

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION OF THE BOARD OF
SUPERVISORS OF THE COUNTY OF
SANTA BARBARA SUPPORTING LOCAL
GOVERNMENT AUTHORITY IN
TELECOMMUNICATIONS
REGULATIONS

Resolution No. _____

WHEREAS, Section 332(c)(7) of the Federal Telecommunications Act of 1996 prevents local governments, including the County of Santa Barbara, from opposing the placement and regulation of personal wireless service facilities on the basis of the environmental effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions, and

WHEREAS, the California Public Utilities Code also limits the authority of local governments to regulate wireless facilities in public rights of way, and

WHEREAS, there is ongoing debate within the scientific community regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio-frequency emissions are understood and questions regarding how well the existing regulations established by the Federal Communications Commission [FCC] protect more vulnerable populations such as school-aged children, and how well they protect against the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities, and

WHEREAS, currently the ability of local governments to include a consideration of the health and environmental effects of these facilities when deciding whether or not to approve the construction or modification of a cellular communications facility is limited, and local governments should also have expanded discretion to decide how, when and where cellular facilities should be sited within the road right of way due to the unique aesthetic and safety issues that these facilities raise, and


WHEREAS, the Cellular Telecommunications Industry of America (CTIA) has petitioned the FCC to make certain declaratory rulings related to the local zoning authority of state and local governments, including requesting the FCC establish a review time of 45 and 75 days for wireless siting applications; deem applications granted if a government entity does not adhere to these stipulated timeframes; prohibit state and local governments from considering the presence of service by other carriers in evaluating an additional carrier's application and preempt any state or local zoning ordinances that require variances for wireless siting applications.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Barbara:

1. Oppose the petition by the CTIA for the FCC to make declaratory rulings related to Section 332(c)(7).
2. Authorize the County's legislative advocates to actively seek and support federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996 that infringe upon the authority of local governments to regulate the placement, construction, and modification of telecommunications towers and other personal wireless services facilities on the basis of the health and environmental effects of these facilities.
3. Urge the County's Congressional representatives to initiate and pursue legislation to repeal those sections of the 1996 Telecommunications Act that preempt local control and prevents local governments from considering health effects (by written communication of this Resolution).
4. Inform the California Public Utilities Code (CPUC) of the County's opposition to the unrestricted use of right-of-ways under CPUC jurisdiction for wireless facilities. The CPUC process of approving wireless facilities in public rights-of-way is an infringement on orderly planning in communities.
5. Authorize the County's legislative advocates to actively seek and support state legislation that would give local governments greater flexibility to regulate the placement of cellular facilities within the road right of way.


PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 10th of November 2009, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

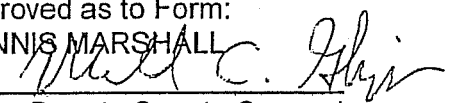


 Chair, Board of Supervisors
 County of Santa Barbara

ATTEST:
 MICHAEL F. BROWN
 CLERK OF THE BOARD

By 

 Deputy Clerk

Approved as to Form:
 DENNIS MARSHALL
 By: 

 Deputy County Counsel