

ORDINANCE NO. 773

**ORDINANCE OF THE CITY OF ROHNERT PARK, CALIFORNIA
AMENDING CHAPTER 5.24, “CABLE COMMUNICATIONS FRANCHISE” OF TITLE
5, “BUSINESS LICENSES AND REGULATIONS” TO ADD A SUBSECTION “F” TO
SECTION 5.24.060 OF THE ROHNERT PARK MUNICIPAL CODE**

WHEREAS, the Digital Infrastructure and Video Competition Act of 2006 was adopted by the California Legislature in August 2006 and signed by Governor Schwarzenegger on September 29, 2006, and

WHEREAS, the act is effective January 1, 2007, and

WHEREAS, the act creates a process whereby video service franchises are granted by the State rather than the local city or county, and

WHEREAS, a local entity may adopt an ordinance to establish a PEG funding fee to pay for the ongoing costs for PEG and institutional networks, and

WHEREAS, if no such fee exists, the local entity may adopt a fee, at any time, not to exceed 1% of gross revenues, and

WHEREAS, the City of Rohnert Park has no such fee, and

WHEREAS, Title 5, Section 5.24 of the Rohnert Park Municipal Code addresses cable communications franchises, and

WHEREAS, the City wishes to update its general financial and insurance provisions, Section 5.24.060, to establish a 1% PEG funding fee, and

NOW, THEREFORE, the City Council of the City of Rohnert Park does ordain as follows:

SECTION 1: Chapter 5.24, Section 5.24.060, “General financial and insurance provisions,” is hereby amended to add the following Subsection (F):

F. – PEG Fees

1. All State franchise holders, and franchisees whose local franchise agreement has terminated, must pay a PEG funding fee equivalent to 1% of gross revenues to the City of Rohnert Park in accordance with AB 2987.

SECTION 2: Severability. The City Council hereby declares that every section, paragraph, sentence. Clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this article is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 3: Effective Date. This ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

This ordinance was introduced by the Council of the City of Rohnert Park on November 28, 2006 and was adopted on January 9, 2007 by the following roll call vote:

AYES: FIVE (5) Council Members Breeze, Mackenzie, Smith, Stafford and
Mayor Vidak-Martinez
NOES: NONE (0)
ABSENT: NONE (0)
ABSTAIN: NONE (0)

CITY OF ROHNERT PARK

/s/Mayor Vicki Vidak-Martinez

ATTEST:

/s/City Clerk Judy Hauff

APPROVED AS TO FORM:

/s/Assistant City Attorney Gabrielle P. Whelan