

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA REAUTHORIZING CHULA VISTA
MUNICIPAL CODE CHAPTER 5.53., "STATE VIDEO
FRANCHISES"

WHEREAS, the State of California enacted the Digital Infrastructure and Video Competition Act (DIVCA) in 2006 [California Public Utilities Code ("CPUC") sections 5800, *et seq.*]; and

WHEREAS, DIVCA requires a state franchise holder to designate a sufficient amount of capacity on its network to allow the provision of at least three Public, Educational and Governmental ("PEG") access channels and requires the franchise holder to pay a fee, if established by ordinance of the local entity, to support PEG channel facilities; and

WHEREAS, the City of Chula Vista approved such an ordinance in May 2012 (Ordinance No. 3230), which amended Chula Vista Municipal Code ("CVMC") Chapter 5.52, "Pay Television" and added Chapter 5.53 "State Video Franchises;" and

WHEREAS, consistent with DIVCA, CVMC Chapter 5.53 requires state franchise holders who operate within the City to remit a PEG fee to the City in the amount of one percent of the franchise holder's gross revenues, as defined in CPUC Code Section 5860 (the "PEG fee"); and

WHEREAS, Cox Communications ("Cox") obtained a state video franchise certificate in 2007 and has obtained a renewal of that certificate for the ten-year period beginning April 27, 2017 and has requested that the City reauthorize the ordinance enacting the City's PEG fee in order for it to continue remitting the PEG fee during the ten-year renewal period beginning April 27, 2017; and

WHEREAS, by adopting this resolution, the City affirms that Ordinance No. 3230, codified at CVMC Chapters 5.52 and 5.53, has been in full force and effect since its original effective date, remains in full force and effect, applies to all video service providers holding state video franchises and operating in the City pursuant to DIVCA ("Providers"), requires such Providers to comply with all of its provisions, including remittance of the PEG fee pursuant to CVMC section 5.53.040, and applies to all Providers operating under original state franchise certificates, as well as those operating under renewal/renewed state franchise certificates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it reauthorizes Municipal Code Chapter 5.53, "State Video Franchises."

Presented by

Approved as to form by

David Bilby
Finance Director

Glen R. Googins
City Attorney