

ORDINANCE NO. 783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTION 5.19.010 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING STATE VIDEO SERVICE FEES FOR PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

Be it ordained by the Council of the City of Grass Valley as follows:

SECTION 1. Subdivision (b) of section 5.19.010 of Chapter 5.19 of Title 5 of the Grass Valley Municipal Code is hereby amended to read as follows:

(b)(1) Any state franchise holder shall pay to the City — or if directed by the City, to the City's designated PEG provider — a PEG fee equal to one and four tenths percent (1.4%) of gross revenues, an amount equivalent to the level of PEG funding remitted by Comcast as of December 31, 2006.

(2) The PEG capital support fees imposed by subsection (b)(1) of this section are for PEG capital support and are in addition to the franchise fee to be paid to the City by the state video service franchise holders.

(3) Any state franchise holder shall remit the PEG support fee within forty-five days after the end of each calendar quarter. Each payment shall be accompanied by a summary, detailing the calculation of the PEG support fee.

(4) If a state franchise holder fails to pay the PEG support fee when due, or underpays the amount due, the state franchise holder shall pay interest, pursuant to Public Utilities Code section 5860(h), at the annual rate equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate allowed by law.

SECTION 2. CEQA Findings. This Ordinance adopts a fee supporting existing public, educational, and government programming and imposes certain regulations on video service franchises. As a purely administrative and regulatory action, it will not affect the physical environment. This Ordinance is not a project within the meaning of California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations, title 14, section 15378 because it has no potential to result in physical change in the environment, directly or indirectly. Additionally and independently, it is exempt from CEQA review under CEQA Guidelines, California Code of Regulations, title 14, section

15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 4. Effect of Amendments. It is the intent of the City Council of the City of Grass Valley that the Grass Valley Municipal Code sections affected by this Ordinance shall not be considered repealed and reenacted in their amended form; that the portions which are not altered are to be considered as having been the law from the time when they were enacted; that the new provisions are to be considered as having been enacted at the time of the amendment; and that the omitted portions are to be considered as having been repealed at the time of the amendment.

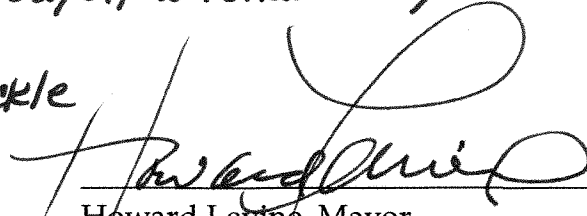
SECTION 5. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption pursuant to Article VII, § 2 of the Grass Valley City Charter.

SECTION 6. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the 23rd day of May, 2017.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting thereof held on the June 27th day of June, 2017, by the following vote:

AYES: *Council Members Aguilar, Fouyer, Swarthout + Mayor Levine*
NOES: *NONE*
ABSENT: *Council Member Arbuckle*
ABSTAINING: *NONE*


Howard Levine, Mayor

APPROVED AS TO FORM:


Michael G. Colantuono, City Attorney

ATTEST:


Kristi K. Bashor, City Clerk

