

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 04 – 17 - 14

A RESOLUTION TO AUTHORIZE ENGAGEMENT OF THE LAW FIRM OF ICE MILLER, LLP TO PROVIDE LEGAL SERVICES AND REPRESENT THE CITY OF CLAYTON, OHIO IN A LAWSUIT AGAINST THE STATE OF OHIO TO DECLARE SUBSTITUTE SENATE BILL 331 UNCONSTITUTIONAL AND OTHERWISE IN VIOLATION OF OHIO LAW AND IN AN AMOUNT TO ICE MILLER, LLP NOT TO EXCEED \$5,000.00

WHEREAS, the City of Clayton, Ohio recognizes that its citizens need advanced wireless communications services and that its citizens desire enhanced access to these services; and

WHEREAS, the City of Clayton, Ohio recognizes that small cell facilities will need to be situated within the corporate limits of the City in order to expand wireless communications services; and

WHEREAS, the City of Clayton, Ohio desires to work with wireless communications companies regarding the placement of these facilities in order to preserve the aesthetics of the community and protect the health, safety, and welfare of its citizens; and

WHEREAS, the State of Ohio has enacted Substitute Senate Bill 331, which purports to remove the City's authority to regulate and control placement of these facilities in City right-of-way and requires cities to make available at nominal cost, access to city-owned poles and other structures in the right-of-way; and

WHEREAS, the City of Clayton, Ohio desires to assert its home rule authority to control the use of local right-of-way in the best interests of its citizens; and

WHEREAS, Substitute Senate Bill 331 violates the home rule provisions of the Ohio Constitution.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City Manager is authorized to enter into an agreement with the law firm of Ice Miller, LLP to bring a lawsuit on behalf of the City of Clayton, Ohio declaring Substitute Senate Bill 331 as unconstitutional and otherwise in violation of Ohio law. The amounts paid to Ice Miller, LLP for services related to said lawsuit by the City of Clayton, Ohio shall not exceed \$5,000.00.

ADOPTED BY COUNCIL ON APRIL 20, 2017.

AUTHENTICATION:

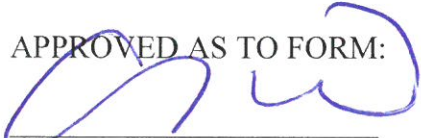


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper Date of publication
Englewood Independent April 27, 2017



CLERK