

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 11.08.130 - RENEWAL DETERMINATION

WHEREAS, an ambiguity has been identified in a section of chapter 11.08 of the Olympia Municipal Code; that chapter governs telecommunications facility leases on City property; and

WHEREAS, under OMC 11.08.030 the City Manager clearly has the authority to determine on behalf of the City whether an applicant for a new telecommunications lease for a City water tower property has met the requirements for being granted such a lease (for applications for new telecommunications leases on any other City property, the City Council makes the determination on behalf of the City whether an applicant has met the requirements); and

WHEREAS, OMC 11.08.130 governs applications for telecommunications lease renewals for City property. Similar to OMC 11.08.030, section .130 requires that a determination be made whether the application has met the requirements for renewal. But unlike section .030, section .130 does not say whether the City Manager or the City Council makes that determination on behalf of the City for leases on water towers; that section is ambiguous as to who makes the determination; and

WHEREAS, the City Council wishes to resolve this ambiguity by amending OMC 11.08.130 to provide clear authority to the City Manager to determine on behalf of the City whether an applicant for renewal of a telecommunications lease on City water tower property has met the requirements for being granted a renewal, and for all other City property, the City Council reserves to itself the authority to make that determination;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 11.08.130. Olympia Municipal Code 11.08.130 Renewal Determination is hereby amended to read as follows:

11.08.130 Renewal determination

Recognizing that the City is under no obligation to grant a renewal of a Facilities Lease for the use of City property, the City ~~shall~~will strive to consider and take action on applications for renewal of such leases within ~~sixty (60)~~ days after receiving a complete application for such a lease renewal. When such action is taken, the City shall issue a written determination granting or denying the lease renewal in whole or in part, applying the standards set forth below, or any other such criteria as the City Council may choose to apply. If the renewal application is denied, the written determination ~~shall~~must include the reason for denial, if any. When a renewal is proposed for City property on which a water reservoir is located, the City Manager shall issue the written determination required by this section; for all other City property, the City Council shall issue the written determination.

- A. The financial and technical ability of the applicant.
- B. The legal ability of the applicant.
- C. The continuing capacity of the City property to accommodate the applicant's existing facilities.
- D. The applicant's compliance with the requirements of this Chapter and the lease agreement.


- E. Applicable federal, state and local telecommunications laws, rules and policies.
- F. Such other factors as may demonstrate that the continued grant to use the City property ways will serve the community interest.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances remains unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance takes effect after passage and publication, as provided by law, on December 2, 2024.



MAYOR

ATTEST:

Sean Krier

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED: October 29, 2024

APPROVED: October 29, 2024

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