

**RESOLUTION NO. 20-2528**

**VOTE: Passed on an omnibus vote.**

**Voting aye: Trustees Tyrrell,**

**Siffermann, Rudolph, John, Fink, Chen**

**and President Gallagher.**

**Voting nay: None.**

**Absent: None.**

**DATE: February 10, 2020**

**OTHER:**

**A RESOLUTION CALLING FOR AN AMENDMENT  
OF THE ILLINOIS SMALL CELL DEPLOYMENT ACT  
TO RETURN CONTROL OF LOCAL RIGHT-OF-  
WAYS TO LOCAL MUNICIPALITIES OR, IN THE  
ALTERNATIVE, REPEAL OF THE ACT.**

**WHEREAS**, the Village of Western Springs (the “Village”), an Illinois non-home rule municipality, supports the goal of ensuring reliable cellular coverage throughout our communities and technology enhancements, such as “smart” technology and 5G wireless communications, as long as the local impacts of such technology are not detrimental to the aesthetics of the Village or undermine the Village’s use of its rights of way or impact the number of trees in parkway areas or reduce the tree canopy areas or present the potential negative impacts on the health, welfare and safety of Village residents, property owners, businesses and the public; and

**WHEREAS**, Public Act 100-585, known as the Illinois Small Wireless Facilities Deployment Act (50 ILCS 840/1 et seq.) (“Act”), acts to impose certain limitations, restrictions and additional requirements on municipalities, including the Village, regarding the permitting, construction, deployment, regulation, operation, maintenance, repair and removal of certain defined small wireless facilities both within public rights-of-way and in other locations within the jurisdiction of the Village; and

**WHEREAS**, the Act permits a private business entity to take and use public property without reasonable regulation or fair compensation, amounting to an illegal taking that is an unprecedented use of public property with no basis in law; and

**WHEREAS**, the Act allows cellular carriers and wireless providers, without oversight, to locate equipment where it may potentially interfere with critical municipal systems used by police, firefighting, water, and other critical local operations, and, without enhanced local regulations, there will be a negative impacts on the number of trees in parkway areas and reductions in the tree canopy areas. Further, the Act’s failure to mandate collocation of equipment on existing utility poles and light poles in public rights of way will lead to a unanticipated proliferation of new poles within public rights of way that will have an extremely detrimental impact on the aesthetics within residential areas of the Village and may cause property values to decline; and

**WHEREAS**, the Act fails to provide municipalities with adequate recourse to address unsafe installations or dangerous equipment; and

**WHEREAS**, the Act creates an automatic approval timeline, which is one-sided and detrimental to the public, presuming that municipalities are negligent and providers not when a permit is incomplete or inadequate; and

**WHEREAS**, the Act provides unfettered and unsupervised access to commercial entities that have only their own profitability as their guide, going against a critical public interest to assure that wireless facilities are installed and maintained in a way that safeguards the public's connection to the wireless world in an era of heightened awareness of cyber security risks; and

**WHEREAS**, it is the responsibility of local authorities to protect the public health, safety, and welfare of its citizens, and the Act undermines this responsibility; and

**WHEREAS**, it is vital that local authorities be able to hold for-profit, commercial entities to an appropriate standard of responsibility for their use of a public asset; and

**WHEREAS**, Illinois municipalities are diverse and each one must be given a chance to develop reasonable regulations that will protect their community's specific needs; and

**WHEREAS**, the President and Board of Trustees of the Village of Western Springs make the following findings and statements:

- A. The President and Board of Trustees oppose the Act and encourages the Illinois Legislature and Governor to amend the Act to return control of the local right-of-ways to local municipalities or, in the alternative, to repeal the Act; and
- B. The President and Board of Trustees encourage the telecommunications industry to look to alternative methods of deploying small wireless facilities in a manner that better protects the rights of local governments in their own infrastructure and public property; and
- C. The President and Board of Trustees are committed to developing reasonable regulations for the deployment of wireless technology and is eager to work with all interested parties and stakeholders to develop regulations that ensure reliable cellular coverage while preventing the unfettered taking and use of public property by private business concerns.

**BE IT FURTHER RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** Each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

**SECTION 2.** The President and Board of Trustees of the Village of Western Springs find that it is in the best interests of the Village of Western Springs and its residents, property owners, businesses and the public to express its opposition to the Act as approved, to urge its amendment or repeal, and to work with all interested parties and stakeholders to develop regulations that ensure reliable cellular coverage while preventing the unfettered taking and use of public property by private business concerns.

**SECTION 3.** This Resolution shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

**PASSED** by the Board of Trustees of the Village of Western Springs, Cook County, Illinois, at a Special Meeting thereof, held on the 10th day of February, 2020, and approved by me as Village President on the same day, and attested by the Acting Village Clerk on the same day.

  
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Alice F. Gallagher, Village President

**ATTEST:**  
  
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James Horvath, Acting Village Clerk