

RESOLUTION NO. 2019-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, SUPPORTING H.R. 530, THE ACCELERATING WIRELESS BROADBAND DEVELOPMENT BY EMPOWERING LOCAL COMMUNITIES ACT OF 2019, LEGISLATION THAT WOULD OVERTURN FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS LIMITING THE ABILITY OF LOCAL GOVERNMENTS TO REGULATE THE DEPLOYMENT OF 5G WIRELESS INFRASTRUCTURE; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local governments have long been the stewards of local public streets and public assets (such as street lighting) vital to ensuring the free flow of people and goods and maintaining vibrant communities; and

WHEREAS, local governments have long advocated for universal access to reliable, high-speed broadband services, as these services are critical for the delivery of education, economic development, employment, and a variety of essential services necessary for success and progress in the 21st century; and

WHEREAS, local governments have been leaders in developing innovative solutions for ensuring reliable, high-speed broadband wireline and wireless services are widely available in their communities through their management of public streets and of other public assets in a manner that balances the competing interests and needs of various constituents; and

WHEREAS, by means of orders issued on August 2, 2018, and September 26, 2018, the Federal Communications Commission took unprecedented, sweeping action to prevent local governments from effectively managing public assets and to severely compromise their ability to manage the public streets effectively and equitably, taking into account considerations for public safety, public utility services such as water, sewer, and electricity, the traveling public, environmental concerns, and economic development, and

further effectively requires local taxpayers to subsidize use of public streets and other public assets by the wireless industry; and

WHEREAS, Representative Anna Eshoo has introduced H.R. 530, legislation to overturn the FCC's actions of August 2, 2018, and September 26, 2018; and

WHEREAS, the City of Coconut Creek supports H.R. 530 and believes this legislation is in the best interests of the residents, businesses, and visitors of Coconut Creek.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City of Coconut Creek thanks Congresswoman Eshoo for her leadership and calls on Congress to enact, and President Trump to sign, H.R. 530 or similar legislation to invalidate the recent actions taken by the Federal Communications Commission.

Section 3: The City Commission directs the City Attorney to arrange for filing this resolution in appropriate FCC proceedings, and directs the City Clerk to transmit a copy of this resolution to Representative Anna Eshoo, the National League of Cities, the Broward League of Cities, the Florida League of Cities, the Broward County Legislative Delegation, the Federal Communications Commission, the United States Congressional Delegation for Florida, and any other interested parties.

Section 4: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 5: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 25th day of April, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

Welch Aye____

Sarbone Aye____

Tooley Aye____

Belvedere Aye____

Rydell Aye____