

RESOLUTION NUMBER R- 312714

DATE OF FINAL PASSAGE OCT 24 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF TELECOM LAW FIRM, P.C. AS OUTSIDE COUNSEL FOR OPPOSING THE WIRELESS INFRASTRUCTURE ASSOCIATION AND CELLULAR TELECOMMUNICATIONS AND INTERNET ASSOCIATION PETITIONS FOR DECLARATORY RULING FILED WITH THE FEDERAL COMMUNICATIONS COMMISSION.

WHEREAS, the City of San Diego has reviewed the petitions for declaratory ruling filed with the Federal Communications Commission by the Wireless Industry Association (WIA) and Cellular Telecommunications and Internet Association – The Wireless Association (CTIA) in WT Docket No.: 19-250 (Petitions), and has determined that the City should oppose the petitions as part of a coalition of local governments in order to prevent further erosion of local regulation related to the siting and aesthetics of certain types of wireless communication facilities; and

WHEREAS, due to the unusual and complex nature of the legal issues involved in representing a coalition of local governments in opposing rulemaking proceedings in administrative proceedings at the FCC, the City Attorney’s Office does not have the necessary expertise to advise the City on and prepare and submit comments and reply to comments on the Petitions; and

WHEREAS, due to a heavy workload, the City Attorney’s Office does not have the necessary staff to prepare a comment letter, review all of the comments submitted to the FCC in the administrative proceedings, and prepare a reply to comments in order to ensure that the administrative record contains factual and legal information that the FCC should consider in ruling on the Petitions within the very short time frame that the FCC has provided for comments and reply comments; and

WHEREAS, the Telecom Law Firm is the firm representing a coalition of local governments that wish to oppose the petition and the fee for retaining the Telecom Law Firm is less than \$25,000.00, which pursuant to San Diego Municipal Code section 22.3208(a) may be awarded by the Purchasing Agent without advertisement or competitive process; and


WHEREAS, Telecom Law Firm, P.C. has the necessary skills and experience to assist the City in this matter; and

WHEREAS, the anticipated amount for this engagement is \$3,500.00, to be paid from General Fund 100000; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City Attorney's Office is authorized to retain Telecom Law Firm as outside counsel to provide legal services to oppose the WIA/CTIA Petitions for Declaratory Rulemaking filed with the FCC in WT Docket No.: 19-250 through the notice-and-comment procedure in the administrative proceedings on behalf of the City as part of a coalition of local governments.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Chief Financial Officer or his designee is authorized to appropriate and expend an amount not to exceed \$3,500.00 from the General Fund 100000 for the retention of Telecom Law Firm, P.C. as outside counsel, contingent upon the Chief Financial Officer first issuing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

APPROVED: MARA W. ELLIOTT, City Attorney

By  \_\_\_\_\_  
Melissa D. Ables  
Deputy City Attorney

MDA:nja  
10/08/2019  
Or. Dept: Development Services Dept.  
Doc. No.: 2192278

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 22 2019.

ELIZABETH S. MALAND  
City Clerk

By Linda Brwin  
Deputy City Clerk

Approved: 10/24/19  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 22 2019, by the following vote:

| Councilmembers    | Yeas                                | Nays                     | Not Present              | Recused                  |
|-------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Barbara Bry       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Ward        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gómez   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

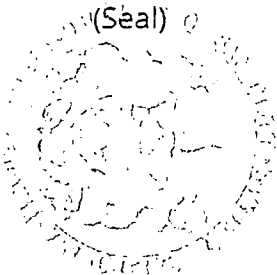
Date of final passage OCT 24 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.



By *Stacy Reed* <sup>for</sup> Linda Irvin, Deputy

Office of the City Clerk, San Diego, California

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