



RESOLUTION 2023-2024/09 IN THE MATTER OF WIRELESS TELECOMMUNICATION INSTALLMENTS

WHEREAS, the health and safety of our students and employees are fundamental concerns of the Temecula Valley Unified School District;

WHEREAS, the Temecula Valley Unified School District cannot prevent wireless service facilities from being situated near its schools;

WHEREAS, the desire of the wireless companies to market new wireless services has since led to a proliferation of cellular facilities targeting residential areas and near schools;

WHEREAS, wireless infrastructure is being deployed at an unprecedented speed and cellular facilities have been approved without proper justification and proof that the placement is to serve existing demand or provide public safety benefits;

WHEREAS, serious concerns exist regarding wireless permits approved near schools without proper notification to school officials and nearby property owners or proper review and oversight of the wireless applications;

WHEREAS, cities, counties, and local municipalities have relied upon Section 704 of the Federal Telecommunications Act of 1996 to preempt local communities and school districts from opposing the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radiofrequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions;

WHEREAS, cities, counties, and local municipalities have not had to demonstrate that these telecommunication facilities comply with the Federal Communications Commission regulations concerning radiofrequency emissions as they relate to multiple-transmitter sites and complex environments whereby all significant contributions to environmental exposures are cumulatively considered;

WHEREAS, based upon new and emerging scientific evidence there continues to be considerable debate as to the adequacy of existing public exposure standards including those promulgated by the Federal Communications Commission. Specifically, a recent decision by the United State Court of Appeal found that the Federal Communications Commission, the commission regulating facilities and devices that transmit radio waves and microwaves, failed to adequately provide explanation or its guidelines on wireless facilities and their harmful effects of radiofrequency. (*Environmental Health Trust v. Federal Communications Commission* (D.C. 2021) 9 F.4th 893, 900.) While the court emphasized that it took no position on the scientific debate on the health and environmental effects of the radiation, it held that the Commission failed to provide a reasoned explanation on the cancer-related health effects and impacts of radiation on children. (*Id.* at 909.);

WHEREAS, the Federal Communications Commission is obligated to conduct periodic reviews of current research and analysis of health implications associated with radiofrequency exposures in cooperation with industry, agency, and organizations responsible for community health and safety to ensure exposure to guidelines are appropriate and scientifically valid;

WHEREAS, regardless of the regulatory compliance, the scientific and medical communities urge a cautionary approach to radiofrequency exposure. Recent environmental research suggests that exposure to radiofrequencies, including a cumulative effective of low-intensity exposure, can cause increased incidence of cancer, neuropsychiatric effects such as headaches, concentration difficulties, memory changes, and reproductive complications and infertility. (J.M. Pearce, "[Limiting Liability with Positioning to Minimize Negative Health Effects of Cellular Phone Towers](#)" (October 19, 2019).).

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of the Temecula Valley Unified School District adopts and implements revised Board Policy 3514, prohibiting new wireless telecommunication installments on Temecula Valley Unified School District's school grounds as well as prohibiting any extension or renewal of existing ground leases for the maintenance of wireless telecommunication installments on District property.

BE IT FURTHER RESOLVED that the Board of Trustees requests and supports that the City of Temecula immediately establish local municipal zoning setback rules of 1,500 feet or more for operations of wireless telecommunication transmitters near a school site;

BE IT FURTHER RESOLVED that the Board of Trustees requests the City of Temecula to provide timely notification when new wireless telecommunication transmitter permit applications are filed and provide comment on the health risks from the proposed installment as it relates to compliance with existing Federal Communications Commission regulations associated with cumulative exposures; and

The foregoing Resolution was passed and adopted by the Board of Trustees of the Temecula Valley Unified School District at a regularly scheduled meeting of the Board on 14 day of ~~November~~ 2023, by the following vote:

AYES: 4

NAYS: 0

ABSTAIN: 0

ABSENT: 1

Board of Trustees of the Temecula Valley Unified School District

Jennifer J. Wiseman
Clerk, Board of Trustees

12/12/23
Date