

ORDINANCE NO. 2017-310

**AN ORDINANCE OF THE TOWN OF WINDSOR REAUTHORIZING
THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON
STATE CABLE FRANCHISEES OPERATING WITHIN THE TOWN AND
AMENDING SECTION 15-4-115 OF THE TOWN CODE**

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 and amending Section 15-4-115 of the Town Code.

**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.

Section 2. Addition of Subsection (f) to Section 15-4-115 of the Town Code.

Section 15-4-115 of the Town Code shall be amended to add the following Subsection (f) to read as follows:

f. Notwithstanding subdivision (n) of Public Utilities Code Section 5870, upon the expiration of any state franchise, without any action of the Town Council, this section shall be deemed to have been automatically reauthorized unless the state franchise holder has given the Town Council and Town Manager written notice sixty (60) days prior to the expiration of its state franchise that this section will expire pursuant to the terms of subdivision (n) of Public Utilities Code Section 5870.

The remaining provisions of Section 15-4-115 shall remain unchanged and in full force and effect.

Section 3. 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 4. Effective Date.

This ordinance shall take effect and be in force thirty (30) days following its adoption.

Section 5. 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 3rd day of May 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