

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 one (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 five (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 fifteen (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.

STRATEGIC FRAMEWORK:

This action supports your Board's 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:

Your Board could choose not to approve the attached ordinance. However, this is not recommended as that would result in the county risking the refusal by the local cable provider to pay the PEG fee of 1.401% at such time that its current state franchise expires and a new state franchise is issued by the California Public Utilities Commission (CPUC).

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