

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Federal Communications Commission (FCC) issued a Report and Order and Further Notice of Proposed Rulemaking, *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies* (FCC 13-238), on September 26, 2013, that if adopted in their current form, will severely limit the City's authority to control wireless facility placements; and

WHEREAS, the interests of the City of Los Angeles are at stake with respect to exercising local authority over the rational expansion of existing wireless facilities; and

WHEREAS, the City has previously established a policy position consistent with regard to this matter (CF 08-0002-S150, CF 10-0002-S3), and it is imperative that the City's position remain consistent to protect residents and consumers from administrative or legislative actions related to this issue; and

WHEREAS, the proposed legislation may require that, among other rules, that the City must approve a 20 foot (and sometimes greater) extension to any existing wireless facility, including outdoor devices; and

WHEREAS, the proposed legislation may require that cities allow up to three additional large utility cabinets next to any utility pole in the rights-of-way that supports a wireless facility; and

WHEREAS, according to Best Best and Krieger, the City's Outside Counsel, the wireless industry is anticipated to support rules preempting local discretion over a broad array of wireless installations and modifications; and

WHEREAS, Best Best and Krieger is coordinating and collaborating with a coalition of communities to develop a comprehensive response to the proposed rules and it is imperative that the City of Los Angeles join other local entities in opposition to the rulemaking;

NOW, THEREFORE, BE IT RESOLVED, with the Concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby include in its 2013-2014 Federal Legislative Program OPPOSITION to the Report and Order and Further Notice of Proposed Rulemaking, *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies* (FCC 13-238), which severely limits local authority over the rational expansion of existing wireless facilities; and

BE IT FURTHER RESOLVED, that the City of Los Angeles hereby agrees to join a coalition of communities to file a comprehensive response relative to the Federal Communications Commission rulemaking proceeding; and

BE IT FURTHER RESOLVED, that the City Attorney, with the assistance of the law firm Best Best and Krieger, currently under contract with the City, be requested and authorized to file comments, consistent with the above position, with the Federal Communications Commission.

NOV 27 2013

PRESENTED BY:

Bob Blumenfeld
BOB BLUMENFELD
Councilmember, 3rd District

SECONDED BY:

Paul Kretzschmar

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