

RESOLUTION 19-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX IN SUPPORT OF S.2012, A CONGRESSIONAL BILL RESTORING LOCAL CONTROL OVER PUBLIC INFRASTRUCTURE ACT OF 2019

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, Senator Diane Feinstein has introduced S.2012, 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 Senator Feinstein for her leadership and thanks Senators Charles Schumer, Kamala Harris, Michael Bennet, Ron Wyden, Benjamin Cardin and Richard Blumenthal for co-sponsoring S.2012, and calls on Congress to enact, and President Trump to sign, S.2012 or similar legislation to invalidate the recent actions taken by the Federal Communications Commission;

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 Senator Feinstein in supporting S.2012 or similar legislation;

AND BE IT FURTHER RESOLVED, that the Town Council requests that a copy of this resolution be sent to Governor Gavin Newsom, our State Assembly Member Marc Levine and our State Senator Mike McGuire with a request to endorse S.2012.

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 7th day of August 2019 by the following vote, to wit:

AYES:
NOES:
ABSENT:

BARBARA COLER, Mayor

Attest: _____
Hannah Politzer, Deputy Town Clerk