

ORDINANCE NO. 2017-309

**AN URGENCY ORDINANCE OF THE TOWN OF WINDSOR REAUTHORIZING
THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON
STATE CABLE FRANCHISEES OPERATING WITHIN THE TOWN**

RECITALS

WHEREAS, the Town Council previously adopted Section 15-4-115 of the Town of Windsor Code (“Town Code”), which imposes a public, educational, and governmental (“PEG”) fee on state cable franchisees operating within the Town as authorized in the Digital Infrastructure and Video Competition Act of 2006; and

WHEREAS, Section 5870(n) of the California Public Utilities Code states that a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise; and

WHEREAS, AT&T California (“AT&T”) operates within the Town under a state franchise that expires on March 30, 2017; and

WHEREAS, the Town Council wishes to adopt an ordinance expressly declaring that the Town’s PEG fee is reauthorized.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES
HEREBY ORDAIN AS FOLLOWS:**

Section 1. PEG Fee Reauthorization.

The Town’s PEG channel facilities fee authorized in Section 15-4-115 of the Town Code is hereby reauthorized to the extent required by Section 5870(n) of the California Public Utilities Code. All state franchisees operating within the Town shall continue to collect and remit the PEG channel facilities fee as required in Section 15-4-115.

Section 2. No Change to Municipal Code.

Section 15-4-115 of the Town Code shall remain unchanged and in full force and effect.

Section 3. Urgency Findings and Declaration.

The Town Council finds and declares that this Ordinance must be adopted as an urgency matter because it is necessary for the immediate preservation of the public peace, health, and safety. The following facts and circumstances support such necessity: Section 5870(n) of the California Public Utilities Code states that a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise. It is in the public interest to take every measure to ensure that there is no lapse in the collection and remission of PEG fees, which supports public, educational, and governmental channels, including channels that may provide critical emergency or other public safety-related information. Maintaining stable funding for PEG channel facilities is therefore

vital to the public peace, health, and safety of the Town of Windsor. Without the enactment of this Ordinance as provided herein, a lapse in the collection and remission of the PEG fee could potentially occur, endangering the stability of PEG facilities funding within the Town.

Based on said findings, facts and circumstances, the Town Council finds that this Ordinance should be adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety, and that it is necessary that this Ordinance should go into effect as described below.

Section 4. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

Section 5. Effective Date.

Following adoption by at least a four-fifths vote of the Town Council, this Ordinance shall take effect and be enforced immediately upon the commencement of AT&T's new or renewed state franchise under the Digital Infrastructure and Video Competition Act of 2006.

Section 6. Publication or Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or posted as required in Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 15th day of March 2017, by the following vote:

AYES:	COUNCILMEMBERS MILLAN, OKREPKE, SALMON, VICE MAYOR FOPPOLI AND MAYOR FUDGE
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK