RESOLUTION NO. 69–08

RESOLUTION OF THE CITY COUNCIL OF RICHMOND, CALIFORNIA SUPPORTING THE AMICUS CURIAE BRIEF FILED BY THE LEAGUE OF CALIFORNIA CITIES IN THE RE-HEARING OF SPRINT TELEPHONY PCS, ET AL. V. COUNTY OF SAN DIEGO, ET AL.

WHEREAS, the City Council has instituted an interim moratorium on the approval of permits for wireless telephone facilities within the City pending the amendment of the City’s Wireless Telecommunications Ordinance; and

WHEREAS, on June 13, 2007 a three-justice panel of the Ninth Circuit Court of Appeals issued its opinion in Sprint Telephony PCS, et al. v. County of San Diego, et al., 490 F.3d 700 (2007); and

WHEREAS, in that decision, the Ninth Circuit interpreted the provisions of the 1996 Telecommunications Act (47 U.S.C. §§ 150 et seq.) to severely restrict local government authority over wireless telecommunications facilities; and

WHEREAS, the Ninth Circuit has accepted a petition for rehearing en banc, and will reconsider the Sprint Telephony PCS, et al. v. County of San Diego, decision on June 24, 2008; and

WHEREAS, the League of California Cities and other municipal organizations have filed an amicus curiae brief in support of the County of San Diego’s position; and

WHEREAS, the concerns expressed in the amicus curiae brief are shared by the citizens of the City of Richmond; and

NOW THEREFORE, BE IT RESOLVED that the City of Richmond endorses all arguments set forth in the League of California Cities’ amicus curiae brief, and supports the League of California Cities’ efforts to preserve local control over zoning and planning with respect to wireless telephone facilities.
I certify that the foregoing was passed and adopted by the Council of the City of Richmond, California at a meeting held on June 17, 2008, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmember Viramontes

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

APPROVED:

GAYLE McLAUGHLIN  
MAYOR

APPROVED AS TO FORM:

LOUISE RENNE  
CITY ATTORNEY

State of California  
County of Contra Costa  : ss.  
City of Richmond  }

I certify that the foregoing is a true copy of Resolution No. 69-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on June 17, 2008.