

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO.: \_\_\_\_\_

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION WITH ATTACHMENT(S), ESTABLISHING A SPECIAL REVENUE FUND ENTITLED, "FREQUENCY RECONFIGURATION PROGRAM", TO RECEIVE FUNDING FROM NEXTEL SOUTH CORP. ("NEXTEL") PURSUANT TO A FEDERALLY MANDATED FREQUENCY RECONFIGURATION AGREEMENT ("AGREEMENT") FOR WAVE 3, STAGE 2 REGARDING NATIONWIDE RECONFIGURATION OF PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEMS, WITH PARTIAL FUNDING TO OCCUR AFTER THE EXECUTION OF SUCH AGREEMENT AND IN PART ON A REIMBURSEMENT BASIS; AUTHORIZING THE CITY MANAGER TO ACCEPT SUCH FUNDING, TO EXECUTE THE AGREEMENT WITH NEXTEL, IN SUBSTANTIALLY THE ATTACHED FORM, TO EXECUTE THE WAIVER OF PRIVILEGE AND CONFIDENTIALITY ("WAIVER") IN SUBSTANTIALLY THE ATTACHED FORM, REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION ("FCC") AND THE 800 MHZ TRANSITION ADMINISTRATOR ("TA"), AND TO PROVIDE ALL OTHER NECESSARY DOCUMENTS TO IMPLEMENT ACCEPTANCE OF AND COMPLIANCE WITH THE AGREEMENT, THE WAIVER, AND THE FREQUENCY RECONFIGURATION PROCESSES REQUIRED BY THE FCC AND TA; AUTHORIZING FUNDING AND APPROPRIATIONS ON AN AS NEEDED BASIS SUBJECT TO BUDGETARY APPROVALS FOR VARIOUS CITY DEPARTMENTS TO ACCOMPLISH THE RECONFIGURATION PROCESSES REQUIRED BY THE FCC AND THE TA AND TO BE DETERMINED DURING THE RECONCILIATION PROCESS.

**WHEREAS**, on August 6, 2004, the Federal Communications Commission ("FCC") issued a report and order that modified its rules governing the 800 MHz band of radio communications frequencies and the purpose of such order was to reconfigure the 800 MHz band to minimize harmful interference to public safety radio communications systems in the band ("reconfiguration") on a nationwide basis; and

**WHEREAS**, on December 22, 2004, the FCC issued a Supplemental Order and Order on Reconsideration regarding the waves and stages of the nationwide reconfiguration process; and

**WHEREAS**, the August 6, 2004 and December 22, 2004 FCC orders, any binding actions issued by the 800 MHz Transition Administrator ("TA") pursuant to its delegated authority under the orders ("Actions"), and any supplemental FCC orders in the reconfiguration proceeding or subsequent Actions, are collectively referred to as the "Order"; and

**WHEREAS**, pursuant to the Order, the City of Coral Gables ("City") and Nextel are licensed on frequency allocations subject to reconfiguration for Wave 3, Stage 2 impacting several City departments, due to public safety system interoperability requirements and considerations; and

**WHEREAS**, pursuant to the Order, Nextel and the City are required to enter into a Frequency Reconfiguration Agreement, in substantially the attached form (the "Agreement") for Wave 3, Stage 2 and terminate the rebanding process by June 26, 2008 (unless deadline waivers are obtained from the FCC), and in accordance with the Order and the Agreement, Nextel will pay the City an amount to effect Reconfiguration of the City's affected frequency allocations ("Reconfiguration Costs") and the City will certify to the TA that the Reconfiguration Cost is the minimum amount necessary to provide comparable facilities for Wave 3, Stage 2; and

**WHEREAS**, Nextel has provided to the City its corporate certificate dated July 14, 2006, authorizing Nextel's corporate representative to execute the Agreement for Wave 3, Stage 2 with the City; and

**WHEREAS**, the estimate Wave 3, Stage 2 Reconfiguration Cost for the City is Fifty Seven Thousand One Hundred Twenty Two dollars and 28 cents (\$57,122.28); and

**WHEREAS**, the City must execute the Agreement in order to proceed with the Wave 3, Stage 2 reconfiguration, and Nextel will pay on a reimbursement basis any outstanding balance of the actual costs approved by the TA and due to the City within 30 days after the Reconciliation Date for Wave 3, Stage 2; and

**WHEREAS**, any reconfiguration cost for Wave 3, Stage 2 not approved by the TA would need to be funded by the City; and

**WHEREAS**, as part of the reconfiguration process, the FCC and the TA require that the City execute a Waiver of Privilege and Confidentiality in substantially the attached form.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**Section 1.** The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

**Section 2.** The following new Special Revenue Fund is established and resources are appropriated as described herein:

FUND TITLE:	Frequency Reconfiguration Program	
RESOURCES:	Wave 3, Stage 2 Frequency Reconfiguration Agreement with Nextel South Corp.	\$57,122.28
APPROPRIATION:	On an as-needed, if needed, basis from various City Departments subject to budgetary approval	To be determined during the Reconciliation process Pursuant to the Agreement

**Section 3.** The City Manager is authorized to accept said funding, to execute the Agreement with Nextel, in substantially the attached form, to execute the Waiver, required by the FCC and the TA, and to provide all other necessary documents to implement the acceptance of and compliance with the Agreement, the Waiver and the frequency reconfiguration processes required by the FCC and the TA.



**Section 4.** Funding and appropriations on an as-needed basis subject to budgetary approvals for various City departments is authorized in order to accomplish the Reconciliation process.

**Section 5.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2008.**

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DONALD D. SLESNICK II, MAYOR

ATTEST:

\_\_\_\_\_  
WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

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ELIZABETH M. HERNANDEZ  
CITY ATTORNEY