

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME APPROVING THE  
FORM OF A MUNICIPAL FACILITY LICENSE AGREEMENT FOR SMALL CELL WIRELESS  
FACILITIES INSTALLATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND  
AMEND THE AGREEMENT**

THE CITY COUNCIL OF THE CITY OF BURLINGAME finds as follows:

WHEREAS, the City of Burlingame ("City") owns street light poles, traffic control structures, other lighting fixtures, and other facilities in the public right-of-way and owns or controls public right-of-way within the City limits; and

WHEREAS, due to new advances in technology, as well as recent amendments to both state and federal laws, the City is proposing a new Ordinance which would update the City's regulation of wireless facilities; and

WHEREAS, the proposed Ordinance establishes a comprehensive set of requirements and standards to regulate wireless facilities, including development, siting, installation, and operation of these facilities; and

WHEREAS, wireless providers are proposing to place wireless facilities on existing City infrastructure within the public right-of-way; and

WHEREAS, wireless providers have the authority under California law to install and maintain facilities in the public right-of-way to provide wireless telecommunications services; and

WHEREAS, the proposed Municipal Facility License Agreement ("MFLA") is a comprehensive document that provides uniform terms and conditions applicable to proposed wireless facilities installed on City-owned infrastructure in the public right-of-way, principally street lights, which will allow the City to exercise its authority and control consistent with state and federal law; and

WHEREAS, the proposed MFLA does not grant any rights to use individual items of City infrastructure, but rather establishes procedures, terms and conditions under which a licensee may obtain a license to access and maintain use of an individual facility; and

WHEREAS, the City Council wishes to allow the City Manager to execute this agreement on behalf of the City, and to make any minor changes necessary to the MFLA, subject to the approval of the City Attorney; and

WHEREAS, the City Council has reviewed the information contained in this Resolution and the accompanying staff report and attachments at a meeting held on \_\_\_\_\_; and,

WHEREAS, the City Council now desires to approve the form of the MFLA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlingame as follows:

**RESOLUTION NO. \_\_\_\_\_**

Section 1. The foregoing recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. The form of the MFLA for Wireless Facilities, attached hereto as Exhibit A, is approved.

Section 3. The City Manager is authorized to execute the MFLA on behalf of the City in substantially the same form as attached hereto, and to make any revisions, amendments, corrections and modifications to the MFLA, subject to the approval of the City Attorney, deemed necessary to carry out the intent of this Resolution and which do not materially alter or increase the City's obligations thereunder.

Section 4. The City Manager is authorized to take any other related actions consistent with the intention of this Resolution.

Section 5. Pursuant to Title 14 of the California Code of Regulations, the City Council of the City of Burlingame hereby finds the approval of a Municipal Facility License Agreement template to be categorically exempt from CEQA pursuant to California Code of Regulations Title 14, Chapter 3, section 15303, Class 3, "New Construction or Conversion of Small Structures."

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

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Ann O'Brien Keighran, Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing resolution was adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

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Meghan Hassel-Shearer, City Clerk