

ORDINANCE NO. 18-0003-U

AN URGENCY ORDINANCE OF THE CITY OF MANHATTAN BEACH REAUTHORIZING THE CITY'S PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS SUPPORT FEE

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

WHEREAS, the City adopted Ordinance No. 2116 establishing such a fee, which is codified in Section 13.03.040 of the Manhattan Beach Municipal Code; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized, upon the expiration of a state franchise; and

WHEREAS, California Video Franchise Certificate Franchise No. 0020 granted to Time Warner Cable Pacific West LLC d/b/a Charter Communications expired on January 2, 2018;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS FOLLOWS:

Section 1. Urgency Findings. The City Council finds as follows:

(a) Currently, the City depends upon the PEG access fee to support PEG access channel facilities, which are essential to providing city residents with important civic programming including emergency alerts and community and governmental news. Pursuant to Public Utilities Code Section 5870(n), the City's PEG access fee codified in Section 13.03.040 of the Municipal Code shall expire upon the expiration of a state franchise. California Video Franchise Certificate Franchise No. 0020 granted to Time Warner Cable Pacific West LLC d/b/a Charter Communications expired on January 2, 2018. If this fee is not reauthorized immediately, the City will lose funding for its PEG programming facilities. Any loss of funding would jeopardize a trustworthy, reliable and immediate means by which the City communicates with its residents. Any lapse in funding may also lead to confusion among state video franchisees operating within the City regarding the payment of PEG access fee leading the City to incur additional costs to recover any overdue fees.

(b) Therefore, the City Council finds and determines that the immediate preservation of the public peace, health and safety requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. If this Ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, funding for City PEG facilities could lapse causing residents who rely on PEG channels for

emergency broadcasts and news updates to lose a vital source of City information. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared.

Section 2. The City Council hereby readopts and reauthorizes the fee on Charter Communications to support public, educational, and governmental channel facilities codified in Section 13.03.040 of the Municipal Code, which fee shall remain unchanged and in full effect as to all state-franchised video service providers.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

ADOPTED on February 20, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

AMY HOWORTH
Mayor

ATTEST:

LIZA TAMURA
City Clerk