

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, APRIL 9, 2019**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Jeff Baker, Chair	Commissioner District 3	Present
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Present
Kathleen Conti	Commissioner District 1	Present
Nancy Sharpe	Commissioner District 2	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Commissioner Baker called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Conti and duly seconded by Commissioner Holen to adopt the Agenda as presented.

The motion passed unanimously.

CITIZEN COMMENT PERIOD

Kim Modesitt expressed concern regarding small cell technology deployments and health concerns.

APPROVAL OF THE MINUTES

The motion to approve the minutes from the March 12, 2019 Public Meeting was made by Commissioner Sharpe, duly seconded by Commissioner Holen.

The motion passed unanimously.

The motion to approve the minutes from the March 19, 2019 Public Meeting was made by Commissioner Holen, duly seconded by Commissioner Jackson.

The motion passed 3-0, Commissioner Baker and Commissioner Sharpe abstained.

CEREMONIES

There were no ceremonies on this date.

CONSENT AGENDA

The motion was made by Commissioner Conti, duly seconded by Commissioner Jackson, to approve the consent agenda as presented.

The motion passed unanimously.

GENERAL BUSINESS ITEMS

7.a. Resolution No. 190242 - Case No. E19-024 Design Standards for Small Cell Facilities in the Right-of-Way

Robert Hill, Senior Assistant County Attorney, stated that this is not a public hearing, but recommended that the Board accept public comment. He reviewed modifications that were made to the proposed design standards.

Jason Reynolds, Current Planning Program Manager, presented a PowerPoint presentation, a copy of which has been retained for the record. Two handouts were distributed to the Board, copies of which have been retained for the record.

Mr. Reynolds explained what small cell facilities (SCF) are, reviewed the FCC (Federal Communications Commission) regulations and the proposed design standards. He recommended the Board adopt the design standards.

There was discussion regarding the \$20,000 bond for street cuts and right-of-way (ROW) permits.

Mr. Reynolds clarified that, in the Engineering Review, Paragraph F: "New freestanding small cell wireless poles will not be located within 300 feet radially from existing free standing small cell wireless poles" should say 600 feet.

Commissioner Sharpe was concerned that the \$20,000 bond would not be enough.

Mr. Reynolds confirmed that the design standards are strictly for SCF in the right-of-way.

Kathleen Valencia, Engineering Services, discussed the Clear Zone Analysis.

Ken Fellman, Kissinger & Fellman, explained why the design guidelines are necessary and said the deadline to adopt guidelines is April 15th, discussed the rush to get on 5G, and radio frequency standards.

There was discussion regarding the possibility of more local control.

There was discussion regarding how soon installation of these poles will begin.

The federal deadline to implement standards is April 15th. There was discussion regarding what other jurisdictions are doing.

Commissioner Conti asked about the height of the poles. Mr. Fellman explained the desired height of a SCF, and stated that the County does not have the right to determine the height of a SCF.

The public comment period was opened.

Kim Modesitt expressed concern about safety related to RF frequencies and notifications to citizens.

The public comment period was closed.

The following motion was made by Commissioner Holen, duly seconded by Commissioner Sharpe: In the case of E19-024, Design Standards for Small Cell Facilities in the Right-of-Way, I have reviewed the staff report, including all exhibits and attachments and have listened to the staff presentation and hereby move to approve the proposed amendment based on the findings in the staff report, subject to the following conditions:

1. Staff will make corrections and revisions to the proposed language as directed by the County Attorney prior to incorporating the approved amendment into the Infrastructure Design and Construction Standards manual.
2. A Letter of Certification will be required from a radio frequency engineer that the proposed small cell wireless facility will comply with applicable radio frequency health standards as issued by the FCC or Federal government or other applicable governing bodies.

Commissioner Jackson said she would support this motion to be in compliance with the federal government, but she is very concerned about the rapidity that this is being rolled out, health and safety, and cybersecurity.

Commissioner Holen concurred with Commissioner Jackson's comments and said the country is faced with a serious problem from foreign entities influencing our internet infrastructure and it would be appropriate to encourage the industry and the federal government to take these issues very seriously and ensure that the equipment we are purchasing from overseas does not contain malware or embedded electronics that jeopardize the integrity of the internet.

Commissioner Sharpe suggested that Arapahoe County work with NACO (National Association of Counties) on possible legislation to push the FCC to provide more information on the health impacts and to give more local control.

Commissioner Conti said there is a push from the government and from the industry for this to happen fast, and she hopes both sides can work collaboratively with local governments to ensure the health, safety, and welfare of our citizens as well as the infrastructure that everyone desires.

Commissioner Holen expressed concern about expedited processes.

The motion passed unanimously.

COMMISSIONER COMMENTS

Commissioner Holen mentioned the recent loss of a Fort Carson soldier due to the war in Afghanistan.

Commissioner Baker mentioned the loss of an Eagle Crest High School to suicide. He encouraged anyone that might need help to seek assistance.

There being no other business before the Board, Commissioner Baker adjourned the meeting at 10:55 a.m.

**JOAN LOPEZ, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD**