



Legislation Text

File #: 1837-2016, **Version:** 1

BACKGROUND: This ordinance authorizes the City Auditor to appropriate and transfer funds with Public Safety's Government Grant Fund for the purpose of providing refunds to the attached list of government agencies who participated in Nextel's frequency reconfiguration of the City of Columbus' 800MHz Band.

The City of Columbus holds a Federal Communications Commission (FCC) radio license in the 800 MHz frequency band for public safety communications. Pursuant to Order of the Federal Communications Commission Docket No. 02-55 (800 MHz Report and Order), all public safety systems operating in the 800 MHz band, including the City of Columbus and users of its radio system (approximately 120 outside agencies), had to move from their existing 800 MHz frequency spectrum to a new dedicated spectrum allocated for public safety users only. This move eliminated interference that was being caused by Nextel and other commercial wireless systems sharing the same frequency band. This nation-wide project is referred to as the 800 MHz rebanding process.

The FCC ordered Nextel to fund all the costs of relocation for affected licensees. Pursuant to the FCC order, Nextel estimated that the City's cost to transition to the replacement frequencies to be approximately \$841,561.38. Ordinance 0808-2011, passed in 2011, authorized the Director of the Department of Public Safety to enter into agreement with Nextel and appropriate the estimated amount of \$841,561.38 (to be paid by Nextel) within Public Safety's Grant Funds. The Nextel frequency reconfiguration is now completed and all agencies that participated (List attached) will have to be paid from the cash that Nextel deposited with the City.

FISCAL IMPACT; This ordinance authorizes the City Auditor to appropriate and transfer the cash balance of \$407,842.02 of the Nextel-Frequency Reconfiguration Grant from Services to Other Funds Category and authorizes an expenditure of the same amount so that the agencies listed in the attached legislation can be reimbursed as authorized in ordinance 0808-2011.

EMERGENCY Designation: Emergency legislation is requested in order to provide reimbursement to participating Agencies and reconcile all accounts with Nextel and release them of their obligation.

To authorize the City Auditor to appropriate and transfer \$407,842.02 within Public Safety's General Government Grant Funds; to authorize the expenditure of \$407,842.02 for reimbursement to Agencies that participated in Nextel's reconfiguration of the City's 800MHz System; and to declare an emergency (\$407,842.02)

WHEREAS, pursuant to the order of Federal Communications Docket No 02-55 all public safety systems operating in the 800 MHz band, including the City of Columbus and users of its radio systems, must move to a new dedicated spectrum allocated for public safety uses; and

WHEREAS, this move eliminated interference currently being caused by Nextel and other commercial wireless systems sharing the same frequency band; and

WHEREAS, Nextel has completed all of the requirements of the FCC order and needs to reconcile all costs associated with the reconfiguration and provide refunds to all participating agencies including the City of Columbus; and

WHEREAS, all funds needed for such reimbursement are funds originally paid by nextel into the City of Columbus'

General Government Grant Funds; and

WHEREAS, these funds need to be appropriated and transferred within Public Safety's General Government Grant Funds in order to properly align appropriation with projected expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary to authorize the expenditure of funds to reimburse agencies that participated in Nextel's 800MHz reconfiguration and reconcile accounts with nextel and release them of their obligation, for the preservation of the public peace, property, safety, and welfare; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Auditor is hereby authorized to appropriate and transfer \$407,842.02 within Public Safety's General Government Grant Funds in Fund 2220, Grant number G321101 per the accounting codes in the attachment to this ordinance.

SECTION 2. That the expenditure of \$407,842.02 or so much thereof as may be needed is hereby authorized in the General Government Grant Fund, Grant Number G320010 per the accounting codes in the attachment to this ordinance.

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.