

TEMPORARY RESOLUTION NO. 73-17

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR IN THE GENERAL FUND (101) FOR LEGAL SERVICES

WHEREAS, the Federal Telecommunications Act of 1996 (Pub. L. No. 104-104, 110 Stat. 56, 31-136, hereinafter the "Act") was designed to remove regulatory barriers and encourage competition among all types of communications companies; and

WHEREAS, the Act ratifies the authority of local government to regulate telecommunications services and carriers, but also limits local governments' authority in certain respects; and

WHEREAS, the Act allows the Federal Communications Commission to preempt any local governmental regulation which prohibits, or has the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services (Public Law No. 104-104, 110 Stat. 70, Section 253 (a); and

WHEREAS, the City is participating in ongoing litigation involving the enactment of Sub. SB 331 and its regulating of small cell/DAS telecommunication systems in the public right-of-way; and

WHEREAS, the City needs to retain outside legal counsel with particular expertise in this area to assist in the development and implementation of a comprehensive manner to regulate the public right-of-way and adopt new regulations if necessary;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, OHIO

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriation with the County Auditor in the General Fund (101) by Forty Thousand Dollars (\$40,000.00).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance the sum of Forty Thousand Dollars (\$40,000.00) to account number 101.140.5207, Legal Services.

SECTION 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

Clerk: _____

President of Council

Mayor

Offered by: _____

Second by: _____

Requested by Finance Committee