

ORDINANCE NO. 1149

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, REAUTHORIZING THE IMPOSITION OF THE CITY'S EXISTING STATE VIDEO FRANCHISE HOLDER FRANCHISE FEE AND PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (PEG) FEE UNDER CAMARILLO MUNICIPAL CODE SECTION 6.20.020, AND RATIFYING MUNICIPAL CODE CHAPTER 6.20

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Public Utilities Code ("PUC") section 5870(n), which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorizes the City of Camarillo to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities ("PEG Fee").

B. On December 12, 2007, the City adopted Ordinance No. 1018, which codified the City's state video franchise regulations as Chapter 6.20 of the Camarillo Municipal Code (CMC). Section 6.20.020 establishes the City's state video franchise fee and also the City's PEG Fee.

C. PUC section 5870(n) may be interpreted as requiring the reauthorization of the PEG Fee upon the expiration and renewal of a state franchise.

D. The state-franchised video service provider for the territory of the City is Spectrum, which acquired the franchise from Time Warner Cable. Spectrum is seeking renewal of its state franchise when it expires in 2018.

E. The City wishes to ratify Chapter 6.20, and reauthorize the PEG Fee under CMC Section 6.20.020, to ensure consistency with the procedural requirements set forth in PUC section 5870(n). As a result, this ordinance is not intended to impose a new or increased fee, but rather is intended to reauthorize existing PEG Fees to the extent such reauthorization is required by state law, in order for the City to continue collecting such fees.

SECTION 2. Environmental Findings. The City Council exercises its independent judgment and finds that this Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15273, which provides a statutory exemption from CEQA for fees and charges imposed for the purposes of meeting agency operating expenses.

SECTION 3. Reauthorization of CMC Section 6.20.020. CMC Section 6.20.020, imposing a state video franchise fee and PEG Fee upon a state video franchise holder, is reauthorized. The fee amounts remain unchanged and in full effect as to all state-franchised video service providers.

SECTION 4. Ratification of Chapter 6.20. CMC Chapter 6.20 (State Video Franchises) continues to be in full force and effect, and is ratified as to its entirety.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance takes effect 30 days from the date of its adoption.

SECTION 7. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED January 24, 2018.

Charlotte Craven
Mayor

ATTEST: 1/25/18

Jeffrie Madland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1149 was introduced by the City Council at a meeting held January 10, 2018, and subsequently passed and adopted by the City Council at a regular meeting held January 24, 2018, by the following vote:

AYES: Councilmembers: Kildee, McDonald, Morgan, Trembley, Mayor Craven
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jeffrie Madland
City Clerk

