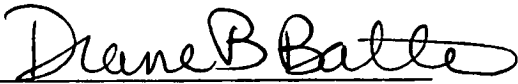


RECOMMENDATION


It is recommended that this Ordinance amending the Cable Television Ordinance be adopted and declared by the City Council to be an emergency measure.

Respectfully submitted,

JAMES P. JACKSON
City Attorney


DIANE B. BALTER
Deputy City Attorney

RECOMMENDATION APPROVED:


WALTER J. SLAPE
City Manager

March 2, 1982
All Districts

ORDINANCE NO. 82-018

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

MARCH 2, 1982

AN ORDINANCE AMENDING CHAPTER 20 OF THE
SACRAMENTO CITY CODE RELATING TO
CABLE TELEVISION AND DECLARING THIS ORDINANCE
TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO

APPROVED
BY THE CITY COUNCIL

SECTION 1.

MAR 2 1982

Section 20.012a contained in Sub-Chapter 1 of Chapter 20 of the Sacramento City Code is hereby amended to read as follows:

OFFICE OF THE
CITY CLERK

20.012 DEFINITIONS. As used in this Chapter, the following terms, phrases, and words shall be ascribed the following meanings, unless the context indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive. Words not defined herein shall be given their common and ordinary meanings, consistent with the context in which such words are used and the purposes of this Chapter.

- a. "Basic Service" -- shall mean: (i) a single Tier of Service provided in connection with each residential hook-up for a uniform monthly charge, if any, which includes the following:
 - (1) Reception of all local television broadcasting stations as prescribed by applicable FCC Regulations (47 C.F.R. 76.51 through 76.67, inclusive) as said regulations exist on March 1, 1981;
 - (2) Any additional stations which may be required by FCC Regulations enacted subsequent to March 1, 1981;
 - (3) With respect to the Initial CATV Franchise, one (1) of the channels made available to K.V.I.E. (in addition to the pre-existing channel operated by K.V.I.E. otherwise required to be carried), as "K.V.I.E." is defined by the Request for Proposals, if the Franchisee has proposed commitment of one (1) or more channels to K.V.I.E. in its application for the franchise;

(4) With respect to the initial CATV Franchise, one (1) of the channels made available to the Educational Consortium, as the "Educational Consortium" is defined by the Request for Proposals, if the Franchisee has proposed commitment of one (1) or more channels to the Educational Consortium in its application for the franchise;

(5) With respect to the Initial CATV Franchise, one (1) Access Channel, if an Access Channel is made available by a Franchisee pursuant to the provisions of Section 20.336 in Article 4-a; and

(6) Any other or additional cable television services proposed by a Franchisee in its application to be included within Basic Service; and

(ii) if proposed in the application submitted by a Franchisee and prescribed by the Resolution Offering the Franchise, one (1) or more Tiers of Service which consist of less television reception services than prescribed by "(i)", above, provided in connection with each residential hook-up for a uniform monthly charge, if any.

SECTION 2.

Section 20.048 contained in Subchapter 1 of Chapter 20 of the Sacramento City Code is hereby amended to read as follows:

20.048 LIMITATIONS OF ACTIONS. Except as otherwise expressly provided by this Chapter, any judicial proceeding, whether for the recovery of damages or otherwise, brought for the purpose of adjudicating the validity of any provision of this Chapter or amendment thereof or any provision of the other Franchise Documents shall be commenced not later than thirty (30) calendar days following the effective date of the provisions, and any such judicial proceeding brought for the purpose of adjudicating the validity of any rule, order, regulation, determination or arbitration award which purports to have been made pursuant to the provisions of this Chapter or of any of the other Franchise Documents shall be commenced not later than thirty (30) calendar days following the date of adoption, issuance or making of such rule, order, regulation, determination or arbitratin award. No judicial proceeding shall be commenced in violation of the limitations prescribed by this Section.

The provisions of this Section shall not be applicable to any judicial proceeding, whether for the recovery of damages or otherwise, commenced by the Cable Television Commission, County or Cities for breach or enforcement of the provisions of this Chapter or any regulation, determination or arbitration award purporting to have been issued thereunder.

SECTION 3.

This Ordinance is an emergency measure to take effect immediately. The reason for the emergency is: The Request for Proposals issued pursuant to the Ordinance calls for proposals to be submitted on or before March 15, 1982, and it is necessary that these amendments go into effect before the proposals are submitted.

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK