

URGENCY ORDINANCE NO.1788

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, REAFFIRMING AUTHORIZATION TO COLLECT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ("PEG") FEES

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

WHEREAS, the City adopted Ordinance No. 1704 establishing a 1% fee for the support of Public, Educational, and Governmental (PEG) access facilities and activities within the City, which is codified in Section 5.20.520 (b) of the Gardena Municipal Code; and

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

WHEREAS, the first state franchise to include the City, California Video Franchise Certificate Franchise No. 0020 granted to Time Warner Cable Pacific West, LLC dba Charter Communications, Inc., expired on January 1, 2018; and

WHEREAS, Government Code Sections 36934 and 36937 provide authority for the City to adopt an Ordinance that goes into effect immediately if needed for immediate preservation of the public peace, health or safety, or if it relates to taxes for the usual and current expenses of the City. Further, the City Council hereby declares that this ordinance is urgently needed to preserve fiscal resource to meet the usual and current expenses of the City, and that absent this ordinance being adopted and taking effect immediately, the City's ability to collect PEG fees will expire on February 15, 2018, and the City will be deprived of funds needed to pay for public health and safety services.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

SECTION 1. The fee on state franchised video service providers to support Public, Educational, and Governmental channel facilities codified in Section 5.20.500 thru 5.20.570 of the Gardena Municipal Code, is hereby readopted and reauthorized. The fee shall remain unchanged and in full effect as to all state-franchised video service providers.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed

each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 3. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same, or a summary thereof, to be published as required by law, in a publication of general circulation.

SECTION 4. Effective Date. Based on the finding of urgency set forth in the Whereas clauses, and in accordance with Government Code Sections 36934 and 36937, this ordinance shall take effect immediately.

Passed, approved, and adopted this 13th day of February, 2018.


TASHA CERDA, Mayor

ATTEST:


MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


PETER L. WALLIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Urgency Ordinance No. 1788** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a meeting of said City Council held on the **13th** day of **February, 2018**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS HENDERSON AND TANAKA, MAYOR PRO TEM
 MEDINA, COUNCIL MEMBER KASKANIAN AND MAYOR CERDA

NOES: NONE

ABSTAIN: NONE

Becky Romero
for _____
City Clerk of the City of Gardena, California

(SEAL)