


TOWN OF FAIRFAX

STAFF REPORT

March 6, 2019

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager 

SUBJECT: Adopt a Resolution in Support of HR 530, a congressional bill to reinstate local zoning authority over small cell wireless (5G) deployments by reversing recent FCC actions

RECOMMENDATION

Adopt the resolution

DISCUSSION

At the Town Council's February meeting, this item was continued and Vice Mayor Goddard and Councilmember Lacques were selected to revise the resolution to reflect the public comment the Town has received and heard on the issue.

As background, on January 14, 2019, California Congresswoman Anna Eshoo (D-CA) introduced HR 530, which seeks to reverse the FCC recent actions to accelerate wireless and broadband deployment (aka the 5G rollout). The legislation is supported by the National League of Cities, the National Association of Counties and the National Association of Telecommunications Officers and Advisors. Congressman Jared Huffman has cosponsored the legislation.

The resolution not only supports the bill and calls on Congress to enact similar legislation to invalidate the FCC's recent actions, it also recognizes Congressman Jared Huffman for co-sponsoring the legislation.

ATTACHMENT

Resolution

RESOLUTION 19-__

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX IN SUPPORT OF LOCAL ZONING AUTHORITY OVER CELL SITE DEPLOYMENTS AND A CALL ON CONGRESS TO REINSTATE SUCH AUTHORITY BY REVERSING RECENT FCC ACTIONS

WHEREAS, local government has long advocated for universal access to reliable, high-speed broadband service, as these services are critical for the delivery of education, economic development, employment, and a variety of essential services necessary for success and progress in the 21st century; and

WHEREAS, the Telecommunications Act of 1996 preempts the Town of Fairfax from considering the health effect of wireless technologies when drafting local wireless ordinances;

WHEREAS, the Town of Fairfax, during hearings to update our local wireless ordinances, has received hundreds of comments expressing concerns regarding potential health effects of 5G networks; and

WHEREAS, the Federal Communications Commission ("FCC"), like many federal agencies, has become disproportionately staffed and influenced by executives and lobbyists from the industries it is charged with regulating, thus becoming "captive" to the telecommunications industry; and

WHEREAS, subject to such influence, the FCC all too often adopts rules which preempt, and simultaneously usurp local control, and which favor the interests of telecommunication companies above the public interest, public health and public safety; and

WHEREAS, in such instances where the FCC and other federal agencies adopt such preemptive rules contrary to the public interest, public health and public safety, it becomes necessary for Congress to enact legislation to overturn such rules; and

WHEREAS, by means of orders issued on August 2, 2018 and September 26, 2018, the Federal Communications Commission took away local government's ability to balance competing interests for the use of the public rights-of-way, taking into account considerations for public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, economic development, and maintenance costs; and

WHEREAS, Representative Anna Eshoo has introduced H.R. 530, legislation to overturn the FCC's actions of August 2 and September 26, 2018;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council of the Town of Fairfax thanks Congresswoman Eshoo for her leadership and thanks Congressman Jared Huffman for co-sponsoring H.R. 530, and calls on Congress to enact, and President Trump to sign, H.R. 530 or similar legislation to invalidate the recent actions taken by the Federal Communications Commission; and

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Representative Jared Huffman and Senators Feinstein and Harris with a request on behalf of the citizens of Fairfax that our Senators join Congressman Huffman in supporting H.R. 530 or similar legislation;

AND BE IT FURTHER RESOLVED, that the Town Council hereby authorizes Mayor Coler to request our State Assembly Member Marc Levine and our State Senator Mike McGuire endorse H.R. 530.

The foregoing Resolution was duly passed and adopted at a meeting of the Town Council of the Town of Fairfax held in said Town on the 6th day of March 2019 by the following vote, to wit:

AYES:
NOES:
ABSENT:

BARBARA COLER, Mayor

Attest: _____
Michele Gardner, Town Clerk