

**RESOLUTION NO. 101-18**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,  
CONTESTING THE NEW FEDERAL COMMUNICATIONS COMMISSION'S RULES  
LIMITING MUNICIPALITIES' ABILITY TO REGULATE SMALL CELL FACILITIES  
TO BECOME EFFECTIVE ON JANUARY 14, 2019**

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**WHEREAS**, at the December 4, 2018 City Council meeting, the City Council approved the introduction of an ordinance amending Article 15.04.614 - Wireless Communications Facilities including clarifications and changes for consistency with federal regulations for small wireless facilities; and adopted a resolution, to be effective upon the effective date of the ordinance amendments, adopting a City Council policy that regulates small wireless facilities consistent with federal regulations for such facilities; and

**WHEREAS**, the City Council has strong reservations about the proposed federal regulations that are slated to become effective on January 14, 2019; and

**WHEREAS**, the Federal Communications Commission (FCC) adopted new rules that further limit local authority to regulate small wireless facilities on September 26, 2018. The new rules would require the City to review small cell facility applications faster and consistent with the FCC's national standard for permissible local regulations; and

**WHEREAS**, the City Council contests the new regulation that would reduce the review process from 150 days to 60 for attachments to existing structures and 90 days for attachments to new structures; and

**WHEREAS**, the City Council find objectionable the new regulations that limit the City's ability to protect the health and wellbeing of Richmond residents by not allowing the city to require regular testing of emissions from the small cells; and

**WHEREAS**, the City has a primary responsibility to protect and defend the health and welfare of its residents; and

**WHEREAS**, there are many peer reviewed studies that warn against the long term, cumulative impacts of radio frequency emissions on the human body; and

**WHEREAS**, the aesthetic impacts of the proliferation of these sites may negatively impact growth and development particularly in areas of disinvestment; and

**WHEREAS**, the City Council is in support of stronger language to limit the number of small cell facilities in residential areas; and

**WHEREAS**, there is a growing movement within local and state governments across the country against the imposition of new FCC regulations that severely limit the public's right to review small cell facility installations; and

**WHEREAS**, the City Council would have rather receive the outcome of the League of California Cities and other jurisdictions that are contesting the FCC's new rules for small cell facilities prior to adopting an ordinance amending Article 15.04.614 - Wireless Communications Facilities.

**NOW THEREFORE BE IT RESOLVED**, that the Richmond City Council express its strong disapproval of the new rules of the Federal Communications Commission regulating small cell facilities and supports receiving the outcome of the League of California and other jurisdictions that have contested said rules; and

**BE IT FURTHER RESOLVED**, that the City Council resent the FCC's intervening in local issues by reducing the City's review process from 150 days, not including appeals, to 60 days for small cell attachments to existing structures and 90 days for attachments to new structures; and

**BE IT FURTHER RESOLVED**, that the City Council clearly express its preference to have regular testing of emissions from small cells and a limitation on the number of small cell facilities in residential areas.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held December 18, 2018, by the following vote:

AYES:	Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN  


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 CLERK OF THE CITY OF RICHMOND  
 (SEAL)

Approved:

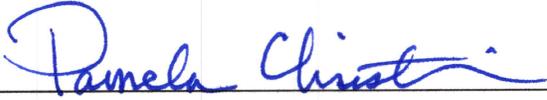
TOM BUTT  
 Mayor

Approved as to form:

BRUCE GOODMILLER  
 City Attorney

State of California            }  
 County of Contra Costa        }       : ss.  
 City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 101-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 18, 2018.

  
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 Pamela Christian, Clerk of the City of Richmond