

TEMPORARY RESOLUTION NO. 21-18

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, AND TO AUTHORIZE THE ISSUANCE OF A THEN AND NOW CERTIFICATE FOR ANY INVOICES DATED JANUARY 1, 2018 THROUGH THE PASSAGE OF THIS RESOLUTION

WHEREAS, Permanent Resolution 71-17 passed on June 26, 2017 authorized the appropriation of Forty-Thousand Dollars (\$40,000.00); and

WHEREAS, as of December 31, 2017 there was a balance of Thirty-Five Thousand Five Hundred Dollars (\$35,500.00), which was carried over for any invoices dated through December 31, 2017;

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 has retained outside legal counsel with particular expertise in this area to assist in the development and implementation of a comprehensive plan to regulate the public right-of-way and adopt new regulations if necessary;

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

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriation with the County Auditor in the General Fund (101) by Thirty-Five Thousand Five Hundred Dollars (\$35,500.00).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance the sum of Thirty-Five Thousand Five Hundred Dollars (\$35,500.00) to account number 101.140.5207, Legal Services.

SECTION 3. That City Council authorize the issuance of Then and Now Certificates for the purchase order previously encumbered in the 101.140.5207 Account and Now re-appropriated in the 101.140.5207 Account for any invoices dated January 1, 2018 through the passage of this resolution and the issuance of a new 2018 purchase order.

SECTION 4. 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: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Council of the Whole