



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: December 12, 2017

**Title:** An Ordinance of the Board of Supervisors of Pima County, Arizona, amending Ordinance No. 2004-19 establishing fees for the installation of small wireless facilities in County right of way.

**Introduction/Background:**

The Arizona Legislature amended Title 11 of Arizona Revised Statutes ("ARS") adding Chapter 13 establishing maximum fees and rates that may be charged by a County for the installation of wireless facilities in County right of way. ARS Section 11-1802(E) requires counties to adopt an Ordinance establishing rates, fees and terms for installation, modification and replacement of facilities and equipment by wireless providers in county right of way and on county utility poles.

**Discussion:**

Pima County Ordinance 2004-19 contains fee schedules for other uses of Pima County right of way. The proposed ordinance amendment establishes fees and rates for small wireless facilities in County right of way consistent with state law. The fees, rates and terms have been advertised by publication and posted on the County's website as required by state law.

**Conclusion:**

Adoption of the subject Ordinance will provide additional revenue to the County from small wireless facilities and will constitute County's compliance with ARS Section 11-1802(E).

**Recommendation:**

Staff recommends that the Board of Supervisors adopt the resolution amending Ordinance No. 2004-19 establishing fees for the installation of small wireless facilities in County right of way.

**Fiscal Impact:**

The new fees and rates in the Ordinance will provide additional revenue to the County and will partially reimburse the County for expenses incurred in reviewing applications for small wireless sites in County right of way and on County owned utility poles.

**Board of Supervisor District:**

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Department: Real Property Services

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Contact: Michael D. Stofko

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Department Director Signature/Date:

*[Signature]* 11-9-2017

Deputy County Administrator Signature/Date:

*[Signature]* 11/8/17

County Administrator Signature/Date:

*C. R. [Signature]* 11/8/17

ORDINANCE NO. 2017-\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 2004-19 BY ADDING A NEW SUBSECTION P TO SECTION 1 THEREOF ESTABLISHING FEES FOR THE INSTALLATION OF SMALL WIRELESS FACILITIES IN COUNTY RIGHT OF WAY**

**THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:**

1. The Arizona Legislature has amended Title 11 of Arizona Revised Statutes by adding Chapter 13 relating to wireless services and establishing maximum fees and rates that may be charged by a County for the installation of small wireless facilities in County right of way.
2. Arizona Revised Statutes Section 11-1802 (E) requires Counties to adopt an Ordinance establishing rates, fees and terms for: a) the installation, modification or replacement by a wireless provider of a utility pole located in a right of way; b) the collocation by a wireless provider of a small wireless facility in a right of way; and c) the collocation by a wireless provider of a small wireless facility on a County utility pole, that are consistent with the requirements of Chapter 13 of Section 11, Arizona Revised Statutes.
3. Pima County Ordinance 2004-19, in Section 1 thereof, contains fee schedules for other uses of Pima County right of way.
4. The Board of Supervisors has determined reasonable fees and rates for small wireless facilities in County right of way which are consistent with the requirements of Chapter 13 of Section 11, Arizona Revised Statutes.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

Section 1 of Ordinance 2004-19, adopted April 13, 2004, and recorded in the County Recorder's records in Docket 12284, Page 1490, is amended by adding a new Subsection p to Section 1 thereof to read as follows:

p. Small Wireless Facilities (as defined in ARS §11-1801(17)) in County Right of Way

Application for a license and for conducting associated inspections: \$100.00

Consolidated Application for Licenses under ARS §11-1804(B):

For up to the first five (5) small wireless facilities addressed in the Application: \$100.00

For each additional small wireless facility addressed in the Application: \$65

Rate for the collocation of a small wireless facility on a utility pole or wireless support structure not owned by County and that does include ground-mounted equipment: \$175

Rate for the collocation of a small wireless facility on a County-owned utility pole that does not include ground mounted equipment: \$20.00

Additional Rate for the collocation of a small wireless facility on a County- owned utility pole that does include ground-mounted equipment: \$175.00

Installation of a utility pole and the collocation of a small wireless facility that will not be owned by the County: \$175.00

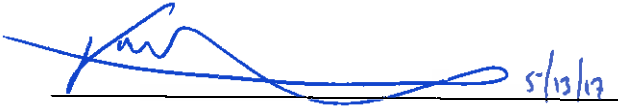
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Castaneda, Clerk of the Board

  
\_\_\_\_\_  
Tobin Rosen, Deputy County Attorney