

ORDINANCE NO. 1057 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 5.50.020 OF THE EL PASO DE ROBLES MUNICIPAL CODE  
TO REAUTHORIZE THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON  
STATE CABLE FRANCHISEES OPERATING WITHIN THE CITY

WHEREAS, the City Council previously adopted El Paso de Robles Municipal Code section 5.50.020 which imposes a public, educational and governmental ("PEG") fee on state cable franchisees operating within the City, as authorized in the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"); and

WHEREAS, DIVCA established a state video franchising system that replaced local cable franchising, but also recognized the continued need to protect local revenues and control of public rights of way; and

WHEREAS, DIVCA provides that state video franchises are issued by the California Public Utilities Commission ("CPUC") and have a stated term of ten (10) years; and

WHEREAS, Public Utilities Code section 5870(n) provides that the PEG fee may be reauthorized upon the expiration of an applicable state franchise; and

WHEREAS, Charter Spectrum currently holds a state franchise for services within the City of El Paso de Robles;

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. Amendment. Subsection E. is hereby added to Section 5.50.020 of the El Paso de Robles Municipal Code to read in full as follows:

"E. The PEG channel facilities fee authorized by subsection B., above, is hereby reauthorized to the extent required by Section 5870(n) of the California Public Utilities Code. As such, all state franchisees operating within the City whose franchise is renewed shall continue to collect and remit the PEG channel facilities fee as set forth in this section, and such fee shall be automatically reauthorized as to each affected state video franchise holder upon the expiration of any state video franchise. Any and all reauthorizations shall be effective for so long as such reauthorization is required by law.

SECTION 2. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of REGULATIONS Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Effective Date. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law. This Ordinance

shall take effect 30 days from and after the date of its final passage and adoption.

INTRODUCED on the 17th day of July, 2018, and PASSED AND ADOPTED by the City Council of the City of El Paso de Robles on this 7<sup>th</sup> day of August, 2018 by the following vote:

AYES: Gregory, Strong, Hamon, Reed, Martin  
NOES:  
ABSENT:  
ABSTAIN:

  
Steven W. Martin, Mayor

ATTEST:

  
Kristen L. Buxkemper, Deputy City Clerk