators; and

WHEREAS, in 2015, City Council approved Resolution No. 77551, which allowed for distinguishing between small cell and macro cell technology and established a Master Agreement for the Non-Exclusive Installation and Property Use of Small-Scale Telecommunications Facilities in the Right-of-Way and on City-owned property; and

WHEREAS, telecommunication providers have responded to changes in market conditions making macro cell sites the preferred installation and as a result they have lowered their investments in small cell infrastructure; and

WHEREAS, the Digital Inclusion Fund has primarily been supported by telecommunication providers investment in small cell installations; and

WHEREAS, to support the City's Digital Inclusion Program, ten percent of the revenue received for newly executed macro cell telecommunication agreements under the new Telecommunication Agreement would be transferred to the City's Digital Inclusion Program Fund, which, in the short term, is projected to be approximately \$10,000 to

\$20,000 annually that would be transferred to the Digital Inclusion Program Fund, instead of remaining with the General Fund; and

WHEREAS, with the anticipated growth of the macro cell sites lease program, the revenue to the Digital Inclusion Fund is expected to increase to \$140,000 annually;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council hereby directs staff to implement the transfer of ten percent of the revenue received for newly executed macro cell telecommunication agreements under the new Telecommunication Agreement to the City's Digital Inclusion Program Fund.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk