

RESOLUTION NO. 59-2006

Offered by All of Council

**A RESOLUTION EXPRESSING OPPOSITION TO HOUSE BILL 5252, THE
ADVANCED TELECOMMUNICATIONS AND OPPORTUNITY REFORM
ACT AND DECLARING AN EMERGENCY**

WHEREAS, House Bill 5252 has been introduced in the United States Senate;
and

WHEREAS, House Bill 5252 would remove the authority from state and local governments to control taxes on broadband and wireless telecommunication services; and

WHEREAS, House Bill 5252 would give local telephone companies sole discretion to select neighborhoods in which they provide video and broadband service; and

WHEREAS, House Bill 5252 would usurp the authority of local governments to protect consumers and establish customer service standards; and

WHEREAS, House Bill 5252 would preempt state and local laws enacted to encourage competition and protect the public interest; and

WHEREAS, the Mayor and Council therefore desire to express their strong opposition to House Bill 5252.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That the Council of the Village of Richfield, Ohio, hereby expresses its opposition to House Bill 5252 and urges the United States Senate to defeat the legislation so as to allow local governments to exercise their Constitutional powers of local self-government.

SECTION 2. That the Clerk of Council be, and hereby is, directed to forward a copy of this Resolution to United States Senator Mike DeWine and United States Senator George Voinovich and urge them to oppose House Bill 5252. The Clerk is further authorized to forward a copy of this Resolution to the Ohio Municipal League.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to communicate the Village's opposition to pending cable franchise reform legislation to members of the United States Senate before the Senate takes action on such legislation; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8/15/06

[Signature]
President of Council

[Signature]
Mayor

Dated: 8/23/06.

ATTEST:

[Signature]
Clerk of Council