

RESOLUTION NO. 10-100

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A PUBLIC, EDUCATION, AND GOVERNMENT ACCESS FEE ON STATE FRANCHISED VIDEO SERVICE PROVIDERS FOR USE IN PROVIDING PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS VIDEO SERVICES

WHEREAS, the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") authorizes the state of California Public Utilities Commission to grant franchises to video providers for the provision of video services in local jurisdictional areas;

WHEREAS, DIVCA establishes statewide standards for video service providers, including requirements for the support of public, educational and government ("PEG") access programming;

WHEREAS, DIVCA provides that a PEG fee of up to one percent (1%) may be established by each local jurisdiction on state-franchised video providers for the support of public, educational and government access programming upon adoption of an ordinance of the governing body of the local jurisdiction; and

WHEREAS, the Council of the City of Santa Barbara has enacted an ordinance establishing a PEG fee of up to one percent (1%), and said ordinance provides that the exact PEG fee percentage shall be adopted by Council resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

Section 1. The Council hereby determines and finds that the establishment of a fee on video service providers for the support of public, educational and government access programming is exempt from compliance with the requirements of the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080(b)(8)(1)-(4) and Title 14 of the California Administrative Code, Section 15273(a)(1)-(4).

Section 2. A PEG access support fee is hereby established at 0.25% of Gross Revenues for all video service providers providing video service in the City of Santa Barbara. [The term "Gross Revenues" shall be as defined in DIVCA and SBMC Chapter 5.62]

Section 3. The PEG access fee established herein shall become effective with the video provider billing cycle immediately following the effective date of the City ordinance authorizing the establishment of the PEG fee.

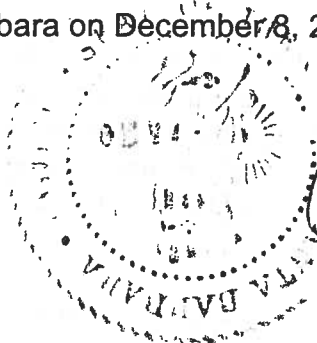
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STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on December 7, 2010, by the following roll call vote:

- AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White; Mayor Helene Schneider
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 8, 2010.



Cynthia M. Rodriguez
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on December 8, 2010.

Helene Schneider

Helene Schneider
Mayor