ADOPTED BY THE
MAYOR AND COUNCIL

August 6, 2013

A MEMORIAL

RELATING TO PUBLIC HEALTH AND SAFETY; ASKING THE UNITED STATES CONGRESS TO CONSIDER THE REPEAL OF SECTION 704 OF THE FEDERAL TELECOMMUNICATIONS ACT OF 1996 AND THEREBY ALLOW LOCAL JURISDICTIONS TO REGULATE AND CONTROL THE LOCATING, CONSTRUCTION AND INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES.

YOUR MEMORIALIST RESPECTFULLY REPRESENTS AS FOLLOWS:

WHEREAS, Section 704 of the Federal Telecommunications Act of 1996 [*see,* 47 U.S.C. Sec. 332(c)(7)(B)(iv)] prevents local governments, including the Mayor and Council of the City of Tucson, from regulating the placement, construction and modification of wireless communications towers and facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the regulations of the Federal Communications Commission concerning such emissions; and

WHEREAS, under the Tucson Charter and Arizona Revised Statutes, the health, safety and welfare of the residents of the City of Tucson are a fundamental concern of the Mayor and Council; and

WHEREAS, on August 4, 2009, the Pima County Board of Supervisors, citing many of the reasons stated in their unanimously approved Resolution No.

2009-188, attached to this Memorial as Exhibit A, calling upon the U.S. Congress to repeal federal preemption of local authority to control the locating, construction and installation of wireless communications facilities; and

WHEREAS, the Pima County Health Department serves the residents of the City of Tucson and of Pima County for the purpose of protecting public health and promoting community well-being, and through its Board of Health makes rules and regulations, not inconsistent with the rules and regulations of the Arizona Department of Health Services, for the protection and preservation of public health:

NOW, THEREFORE, YOUR MEMORIALIST, THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA:

SECTION 1. Support Pima County in their request that the United States Congress and the Obama administration repeal those provisions in Section 704 of the Federal Telecommunications Act of 1996 that prevent and preempt local government, including the City of Tucson, from regulating the placement, construction and modification of wireless communications towers and facilities on the basis of the environmental and public health effects of radio frequency and electromagnetic emissions, and to modify the Act to allow local jurisdictions to control the placement, construction and installation of wireless communications facilities in order to ensure that the health, safety and welfare of local residents and the environment are protected from the potentially damaging effects of emissions from such facilities.

SECTION 2. Support Pima County in their request that in repealing the preemptive provisions of the Act as described in Section 1 of this Memorial, that Congress and the Obama Administration empower the appropriate local departments of health, and in particular the Pima County Health Department and Pima County Board of Health, to study and determine the effects of emissions from wireless communication facilities, and to make rules and regulations concerning such facilities in order to ensure that the health, safety and welfare of local residents and the environment are protected.

SECTION 3. That City staff is hereby authorized and directed to send a copy of this Memorial to all members of Arizona's Congressional Delegation, and to the Obama administration.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 6, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

FOR CITY MANAGER

MR/dg
8/1/13

RESOLUTION NO. 2009 - 188

A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO WIRELESS COMMUNICATIONS FACILITIES AND CALLING UPON THE U.S. CONGRESS TO REPEAL FEDERAL PRE-EMPTION OF LOCAL AUTHORITY TO CONTROL THE LOCATING, CONSTRUCTION AND INSTALLATION OF THESE FACILITIES

WHEREAS, the health and safety of Pima County residents are, under Arizona Revised Statutes, fundamental concerns of Pima County government, and

WHEREAS, a growing number of peer-reviewed scientific studies are showing that the electromagnetic fields emanating from wireless communications towers and facilities are capable of detrimental health effects, and

WHEREAS, there is a spirited debate in scientific and medical communities about the potential for adverse long-term effects of these emissions on the environment and on people living or working in close proximity to wireless communications facilities, and

WHEREAS, questions are being raised about the adequacy of existing Federal Communications Commission regulations of these emissions and facilities to protect vulnerable populations – young children, the elderly and hypersensitive individuals – against the cumulative long-term effects of low-frequency electromagnetic and radio-frequency emissions on those who live, attend school or work in close proximity to wireless communications facilities, and

WHEREAS, Section 704 of the Federal Telecommunications Act of 1996 prevents local governments, including the Pima County government, from effectively regulating the placement of wireless communications facilities on the basis of potential or known environmental or health effects of this electromagnetic radiation, and

WHEREAS, there has been an explosion in recent years in the number of requests in Pima County for the construction and installation of wireless communications facilities, and a vast increase recently in such requests that are for sites in heavily populated areas – among homes, schools and workplaces,

NOW, THEREFORE, BE IT RESOLVED that the Pima County Board of Supervisors calls for the U.S. Congress and the Obama administration to repeal Section 704 of the Federal Telecommunication Act of 1996, and otherwise let local jurisdictions control fully the siting, construction and installation of wireless communications facilities in order to ensure that their constituents' environment, health and safety are protected from the potentially damaging effects of electromagnetic radiation.

Exhibit A to Memorial

Passed by the Board of Supervisors of Pima County, this 4th day of August, 2009.

Chairman, Pima County Board of Supervisors

AUG 0 4 2009

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney