

RESOLUTION NUMBER: 5759

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
ADVOCATING AMENDMENTS TO THE TELECOMMUNICATIONS ACT OF 1996
TO PERMIT LOCAL GOVERNMENTS TO CONSIDER THE HEALTH AND
ENVIRONMENTAL EFFECTS OF RADIO FREQUENCY (RF) EMISSIONS FROM
WIRELESS COMMUNICATIONS FACILITIES; AND TO REQUEST THAT THE
FEDERAL COMMUNICATIONS COMMISSION PURSUE A COMPREHENSIVE
ANALYSIS OF SCIENTIFIC EVIDENCE IN ORDER TO UPDATE THEIR EXISTING
RF SAFETY STANDARDS.**

WHEREAS, there is an ongoing debate within the scientific community and among governing bodies throughout the world regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio frequency (RF) emissions are understood including questions regarding how well the existing regulations established by the Federal Communications Commission (FCC) protect more vulnerable populations such as children, and how well they protect against the cumulative effect of RF emissions on people who live or work in close proximity to cellular facilities;

WHEREAS, Section 704 of the Federal Telecommunications Act of 1996 prevents local governments, including the City of Sebastopol, from regulating the placement of personal wireless service facilities on the basis of the environmental or health effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions;

WHEREAS, The California Public Utilities Code additionally unfairly limits the authority of local governments to regulate wireless facilities in public rights of way;

WHEREAS, The Los Angeles County Board of Supervisors, and the LA Unified School District, as well as the cities of Glendale CA and Portland OR, have recently unanimously adopted similar resolutions asking the Federal Government to repeal the preemption of the authority of local jurisdictions to regulate the placement of wireless facilities based on health or environment considerations and/or asking the FCC to update the RF studies;

WHEREAS, The European Parliament has adopted a resolution encouraging (1) the establishment of setback criteria for wireless antennas, mobile phone masts and other electromagnetic emitting devices to be set within a specific distance from schools and health institutions; (2) stricter regulations and protections for residents and consumers; and (3) more reliable information be made available about the effects of exposure to electromagnetic fields to citizens in an effort to prevent a “proliferation of poorly positioned masts and transmitters.”;

WHEREAS, Local governments should have the ability to include a consideration of the health and environmental effects of wireless facilities when deciding whether or not to approve the placement, construction and modification of a wireless communications facility as long as questions exist as to the adequacy of these federal regulations;

WE, THEREFORE, MOVE that the City Council of Sebastopol instruct the City'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 wireless facilities on the basis of the health and environmental effects of these facilities.

WE FURTHER MOVE that the City Council of Sebastopol instruct the City's legislative advocates to actively seek and support state legislation that would give local governments greater flexibility to regulate the placement of wireless facilities within public rights of way given the unique aesthetic and safety issues these facilities raise.

WE FURTHER MOVE that the City Council of Sebastopol instruct the City's legislative advocates to actively seek and support federal legislation that would direct the Federal Communications Commission to pursue a comprehensive global analysis of best practices and scientific evidence in order to update their existing standards and to adequately measure the health impacts of wireless facilities.

ADOPTED this 7th day of July, 2009.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

City of Sebastopol City Council:

Ayes: Councilmembers Robinson, Wilson, and Mayor Glade Gurney
Noes: Councilmember Shaffer
Abstain: None
Absent: Vice Mayor Kelley

APPROVED: _____

Sarah Glade Gurney
Sarah Glade Gurney, Mayor

ATTEST: _____

Mary Gourley
Mary Gourley, City Clerk