

## REGION 2000 RADIO COMMUNICATIONS BOARD

### POLICY REGARDING THE USE OF COUNCIL-OWNED COMMUNICATIONS TOWERS TO FACILITATE THE EXPANSION OF WIRELESS BROADBAND SERVICE IN THE REGION

- A. In order to assist the Member Jurisdictions of the Region 2000 Radio Communications Board (“Board”) in providing improved broadband service to the residents of that jurisdiction and the region, each Member Jurisdiction in which a communications tower that is part of the Regional Emergency Communications System (“System”) and owned by Virginia’s Region 2000 Local Government Council (“Council”) is located shall have the authority to choose a private Internet services provider (provider) to co-locate on such tower and to enter into a co-location lease agreement with the Council, subject to the terms of this policy and to the terms as may be set forth in such lease agreement.
- B. Prior to such lease being entered into, a structural analysis shall be performed either at the expense of the private provider or the Member Jurisdiction and presented to the Board for approval on behalf of the Council. If tower improvements are necessary, then the improvements and the contractor making such improvements shall be subject to Board approval and such improvements shall be made at no cost to the Board or the Council.
- C. Either the private provider or the Member Jurisdiction shall cause to be performed frequency interference testing to ensure to the Board’s satisfaction that the addition of the private provider’s equipment on the tower will not interfere with the System.
- D. A list of the equipment to be installed at the tower site, both on the tower structure and in any equipment shelter shall be provided in advance to the Board and shall be updated if any significant changes are to be made.
- E. Private providers must follow all Board protocols and procedures and industry safety standards when working on the tower and in the equipment shelter.
- F. Private providers must move or remove equipment in the event that the space on the tower is needed for public safety purposes, in the sole discretion of the Board. The provider or the Member Jurisdiction shall be responsible for all costs related to the moving or removal of such equipment.
- G. The lease agreement between the private provider and the Council for such co-location shall be subject to approval by the Board and shall be in a form approved by legal counsel for the Board or Council.
- H. The lease may be at no cost to the private provider for the first five years of the agreement. Thereafter, the Council, as determined by the Board, reserves the right to charge the private provider fair market value for the use of the tower following the initial five year period. Notwithstanding the above, if at any time the Member Jurisdiction and provider agree that the co-location shall be for a fee, then such fee shall be distributed among the Member Jurisdictions as provided by the Region 2000 Emergency Communications Cooperative Agreement, unless otherwise agreed to by the Board.

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- I. Prior to such lease being approved by the Board, the Board shall have received an opinion from bond counsel for the Council that the rental of the tower space does not negatively affect the tax exempt status of any bonds issued or funds borrowed to construct the radio system.
- J. The Board, on behalf of the Council, shall have the authority to lease other available space on the Council-owned towers in the discretion of the Board.

**ADOPTED** by the Region 2000 Radio Communications Board this **29th** day of **APRIL, 2016**.

Attest:   
Gary F. Christie, *Clerk to the Board*