

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.