

Introduced by Councilmember McAustin

ORDINANCE NO. 7299

**AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA REAUTHORIZING  
THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON STATE VIDEO  
SERVICE FRANCHISES OPERATING WITHIN THE CITY**

**WHEREAS**, Public Utilities Code Section 5870(n), which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorized the City of Pasadena to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel ("PEG") facilities;

**WHEREAS**, in 2008, the City adopted Ordinance no. 7128 establishing such a fee, which is codified in Pasadena Municipal Code, Title 18, Chapter 18.04, Section 18.04.060;

**WHEREAS**, Public Utilities Code Section 5870(n) states that such an ordinance shall expire, and may be reauthorized, upon the expiration of a state franchise;

**WHEREAS**, the first state franchise to include the City, California Video Franchise Certificate Franchise No. 0002 granted to Pacific Bell Telephone Co. d/b/a SBC Pacific Bell Telephone Co. d/b/a AT&T California will expire on or about March 30, 2017;

**WHEREAS**, California Video Franchise Certificate Franchise No. 0008, granted to Charter Communications Entertainment II, LLC d/b/a Charter Communications, will expire on or about January 2, 2018; and

**WHEREAS**, this ordinance is not intended to impose a new or increased fee, but rather is intended to reauthorize the already existing PEG fee at the same level, to the extent such reauthorization may be needed to continue to collect said fee.

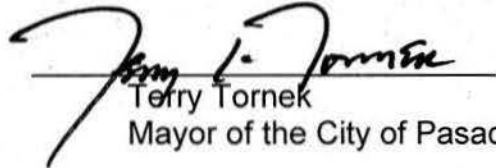
**NOW, THEREFORE**, the People of the City of Pasadena ordain as follows:

**SECTION 1.** The City Council hereby reauthorizes the fee on state-franchised video service providers to support PEG facilities codified in Pasadena Municipal Code, Title 18, Chapter 18.04, Section 18.04.060, which fee shall remain unchanged and in full effect as to all state-franchised video service providers.

**SECTION 2.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

**SECTION 3.** This ordinance shall take effect upon publication.

Signed and approved this 20th day of March, 2017.

  
Terry Tornek  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 20th day of March 2017, by the following vote:


AYES: Councilmembers Hampton, Kennedy, Madison, McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES: None

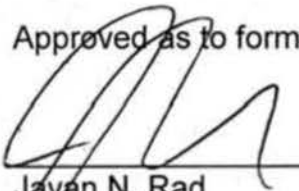
ABSENT: Councilmember Gordo

ABSTAIN: None

Date Published: March 23, 2017

  
Mark Jonsky  
City Clerk

Approved as to form:

  
Javan N. Rad  
Chief Assistant City Attorney



**FISCAL IMPACT:**

This action will not have any indirect or support cost requirements. However, if this ordinance were not passed, there could be a negative fiscal impact to the City (and other local PEG channel operators). Pasadena collects approximately \$260,000 in PEG fees from AT&T and Charter annually.

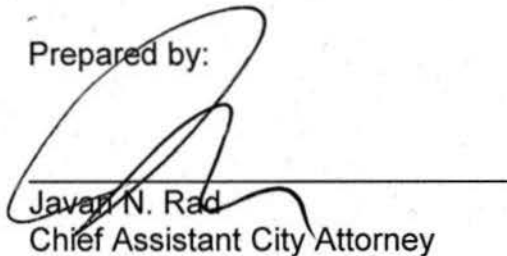
**ENVIRONMENTAL DETERMINATION**

On February 27, 2017, the Council determined the ordinance is exempt California Environmental Quality Act (CEQA) review pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment.


Respectfully submitted,

  
Michele Beal Bagneris  
City Attorney

Prepared by:

  
Javan N. Rad  
Chief Assistant City Attorney

Concurrence:

  
Steve Mermell  
City Manager

City of Pasadena  
CITY CLERK'S DEPT-ADMIN  
100 N. Garfield Ave., Rm S228  
Pasadena, CA 91109

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)  
STATE OF CALIFORNIA,  
County of Los Angeles

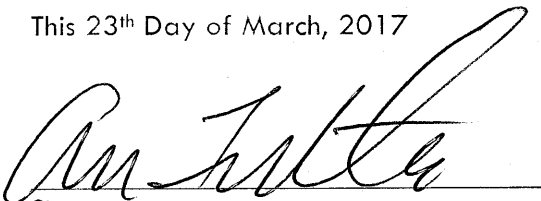
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Pasadena Weekly, a newspaper of general circulation, printed and published weekly in the City of Pasadena, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of February 19, 1988, Case No. C 655 062; that the notice, of which the annexed is a printed copy (set in type no smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

3/23/17

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Pasadena, California

This 23<sup>th</sup> Day of March, 2017

  
Signature

50 South De Lacey Ave. Suite 200  
Pasadena, CA 91105  
v: (626) 584-1500 x100 f: (626) 795-0149

Introduced by Councilmember  
McAustin

ORDINANCE NO. 7299

AN UNCODIFIED ORDINANCE  
OF THE CITY OF PASADENA  
REAUTHORIZING THE  
PUBLIC, EDUCATIONAL, AND  
GOVERNMENT (PEG) FEE ON  
STATE VIDEO SERVICE  
FRANCHISES OPERATING  
WITHIN THE CITY

WHEREAS, Public Utilities  
Code Section 5870(n), which  
was enacted as part of the  
Digital Infrastructure and Video  
Competition Act of 2006,  
authorized the City of Pasadena  
to adopt an ordinance  
establishing a fee on state-  
franchised video service  
providers to support public,  
educational, and governmental  
access channel ("PEG")  
facilities;

WHEREAS, in 2008, the City  
adopted Ordinance no. 7128  
establishing such a fee, which is  
codified in Pasadena Municipal  
Code, Title 18, Chapter 18.04,  
Section 18.04.060;

WHEREAS, Public Utilities Code  
Section 5870(n) states that such  
an ordinance shall expire, and  
may be reauthorized, upon the  
expiration of a state franchise;

WHEREAS, the first state  
franchise to include the City,  
California Video Franchise  
Certificate Franchise No. 0002  
granted to Pacific Bell  
Telephone Co. d/b/a SBC  
Pacific Bell Telephone Co. d/b/a  
AT&T California will expire on or  
about March 30, 2017;

WHEREAS, California Video  
Franchise Certificate Franchise  
No. 0008, granted to Charter  
Communications Entertainment  
II, LLC d/b/a Charter  
Communications, will expire on  
or about January 2, 2018; and

WHEREAS, this ordinance is  
not intended to impose a new or  
increased fee, but rather is  
intended to reauthorize the  
already existing PEG fee at the  
same level, to the extent such  
reauthorization may be needed  
to continue to collect said fee.

NOW, THEREFORE, the  
People of the City of Pasadena  
ordain as follows:

SECTION 1. The City Council  
hereby reauthorizes the fee on  
state-franchised video service  
providers to support PEG facilities  
codified in Pasadena Municipal  
Code, Title 18, Chapter 18.04,  
Section 18.04.060, which fee shall  
remain unchanged and in full effect  
as to all state-franchised video  
service providers.

SECTION 2. The City Clerk  
shall certify the adoption of this  
ordinance and shall cause this  
ordinance to be published by  
title and summary.

SECTION 3. This ordinance  
shall take effect upon  
publication.

Signed and approved this 20th  
day of March, 2017.

Terry Tornek  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the  
foregoing ordinance was  
adopted by the City Council of  
the City of Pasadena at its  
meeting held this 20th day of  
March 2017, by the following  
vote:

AYES:  
Councilmembers Hampton,  
Kennedy, Madison, McAustin,  
Wilson, Vice Mayor Masuda,  
Mayor Tornek

NOES: None

ABSENT: Councilmember  
Gordo

ABSTAIN: None

Date Published: March 23, 2017  
Pasadena Weekly

Mark Jomsky  
City Clerk

THE PASADENA JOURNAL NEWS  
1541 N. LAKE AVE., SUITE A  
PASADENA, CA 91104  
(626)798-3972

This space is for Clerk's filing Stamp

**PROOF OF PUBLICATION**  
(2025.5 C.C.P.)

**Ordinance No. 7299**  
**See Attachment**

STATE OF CALIFORNIA  
County of Los Angeles

I am a citizen of the United States and a resident of the county of aforesaid. I am the principal clerk of The Pasadena Journal, a newspaper of general circulation, printed and published weekly in the County of Los Angeles and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of Los Angeles, State of California, under Case Number GS000541, that the notice, of which is annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

March 23, 2017  
Date/s Published

I certify (or declare) under penalty perjury that the foregoing is true and correct.

Jeanette M. Beard

  
Signature

Date: March 23, 2017

# PROOF OF PUBLICATION

Introduced by  
Councilmember McAustin

ORDINANCE NO. 7299

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Mayor of the City of Pasadena

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AYES: Councilmembers Hampton,  
Kennedy, Madison, McAustin,  
Wilson, Vice Mayor Masuda,  
Mayor Tornek  
NOES: None  
ABSENT: Councilmember Gordo  
ABSTAIN: None

Mark Jomsky  
City Clerk

Date Published: March 23, 2017  
Pasadena Journal