File #: 1980-2019, **Version:** 1

To: Honorable Mayor and Members of City Council

From: City Manager, Steve Potter

Prepared By: Tiffany Carranza, City Clerk

TITLE:
Proposed Federal Legislation to Overturn Restrictions on Local Control over Installation of Small Cell Wireless Facilities

RECOMMENDED ACTION:
Authorize the Mayor to sign a Letter of Support to Congresswoman Anna Eshoo regarding H.R. 530 - Accelerating Broadband Development by Empowering Local Communities Act of 2019.

DISCUSSION:
Representative Anna Eshoo (CA-18) introduced legislation in the House of Representatives (H.R. 530 - Accelerating Broadband Development by Empowering Local Communities Act of 2019) to overturn regulations issued by the Federal Communications Commission ("FCC") in August and September of 2018. The FCC's regulations preempt local authority over small cell wireless infrastructure by sharply limiting the type and amount of fees cities and states may charge for profit-generating use of public property, setting "shot clocks" as low as 60 days for cities and states to conduct all necessary inspections and authorize proposals, and drastically limiting non-fee requirements that cities and states may impose.

While H.R. 530 would not preclude future FCC or congressional preemption of cities on wireless infrastructure, it would halt the FCC's restrictive regulations, which ignored the input of hundreds of local governments. The bill also complements ongoing efforts to overturn the FCC regulations in federal courts, and the investigation by congressional leaders into alleged attempts by the FCC to thwart that litigation.

Last year, the League, along with a broad coalition of California cities, local governments and utility companies from across the country, joined in challenging in court the regulations the FCC adopted that limit the authority of cities and states to regulate small cell sites needed for the deployment of 5G technology.

FINANCIAL IMPACTS:
None

CEQA:
The City Clerk has determined that the Recommended Action described in this Agenda Report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:
ATCH 1 - Draft Letter of Support
ATCH 2 - Link to the text of H.R. 530

NOTIFICATION:
None