



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Board of Supervisors  
Department No.: 011  
For Agenda Of: 11/10/09  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Board Member(s) Supervisor Salud Carbajal, 1<sup>st</sup> District  
Supervisor Janet Wolf, 2<sup>nd</sup> District  
Contact Info: Jeremy Tittle, 1<sup>st</sup> District Executive Staff Assistant, 568.2186  
Mary O’Gorman, 2<sup>nd</sup> District Executive Staff Assistant, 568.2191  
**SUBJECT:** Telecommunications Review and Siting

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**County Counsel Concurrence**

As to form:

**Auditor-Controller Concurrence**

As to form:

**Other Concurrence:**

As to form:

**Recommended Actions:**

- (A) Authorize the Chair to send a letter to the Federal Communications Commission (FCC) regarding the FCC review of the Telecommunications Act.
- (B) Adopt a resolution supporting local government authority in regulating telecommunications.

**Summary Text:**

The Federal Communications Commission (FCC) will hold a hearing on November 18, 2009 regarding the issue of wireless services facility siting. As part of this agenda item, the FCC will be considering a petition by the Cellular Telecommunications Industry of America (CTIA) requesting that the FCC interpret Section 332(c)(7)(B) of the Federal Telecommunications Act (the Act) which pertains to the preservation of local zoning. Specifically, the CTIA is requesting that the FCC establish a review time of 45 and 75 days for wireless siting applications, that they deem applications granted if a government entity does not adhere to these stipulated timeframes, that they prohibit state and local governments from considering the presence of service by other carriers in evaluating an additional carrier’s application, and that they allow for preemption of any state or local zoning ordinances that require variances for wireless siting applications.

We have placed this item is on the Board of Supervisors’ agenda in order to consider sending a letter to the FCC regarding the interpretation of the Act. In addition, we believe the Board of Supervisors should also consider adopting a resolution supporting local government authority in regulating telecommunications. Such a resolution would oppose the request of the CTIA for the FCC to make declaratory findings. The resolution would also authorize the County to support federal and state

legislation to modify the Telecommunications Act to give additional authority to state and local government to regulate the placement, construction, and modification of telecommunications towers and other personal wireless services facilities on the basis of the health and environmental effects of these facilities and to allow local governments greater flexibility to regulate the placement of cellular facilities within the road right of way. Other jurisdictions have adopted similar resolutions, including Los Angeles County, which passed a similar motion on June 2, 2009.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

Narrative:

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

None

**Attachments:**

- (1) CTIA PETITION TO FCC FOR DECLARATORY RULING
- (2) PROPOSED LETTER TO THE FEDERAL COMMUNICATIONS COMMISSION
- (3) A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA SUPPORTING LOCAL GOVERNMENT AUTHORITY IN TELECOMMUNICATIONS REGULATIONS

**Authored by:**

Jeremy Tittle and Mary O’Gorman

**cc:**