

ORDINANCE NO. 10478 (N.S.)

AN URGENCY ORDINANCE OF THE COUNTY OF SAN DIEGO
REAUTHORIZING THE COUNTY'S PUBLIC, EDUCATIONAL, AND
GOVERNMENTAL (PEG) ACCESS FEE TO TAKE EFFECT IMMEDIATELY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. This ordinance is declared to be an urgency measure necessary for the immediate protection of the public health, safety and welfare in order to assure the continued delivery of the County's public, educational, and governmental (PEG) programming and it shall become effective immediately upon its adoption. The following facts support the adoption of this urgency measure:

Video service providers are required by the Digital Infrastructure and Video Competition Act of 2006, Public Utilities Code § 5800 et seq. (DIVCA), to obtain a franchise from the State before providing video services in the County of San Diego. State franchises have an initial term of 10-years, subject to renewal for additional 10-year terms. (PUC § 5850.) State franchisees are required to provide the County with no more than 60-days' notice of the effective date of the renewal of a franchise. (PUC § 5840(n).)

In accordance with Public Utilities Code § 5870(n) and Section 21.1632 of the San Diego County Code of Regulatory Ordinances (County Code), holders of State franchises pay a fee to the County to support PEG access channel facilities. In accordance with DIVCA, Section 21.1632 of the County Code must be reenacted when the State franchise is renewed to allow for continued collection of the PEG fee. (PUC § 5870(n).)

By letter dated March 1, 2017 and received by the County on March 3, 2017, Cox Communications (Cox) notified the County that the franchise it was issued by the State to provide video services in San Diego County would be renewed effective on April 27, 2017. On March 22, 2017, Cox informed the County of the requirement to reenact the PEG fee ordinance. This was the first renewal of a State franchise received by the County since the enactment of DIVCA.

Ordinances, other than urgency ordinances, must be introduced and adopted at separate regular meetings of the Board of Supervisors. (Government Code § 25131.) Unless reenacted as an urgency measure, Section 21.1632 would not be effective for 30 days after final enactment. (Government Code § 25123.)

Section 2. The Board of Supervisors hereby finds that the uninterrupted collection of PEG fees from all State franchisees providing services in the unincorporated County is of critical

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importance to the County because the fees support PEG access channel facilities and capital costs, which are essential to provide County residents with important civic programming including emergency alerts and community and governmental news. In addition, continued collection of PEG fees is necessary to avoid confusion among State video franchisees operating in the unincorporated County and to ensure that all franchisees pay the same PEG fees.

Section 4. The County hereby reenacts Section 21.1632 of the San Diego County Code of Regulatory Ordinances without any changes.

Section 5. By virtue of the urgency findings set forth herein, which constitute an emergency for the immediate preservation of the public peace, health and safety pursuant to Government Code Section 25123, this Ordinance shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND LEGALITY

COUNTY COUNSEL

BY: Thomas L. Bosworth, Deputy County Counsel

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PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 25th day of April, 2017.




DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 25th day of April, 2017.

DAVID HALL
Clerk of the Board of Supervisors

By 
Diana Lopez, Deputy



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