

**RESOLUTION NO. 20-2529**

**A RESOLUTION SUPPORTING FEDERAL BILLS  
H.R. 530 AND S. 2012 TO RESTORE LOCAL  
CONTROL IN 5G/BROADBAND DEPLOYMENT.**

**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:**

**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 for negative impacts on the health, welfare and safety of Village residents, property owners, businesses and the public; and

**WHEREAS**, the Federal Communications Commission, on September 26, 2018, adopted a Declaratory Ruling and Third Report and Order in the matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment and Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment (“the FCC Declaratory Ruling”); and

**WHEREAS**, the FCC Declaratory Ruling favors wireless providers by specifically limiting the ability of local governments to negotiate or regulate in the public interest in key areas regarding small wireless facility deployment. Such limitations include, but are not limited to, the imposition of shot clocks, restrictions on fees, and the imposition on limitations on local governments to act in a proprietary capacity in controlling their own infrastructure; and

**WHEREAS**, the FCC Declaratory Ruling 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 FCC Declaratory Ruling 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 infrastructure; and

**WHEREAS**, on January 14, 2019, Representative Anna Eshoo (D-CA) introduced H.R. 530, Accelerating Broadband Development by Empowering Local Communities Act of 2019, which would nullify rules issued by the Federal Communications Commission that revoke state and local authority to regulate telecommunications equipment deployment; and

**WHEREAS**, on June 27, 2019, Senator Dianne Feinstein (D-CA), introduced a companion bill to H.R. 530 in the Senate, S. 2012, Restoring Local Control Over Public Infrastructure Act of 2019, which would help restore local control in 5G/broadband deployment; 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 support H.R. 530, Accelerating Broadband Development by Empowering Local Communities Act of 2019, and S. 2012, Restoring Local Control Over Public Infrastructure Act of 2019, which would help restore local control in 5G/broadband deployment; and
- B. The President and Board of Trustees encourage its residents, property owners, businesses and the public and state and federal representatives to support this proposed legislation and other similar efforts to return control of local right-of-ways to municipalities; 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 support H.R. 530, Accelerating Broadband Development by Empowering Local Communities Act of 2019, and S. 2012, Restoring Local Control Over Public Infrastructure Act of 2019, and to continue 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