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RESOLUTION NO. 2019-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA URGING ALL MEMBERS OF CONGRESS TO OPPOSE SENATE BILL (SB) 1699, "STREAMLINING THE RAPID EVOLUTION AND MODERNIZATION OF LEADING-EDGE INFRASTRUCTURE NECESSARY TO ENHANCE SMALL CELL DEPLOYMENT ACT" ("ACT") INTRODUCED BY SENATORS JOHN THUNE (R-SD) AND BRIAN SCHATZ (D-HI), WHICH WILL FURTHER PREEMPT LOCAL AUTHORITY OVER "SMALL CELL" WIRELESS FACILITIES ON TAXPAYER-FUNDED PROPERTY; DIRECTING CITY ADMINISTRATION TO TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

18 **WHEREAS**, SB 1699 represents a direct affront to traditionally held local
19 authority and will complicate, rather than simplify, national efforts to expedite
20 infrastructure deployment by prolonging state and local processes; and

21 **WHEREAS**, SB 1699 will complicate the existing efforts by state and local
22 governments to deploy small cell infrastructure. Roughly half of all US states have
23 passed legislation specifically addressing the deployment of small cell wireless
24 structures, and the local governments in those states are busy implementing new
25 ordinances and procedures to comply with those changes, as well as negotiating with
26 industry partners on deployments. Further, recent regulations from the Federal
27 Communications Commission are currently being challenged in court by dozens of
28 local governments. The Act introduces an unnecessary, one-size-fits-all preemption of
29 those efforts, when little data exists to determine what is most effective or necessary;
30 and

1 **WHEREAS**, the Act imposes unfair and inappropriate timelines on local
2 governments. The shot clocks proposed by SB 1699 are considerably shorter than
3 those the federal government applied to itself in the bipartisan MOBILE NOW Act.
4 The reduced size per installation of small cell infrastructure does not directly translate
5 to an accordingly reduced procedural burden on local governments. Cities must still
6 review each site individually to ensure that it meets the jurisdiction's requirements.
7 Further, the limited extension for small jurisdictions and bulk requests of over fifty
8 applications does not address these resource challenges for states and localities; and

9 **WHEREAS**, limiting fees and rates to direct and actual costs is an extreme
10 overreach by the federal government. Cities negotiate with providers to ensure
11 appropriate compensation to taxpayers for private, profit-generating use of public
12 property and to incentivize development that benefits community residents. In some
13 cases, state constitutions' prohibition on gifts to private entities prohibit cities from
14 assessing less than a fair market value for rental of public property. When cities are
15 prohibited from controlling these rates, they are forced to subsidize private
16 development, at the cost of other critical local services such as road maintenance and
17 public safety; and

18 **WHEREAS**, the City of Wilton Manors actively manages the rights-of-way to
19 protect its citizen's and residents' safety, preserve the character of our community, and
20 maintain the availability of the rights-of-way for current and future uses. Stringently
21 limiting those factors that we may consider in our own land use decisions, and restricting
22 compensation only to the "actual costs" we incur to process applications, would limit our
23 ability to serve and protect our residents; and

1 **WHEREAS**, the City Commission of the City of Wilton Manors believes the
2 opposition to SB 1699 is in the best interests of the residents and businesses of the City
3 and the State of Florida.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION**
5 **OF THE CITY OF WILTON MANORS, FLORIDA, THAT:**

6 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and
7 confirmed as being true and correct and are incorporated herein by this reference.

8 **Section 2.** The City Commission of the City of Wilton Manors urges
9 Senators Scott and Rubio and all members of Congress to oppose SB 1699.

10 **Section 3.** The City Commission further directs City Administration to
11 transmit a copy of this Resolution to the Broward League of Cities, the Florida League of
12 Cities, the Broward County Legislative Delegation, the Palm Beach County League of
13 Cities, the Miami Dade County League of Cities, the National League of Cities, Senator
14 Scott and Senator Rubio, the U.S. Congressional Legislative Delegation for Florida and
15 any other interested parties.

16 **Section 4.** All Resolutions or parts of Resolutions in conflict herewith, be
17 and the same are repealed to the extent of such conflict.

18 **Section 5.** If any section, sentence, clause or phrase of this Resolution is held
19 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
20 shall in no way affect the validity of the remaining portions of this Resolution.

21 **Section 6.** This Resolution shall become effective immediately upon its
22 passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS 30th DAY OF JULY, 2019.

CITY OF WILTON MANORS, FLORIDA

By: Justin S. Flippen
JUSTIN S. FLIPPEN, MAYOR

ATTEST:
Faith Lombardo
FAITH LOMBARDO
CITY CLERK

RECORD OF COMMISSION VOTE

MAYOR FLIPPEN
VICE MAYOR GREEN
COMMISSIONER CARSON
COMMISSIONER RESNICK
COMMISSIONER ROLLI

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I HEREBY CERTIFY that I have approved the form of this Resolution.

Kerry L. Ezrol
KERRY L. EZROL, ESQ.
CITY ATTORNEY

CITY OF WILTON MANORS
COUNTY OF BROWARD
STATE OF FLORIDA

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2019-064 as filed in my office.

WITNESS my hand and official seal in the City of Wilton Manors, Broward County, Florida, this 30th day of July, 2019
Faith Lombardo
City Clerk