

CITY OF LOS ANGELES
CALIFORNIA

HOLLY L. WOLCOTT
Interim City Clerk



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MAYOR

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CITY CLERK

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Division

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

December 20, 2013

To All Interested Parties:

City Attorney (w/blue sheet)

The City Council adopted the action(s), as attached, under Council File No. 13-0002-S141, at its meeting held December 10, 2013.

City Clerk
srb

Mayor's Time Stamp
OFFICE OF THE CLERK
CITY OF LOS ANGELES
2013 DEC 11 PM 3:35
CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE
2013 DEC 11 PM 3:28
CITY CLERK
BY _____
DEPUTY

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 13-0002-S141

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE DECEMBER 10, 2013

RE: THE CITY'S POSITION TO OPPOSE THE FEDERAL COMMUNICATIONS COMMISSION'S REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULEMAKING, ACCELERATION OF BROADBAND DEPLOYMENT BY IMPROVING WIRELESS FACILITIES SITING POLICIES

LAST DAY FOR MAYOR TO ACT DEC 23 2013
[10 Day Charter requirement as per Charter Section 231(h)]

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

✓

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section 231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL 12/16/13

EG
MAYOR

BY _____
CITY CLERK
DEPUTY
2013 DEC 17 AM 11:10
CITY CLERK'S OFFICE
RECEIVED

15

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT and RESOLUTION relative to the City's position to oppose the Federal Communications Commission's Report and Order and Further Notice of Proposed Rulemaking, Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies.

Recommendation for Council action, pursuant to Resolution (Blumenfield - Krekorian), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to:

- a. Include in the City's 2013-14 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.
- b. Agree to join a coalition of communities to file a comprehensive response relative to the Federal Communications Commission rulemaking proceeding.
- c. Request and authorize the City Attorney, with the assistance of the law firm Best, Best and Krieger, currently under contract with the City, to file comments consistent with the above position, with the Federal Communications Commission.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

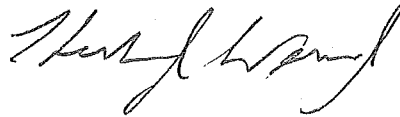
Summary:

At its special meeting of December 6, 2013, the Rules, Elections and Intergovernmental Relations Committee considered Resolution (Blumenfield - Krekorian) relative to the City's position to oppose the Federal Communications Commission's Report and Order and Further Notice of Proposed Rulemaking, Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies(FCC 13-238). According to the Resolution, if FCC 13-238 is adopted in their current form, it will severely limit the City's authority to control wireless facility placements. The Resolution, attached to the Council file, provides additional background information.

After consideration and having provided an opportunity for public comment, the Committee recommended that Council adopt the accompanying Resolution. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
WESSON:	YES
HUIZAR:	ABSENT
LABONGE:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-

ADOPTED

DEC 10 2013

LOS ANGELES CITY COUNCIL

13-0002-S141

NOV 27 2013

RESOLUTION RULES, ELECTRICITY & 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

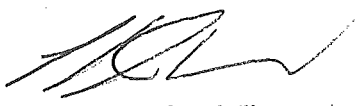
WHEREAS, according to Best Best and Krieger, the City's Outside Counsel, the wireless industry is anticipated to support rules preempting local discretion over a broad array of wireless installations and modifications; and


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.



PRESENTED BY: 
BOB BLUMENFIELD
Councilmember, 3rd District

NOV 27 2013

SECONDED BY: 

grs

ADOPTED

DEC 10 2013

LOS ANGELES CITY COUNCIL

ORIGINAL