

ORDINANCE NO. 2017-312

**AN ORDINANCE OF THE TOWN OF WINDSOR
RESCINDING URGENCY ORDINANCE 2017-309, AN URGENCY ORDINANCE
REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE
ON STATE CABLE FRANCHISEES OPERATING WITHIN THE TOWN**

WHEREAS, 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 expired on March 30, 2017; and

WHEREAS, on March 15, 2017 the Town Council adopt Urgency Ordinance 2017-309 expressly declaring that the Town’s PEG fee is reauthorized prior to its expiration date; and

WHEREAS, on March 15, 2017, the Town Council also introduced an ordinance to reauthorize the PEG fee and amend Section 15-4-115 of the Town of Windsor Code; and

WHEREAS, on May 3, 2017 Council adopted Ordinance 2017-310 which adds a provision to Section 15-4-115 of the Town Code that states that upon the expiration of any state franchise, the Town’s PEG fee is automatically reauthorized; and

WHEREAS, Ordinance 2017-310 has taken effect 30 days following adoption on June 2, 2017; and

WHEREAS, Urgency Ordinance 2017-309 has served its purpose by reauthorizing the Town’s PEG fees prior to its expiration date and is no longer needed; and

WHEREAS, the Town Council therefore finds that it is appropriate to rescind Urgency Ordinance 2017-309.

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

Section 1. All recitals set forth above are true and correct, and by this reference are incorporated herein.

Section 2. By this Ordinance, the Town Council of the Town of Windsor rescinds Urgency Ordinance 2017-309 and all of the provisions thereof.

Section 3. 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. This Ordinance shall take effect and be in force 30 days following its adoption.

Section 5. 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 6th day of September 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