

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 7.13 OF THE MONTEREY COUNTY CODE TO
REAUTHORIZE THE PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS
(PEG) SUPPORT FEE**

County Counsel Summary

This ordinance provides for continuation of the County's existing public, educational, and government access (PEG) Support Fee, as authorized by the state Digital Infrastructure and Video Competition Act. The PEG Support Fee is currently imposed upon cable operators or video service providers that hold state franchises and operate within unincorporated Monterey County. This ordinance reauthorizes the PEG Support Fee at the same rate and on the same terms for a state franchise that has expired. This ordinance also reauthorizes the fee at the same rate and on the same terms for all affected state franchise holders upon any future expiration of each such state franchise.

The Board of Supervisors of the County of Monterey, State of California, ordains as follows:

SECTION 1. FINDINGS. The Board of Supervisors finds as follows:

A. State statute, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), authorizes the County to adopt an ordinance establishing a fee on cable operators and video service providers to support public, educational and government access (PEG) channels;

B. On March 17, 2009, the Board of Supervisors adopted Ordinance No. 5128, imposing a PEG Support Fee upon state franchise holders operating in unincorporated Monterey County, which is codified in Monterey County Code section 7.13.070.C.1;

C. DIVCA provides, in section 5870(n) of the California Public Utilities Code, that such ordinances shall expire, and may be reauthorized, upon the expiration of the state franchise;

D. The first state franchise that is held by a holder operating in unincorporated Monterey County will expire in March 2017; and

E. The purpose of this ordinance is to reauthorize the PEG support fee in accordance with DIVCA (California Public Utilities Code section 5870(n)) for the state franchise that expired in March 2017 and to reauthorize the PEG support fee for all affected state franchise holders upon any future expiration of each such state franchise.

SECTION 2. Subsection F of Section 7.13.070 is added to the Monterey County Code to read as follows:

F. The PEG Support Fee on state franchise holders to support public, educational, and government access channels, authorized by section 7.13.070.C.1 of this Chapter, is hereby

reauthorized for the state franchise which expired in March 2017. The PEG Support Fee, including the rate and all details, shall remain unchanged and in continuous full effect as to all state franchise holders operating in unincorporated Monterey County.

SECTION 3. Subsection G of Section 7.13.070 is added to the Monterey County Code to read as follows:

G. To the extent reauthorization is required by law upon the expiration of any state franchise, as to and upon each expiration, the PEG Support Fee authorized by section 7.13.070.C.1 of this Chapter is reauthorized as to all affected state franchise holders at the same rate and on the same terms. Reauthorizations under this section shall be effective for so long as reauthorization is required by law and until such time as this reauthorization is revoked by amendment to this Chapter.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

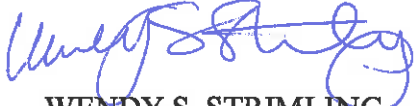
ABSTAIN:

Mary Adams, Chair
Monterey County Board of Supervisors

A T T E S T

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel