

1 [Agreement - Bay Area Regional Interoperable Communications Systems]

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3 **Ordinance approving site access and use agreement with Motorola for the San**  
4 **Francisco sites to be used for the Bay Area 700 MHz public safety broadband spectrum**  
5 **to be managed and operated by the Bay Area Regional Interoperable Communications**  
6 **Systems for a term of twelve years and making findings, including environmental**  
7 **findings.**

8 NOTE: Additions are *single-underline italics Times New Roman*;  
9 deletions are ~~*strike-through italics Times New Roman*~~;  
10 Board amendment additions are double-underlined;  
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 **Section 1. Findings.**

14 The Board of Supervisors of the City and County of San Francisco hereby finds and  
15 declares that:

16 (a) Effective and coordinated communications is a top priority for public  
17 safety agencies in the City and County of San Francisco ("City"). The counties of Alameda,  
18 Contra Costa, Marin, Santa Clara, San Mateo, Sonoma, and the City (collectively, the "Bay  
19 Area"), determined that working in concert to develop interoperable communications systems  
20 is in the region's public interest.

21 (b) The Bay Area counties entered a Joint Powers Agreement to establish  
22 the Bay Area Regional Interoperable Communications Systems ("BayRICS") Authority, which  
23 is on file with the Clerk of the Board of Supervisors in File No. 110565, and which is hereby  
24 declared to be a part of this ordinance as if set forth fully herein.  
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1 (c) The BayRICS Authority, established on August 8, 2011, supports the  
2 establishment and operation of an interoperable voice and broadband data network in the San  
3 Francisco Bay Area known as the Bay Area Wireless Enhanced Broadband ("the BayWEB").

4 (d) The creation of the BayWEB will improve the City's public safety system  
5 by positively impacting public safety communications in the Bay Area and providing the  
6 opportunity to be among the first areas in the nation to deploy cutting edge broadband  
7 technology and be poised to take advantage of expanded spectrum opportunities when the  
8 nationwide public safety broadband is deployed.

9 (e) The BayWEB project is the result of a Broadband Technology  
10 Opportunity Program ("BTOP") grant awarded by the National Telecommunications and  
11 Information Administration ("NTIA") to Motorola Solutions Inc. ("Motorola"), for the construction  
12 of a 700 MHz Public Safety Broadband System, as well as a fixed wireless public broadband  
13 system for community anchor institutions, local businesses, and underserved areas  
14 (collectively, the "network").

15 (f) The network being deployed will consist of approximately 140 sites  
16 distributed throughout the seven-county Bay Area region, including approximately 15 sites  
17 within the City. The network will be funded by a \$50.6 million grant from NTIA and a \$21.9  
18 million match by Motorola.

19 (g) The NTIA grant imposes two overriding deadlines that govern the timing  
20 of the BayWEB project. First, a "substantial completion" deadline requires that two-thirds of  
21 the network be built and two-thirds of BTOP grant funding be spent by July 31, 2012 and  
22 second, a deadline for expending or encumbering BTOP funds and completing the BayWEB  
23 project is July 31, 2013. The failure to meet these deadlines risks action by NTIA to suspend  
24 Motorola's ability to draw funds necessary to complete the project or, in extreme cases, to  
25 terminate the award.

1                   **Section 2. Use of Sites within the City.**

2                   (a)     Motorola and DEM have identified 15 City sites for antenna installation  
3 that will ensure sufficient City-wide coverage to meet the needs of public safety. Some of the  
4 sites are owned by the City, and others are located on private property leased by the City for  
5 other communication facilities. The Department of Emergency Management ("DEM") plans to  
6 work with the Real Estate Division and other City Departments as applicable to seek all  
7 necessary environmental and other approvals for the sites, including negotiating leases with  
8 private entities and seeking approvals from City and private entities for use of their sites.

9                   (b)     The City owns the following sites:

- 10                   ○ MUNI Building Presidio
- 11                   ○ Forest Hill
- 12                   ○ CRS Twin Peaks
- 13                   ○ Department of Technology Radio Shop
- 14                   ○ Community Health Network

15                   (c)     Other entities own the following sites:

- 16                   ○ Fort Miley/VA Hospital
- 17                   ○ Presidio Hill
- 18                   ○ Clay Jones
- 19                   ○ One Market Plaza
- 20                   ○ City College Downtown Campus
- 21                   ○ State Compensation Fund Building
- 22                   ○ San Francisco State University
- 23                   ○ Bernal Heights -99 Moultrie
- 24                   ○ 200 Paul Avenue
- 25                   ○ South Hill

1 (d) DEM has identified alternate sites owned by the City to be used if any of  
2 the primary sites fail to meet the network requirements.

- 3 o City siren pole at 25<sup>th</sup> and Fulton.
- 4 o City siren pole at 47<sup>th</sup> and Sloat.
- 5 o Candlestick Park – Candlestick Point.
- 6 o 1800 Oakdale – Southeast Community Center.
- 7 o City siren pole at Fitch and Egbert.
- 8 o City siren pole at Jamestown and Ingalls.
- 9 o San Francisco Fire Department State 17 – 1295 Shafter.

10 (e) The City’s costs will be limited to any monthly lease fees and monthly  
11 electric utility costs at the sites.

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13 **Section 3. Environmental Review.**

14 The Planning Department has determined that the actions contemplated in this  
15 ordinance comply with the California Environmental Quality Act (California Public Resources  
16 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
17 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

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19 **Section 4. Authorizations.**

20 Section 9.118 of the San Francisco Charter requires approval by the Board of  
21 Supervisors of agreements with a term of ten years or more.

22 (a) The Board of Supervisors authorizes the DEM Executive Director to  
23 execute Agreements with Motorola in substantially the form on file with the Clerk of the Board  
24 of Supervisors, in File No. \_\_\_\_\_, with such changes or modifications, including  
25 without limitation modifications to the exhibits, as may be acceptable to the DEM Executive

1 Director and the City Attorney, and which do not materially increase the obligations and  
2 liabilities of the City.

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4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 Margarita Gutierrez  
8 Deputy City Attorney

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