



# COUNTY OF HUMBOLDT

For the meeting of: 9/14/2021

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File #: 21-1006

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**To:** Board of Supervisors

**From:** County Administrative Office

**Agenda Section:** Departmental

**SUBJECT:**

Introduction of an Ordinance Amending Section 855-7 of Chapter 5 of Division 5 of Title VIII of the Humboldt County Code Relating to Public, Educational and Governmental Access Channel Capacity, Support, Interconnection and Signal Carriage

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Introduce the attached Ordinance by title and waive the first reading;
2. Set the attached ordinance for adoption on Sept. 21, 2021, or at least 1 week away from the date of the Board of Supervisors meeting at which the ordinance is first introduced;
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the attached ordinance and to post a certified copy of the full text of the ordinance in the office of the Clerk of the Board of Supervisors at least 5 days prior to the Board of Supervisors meeting at which the ordinance will be adopted [California Government Code Section 25124(b)(1)]; and
4. Direct the Clerk of the Board of Supervisors, within 15 days after adoption of the attached ordinance, to publish a post-adoption summary of the ordinance with the names of the Supervisors voting for and against the ordinance, and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance and amendments along with the names of those Supervisors voting for and against the ordinance [California Government Code Section 25124(b)(1)].

**SOURCE OF FUNDING:**

General Fund (1100)

**DISCUSSION:**

California Public Utilities Code Section 5870(n), enacted as part of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), authorizes local governmental entities to establish, by ordinance, a fee on state-franchised cable/video service providers to support public, educational and governmental (PEG) access channels. The local DIVCA ordinances enacted by the County of Humboldt and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna and Rio Dell require payment of PEG access fees that equal 1.401% of the provider's gross cable revenues.

California Public Utilities Code Section 5870(n) states that an ordinance establishing a PEG support fee shall expire, and may be reauthorized, upon expiration of a state franchise. The proposed amendment to Section 855-7 of the Humboldt Code will not impose a new or increased fee, but rather is intended to reauthorize the already existing PEG support fee at the current rate.

**FINANCIAL IMPACT:**

There are no costs associated with the recommended actions other than staff time to prepare the attached ordinance and related documents. As a result, adoption of the attached ordinance will not impact the Humboldt County General Fund.

**STRATEGIC FRAMEWORK:**

The recommended actions support the Board of Supervisors' Strategic Framework by inviting civic engagement and awareness of available services.

**OTHER AGENCY INVOLVEMENT:**

Access Humboldt and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna and Rio Dell

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose not to adopt the attached ordinance. However, this alternative is not recommended as it will result in the expiration of the current PEG support fee of 1.401% at such time the current state franchise expires, and a new state franchise is issued by the California Public Utilities Commission.

**ATTACHMENTS:**

1. Ordinance Amending Section 855-7 of Chapter 5 of Division 5 of Title VIII of the Humboldt County Code Relating to Public, Educational and Governmental Access Channel Capacity, Support, Interconnection and Signal Carriage
2. Pre-Adoption Summary
3. Post-Adoption Summary

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: G2, D8, D2, C5, H1, C4

Meeting of: 1/18/2011, 1/25/2011, 5/7/2013,5/14/2013,11/10/15,11/17/2015

File No.: N/A