RESOLUTION - ACTION REQUESTED 2017-440

MEETING: July 11, 2017

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Ratify Letter Opposing SB 649

RECOMMENDATION AND JUSTIFICATION:

Senate Bill 649 would eliminate public input, full local and design review, and the ability for local governments to negotiate leases or any public benefit for the installation of "small cell" equipment on tax payer/funded property. In accordance with our legislative platform, a letter of opposition has been sent. It is recommended that the Board ratify this action.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has ratified letters supporting or opposing legislation.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not ratify the letter, and direct staff to draft a letter withdrawing the letter of opposition.

ATTACHMENTS:
Letter Opposing SB 649 (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Rene LaRoche, Clerk of the Board 7/6/2017
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
June 22, 2017

The Honorable Ben Hueso
California State Senate
State Capitol
Sacramento, CA 95814

RE: Senate Bill 649 (Hueso)—Wireless Telecommunications Facilities

NOTICE OF OPPOSITION

Dear Senator Hueso:

On behalf of the Mariposa County Board of Supervisors, we must respectfully oppose your Senate Bill (SB) 649 relating to the permitting of wireless and small cell telecommunications facilities. This bill eliminates public input, full local environmental and design review, and the ability for local governments to negotiate leases or any public benefit for the installation of “small cell” equipment on taxpayer-funded property.

**By-Right Approval for “Small Cells”**

While the wireless industry promises local governments will retain their discretion, the bill clearly eliminates the full discretion we currently have requiring such equipment blends into the communities they are entering and that providers maintain their equipment. The bill eliminates the ability of a county to negotiate any public benefit such as providing network access for the local library. Additionally, this bill places the entire burden on local governments to adopt a complicated set of ordinances, again increasing costs to the local jurisdiction, at the same time the bill caps the flexible revenue counties can generate for public services such as infrastructure, law enforcement, fire, libraries, or looming pension obligations.

**Mandatory Leasing of Local Agency Property at Little to No Cost**

Senate Bill 649 forces local government to rent space for small cells on public property at rates far below fair market value and requires that every jurisdiction, in order to use its own public property, provide “substantial evidence” that the space is needed by that community. Rents from the use of public property, which every other for-profit business pays, help defray the cost of essential public services that are otherwise provided at taxpayer expense. This sets a dangerous precedent for other private industries to seek similar treatment, further eroding the ability to fund local services.

**Lack of Identified Problems**
Small cell technology is just in the beginning stages of deployment, and given many jurisdictions haven’t even processed a small cell permit yet, or only handled a small number, it is unclear why there is such an urgent need for this bill. This bill is being passed with the assumption that there will be issues, which supporters have yet to demonstrate.

While the County supports the deployment of wireless facilities to ensure that Californians have access to telecommunications services, SB 649 eliminates the ability for local governments to collaborate with the wireless industry to ensure the public receives maximum benefit.

For these reasons, the County of Mariposa unfortunately opposes your SB 649.

Sincerely,

[Signature]

Marshall Long
Mariposa County Board of Supervisors, Chair

cc: Senator Tom Berryhill, 8th District
    Assembly Member Frank Bigelow, 5th District