

RESOLUTION NO. 2003-007

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SHERWOOD
ESTABLISHING FEES FOR TELECOMMUNICATIONS CARRIERS
OCCUPYING THE CITY RIGHTS OF WAY**

WHEREAS, the City has by Ordinance No 2003-1143 adopted a master telecommunications infrastructure ordinance to regulate telecommunications carriers who desire to occupy city rights of way; and

WHEREAS, that Ordinance grants to the City Council the authority to establish fees for the use of City rights of way by resolution; and

WHEREAS, the City Council recognizes that the City's ownership and management of rights of way constitutes a public trust and that those rights of way are valuable real property, use of which should be subject to fair and reasonable compensation; and

WHEREAS, the City Council is desirous of adopting a fee structure which treats similarly situated telecommunications service providers in a consistent manner; now, therefore,

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The fees to be charged to telecommunications carriers occupying the City's rights of way shall be as follows:

a. A carrier receiving a franchise to operate throughout the geographic limits of the City shall be subject to a fee of five percent (5%) of that carrier's gross revenues earned in the provision of telecommunications services within the City.

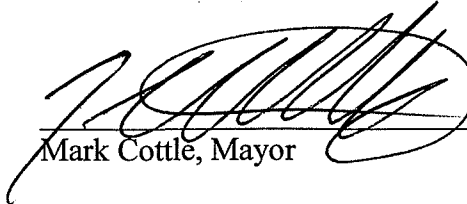
b. A carrier receiving a franchise to operate on limited, designated City rights of way within the City, and not providing service to City residents, shall be subject to a fee of \$2.50 per linear foot per year of the carrier's facilities located within City rights of way. This fee, for example, generally applies to long distance carriers and private networks occupying the right of way.

c. Different or additional fees may be set by the City Council on a case by case basis where the applicant's use of the right of way varies from that in subsections (a) and (b) above.

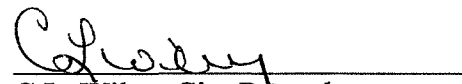
Section 2. The construction permit fee provided for in Ordinance No. ___ shall be the City's actual costs of review, inspection and other administration of the construction permit. This includes the cost of staff time and the cost of services rendered by the City's consultants and/or agents. Each applicant shall, in conjunction with a construction permit application, make a cash deposit of \$500 to defray the City's costs. Upon completion of the applicant's work in the City's rights of way, the City shall provide an accounting of the actual costs incurred, and shall refund any remaining portion of the cash deposit or shall collect from the applicant any additional balance due.

Upon an applicant's failure to pay any additional charges within 30 days of notice from the City, the City Manager shall be authorized to take any and all actions necessary to collect the balance due consistent with the terms of the City Municipal Code and other applicable laws. Any such late payment shall bear interest at the rate of nine percent (9%) per annum until paid.

Adopted by the City Council this 14th day of January 2003.


Mark Cottle, Mayor

ATTEST:


C.L. Wiley, City Recorder