

APPROVED
AUG 08 2002
OFFICE OF THE
CITY CLERK



2.7

DEPARTMENT OF
ADMINISTRATIVE SERVICES
SALLY W. NAGY
CHIEF INFORMATION OFFICER

CITY OF SACRAMENTO
CALIFORNIA

July 18, 2002

1000 I STREET
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SACRAMENTO, CA
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City Council
Sacramento, California

CONTINUED
FROM 7/30/02
TO 8/8/02

Honorable Members in Session:

**SUBJECT: AMENDMENTS TO CHAPTER 5.28 OF TITLE 5 OF THE CITY CODE
PERTAINING TO CABLE TELEVISION FRANCHISE**

LOCATION AND COUNCIL DISTRICT: Citywide – All Districts

RECOMMENDATION:

Staff recommends that the City Council adopt the Ordinance amending Chapter 5.28 of Title 5 of the City Code, which regulates cable television franchise. The Ordinance would amend sections 5.28.2160, 5.28.2170, 5.28.2480, and 5.28.2570 and would add new sections 5.28.2175 and 5.28.2235.

CONTACT PERSONS: Vivienne Nicol, Information Technology Mgr., 566-1508
Richard E. Archibald, Assistant City Attorney, 264-5346

FOR COUNCIL MEETING OF: July 30, 2002

SUMMARY:

The Sacramento Metropolitan Cable Commission recently experienced problems with the awarding of a citywide cable television license and therefore adopted a resolution requesting its member agencies to amend their respective cable television licensing ordinances. The proposed amendments to Chapter 5.28 of Title 5 of the City Code, which regulates cable television franchises, are designed to reduce ambiguities and ease license administration.

COMMITTEE/COMMISSION ACTION:

Because the proposed amendments are minor and technical in nature, the ordinance was not reviewed by the Law and Legislation Committee but is being brought directly to the City Council. The Sacramento Metropolitan Cable Commission requested the recommended amendments to the Sacramento City Code.

BACKGROUND:

Pursuant to a joint powers agreement among the City, the County of Sacramento, and other public entities, cable television franchises and other related matters are administered by the Sacramento Metropolitan Cable Commission (“Cable Commission”).

During recent deliberations by the Cable Commission for the awarding of a citywide cable television license, a number of problems and issues arose relating to the clarity and inconsistency of various cable television ordinances.

Since the Cable Commission has no authority to amend the City of Sacramento’s or any other entity’s Cable Franchise Ordinance, each of the participating entities must amend its own code or regulations governing cable franchises. The City, the County of Sacramento and other entities participating in the Sacramento Cable Commission are all being asked to amend their respective codes or regulations. The County and at least one of the cities have already amended their code or regulations.

The recommended amendments to Chapter 5.28 of the City Code include the following:

- Section 5.28.2160 Contents of Application – amended to add a requirement for a service activation plan and schedule utilizing census tract or similar demographic data in order to demonstrate that the Applicant will provide services on a non-discriminatory basis
- Section 5.28.170 Issuance of License – amended to clarify that the failure to submit a service activation plan and schedule will result in the non-issuance of a license
- Section 5.28.2175 Denial – added to enhance provisions for prohibiting community discrimination
- Section 5.28.2235 Interconnect – added to identify the requirements for interconnection with the Public Education and Government (PEG) programming
- Section 5.28.2480 Interest on Delinquent License Fees – amended to identify the statutory interest rates on delinquent fees.
- Section 5.28.2570 Transfers Prohibited – amended to add change of control to the transfer provisions

FINANCIAL CONSIDERATIONS:

No funding is required in order to implement the recommended changes to the City Code.

ENVIRONMENTAL CONSIDERATIONS:

This proposal does not constitute a project and is therefore exempt from the California Environmental Quality Act according to CEQA guidelines Section 15061(b)(1) and 15378(b)(3).

City Council
Amendments to Chapter 5.28 Relating to Cable Television Franchises
July 18, 2002

POLICY CONSIDERATIONS:

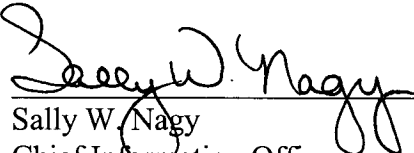
In accordance with Section 32 (C) of the City Charter, this item was passed for publication of title by the City Council on July 23, 2002.

The proposed amendments have been recommended by the Sacramento Metropolitan Cable Commission, of which the City of Sacramento is a member.

ESBD/SBE CONSIDERATIONS:

None

Respectfully Submitted,

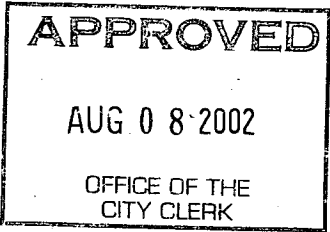


Sally W. Nagy
Chief Information Officer

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager



ORDINANCE NO. 2002-028

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 5.28.2160, 5.28.2170, 5.28.2480 AND 5.28.2570 OF CHAPTER 5.28 AND ADDING SECTIONS 5.28.2175 AND 5.28.2235 TO CHAPTER 5.28, TITLE 5 OF THE CITY CODE RELATING TO LICENSING OF CABLE TELEVISION FRANCHISES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 5.28.2160 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2160 Contents of Application

Applications for a license shall include at a minimum:

- A. A clear description of the identity of the applicant, including but not limited to the name of the applicant, the address of the applicant, the nature of business entity;
- B. Copies of the policy or policies of liability insurance, including comprehensive general liability insurance products completed operations liability, personal injury liability, owners and contractors protective liability, broad form property damage, contractual liability, automobile liability (owned; nonowned and hired automobiles), workers compensation and employer liability required by Section 5.28.2550 of this chapter;
- C. 1. A clear description of the boundaries of the precise geographic area for which applicant seeks a license ("license area") defining the area by metes and bounds in terms of street name and direction, or
 2. A map or maps of a scale of not less than one inch equals one thousand (1,000) feet showing the license area boundaries; and

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D. A calculation and certification of the initial penal sum of the performance bond which will be provided prior to the initiation of construction pursuant to Section 5.28.2520 of this chapter or the election of the applicant to provide the alternative performance bond specified by Section 5.28.2530 of this chapter. (Prior code §§ 20.12.1102)

E. A service activation plan and schedule utilizing census tract or similar demographic data that demonstrates that the Applicant will provide cable television services within the service area on a non-discriminatory basis (racial/ethnic/economic), when evaluated beginning with the first anniversary of the issuance of the License and on a semi-annual basis thereafter. The format and reporting detail shall be subject to the approval of the Commission.

SECTION 2

5.28.2170 Issuance of License

Section 5.28.2170 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

The cable television commission shall issue all licenses for which applications are received unless:

A. The application shall fail to comply with the provisions of Section 5.28.2160 of this chapter; or

B. Any license theretofore issued to any affiliate, subsidiary or parent of the licensee or any other person or entity in which the licensee has a financial interest or which has a financial interest in the licensee shall be thereupon in default as to any provision of this chapter or as to any provision of any license issued hereunder. (Prior code §§ 20.12.1104)

C. The applicant fails to submit a service activation plan and schedule that meets the requirements of 5.28.2160, as determined by the Commission.

SECTION 3

Section 5.28.2175 is added to Chapter 5.28 of Title 5 of the City Code to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

5.28.2175 Denial

If an Applicant is a Licensee, an affiliate of a Licensee or controlled by a Licensee, the Commission may deny issuance of a License if the Commission finds and determines that the issuance of any subsequent license(s) and the geographic areas requested to be served, may result or appears to result in an overall service territory for the Licensee or its affiliates or controlled entities that discriminates against any community, neighborhood or geographic area for socio-economic reasons.

SECTION 4

Section 5.28.2235 of Chapter 5.28 of Title 5 of the City Code is added to read as follows:

5.28.2235 Interconnect

The Licensee shall provide interconnection of its Cable System to other franchised, licensed or authorized Cable Systems within the County for the purpose of transporting and distributing PEG programming. The Licensee shall make all reasonable efforts to coordinate the cablecasting of PEG access programming upon its Cable System at the same time and upon the same channel designations as such programming is cablecast upon other Cable Systems. However, the Licensee shall not be bound by these interconnection requirements if interconnection is impractical or infeasible due to the refusal of the other cable operators to share equitably in the cost of interconnection. Any denial of interconnection by a Licensee shall be subject to the reasonable review and reversal of the Commission.

SECTION 5

Section 5.28.2480 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2480 Interest on Delinquent License Fees

Any license fees which remain unpaid after the dates specified in Section 5.28.2470 of this chapter shall be delinquent and shall thereafter accrue interest at the maximum legal rate until paid. As used in this section the maximum legal rate shall be that rate set forth in Section 685.010 of the California Code of Civil Procedure, as amended from time to time, or any successor California statute establishing the rate interest accrues for money judgments.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 6

Section 5.28.2570 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2570 Transfers Prohibited

Except as otherwise expressly provided in this chapter, no part or element of a cable television system or any other real or personal property which is a part of said cable television system shall be sold, transferred, assigned, mortgaged, pledged, leased, sublet or otherwise encumbered for any purpose whatsoever, nor shall title thereto, either legal or equitable, or any right or interest therein pass to or vest in any party without the prior written consent of the cable television commission. Such consent of the commission shall not be unreasonably withheld.

A license issued pursuant to the provisions of this chapter shall not, either in whole or in part, be sold, transferred, assigned, mortgaged, pledged, leased, sublet, or otherwise encumbered for any purpose whatsoever; not shall title thereto, either legal or equitable, or any right or interest therein, pass to or vest in any party nor shall there be any transfer or change of control of the licensee without the prior written consent of the cable television commission. Such consent of the commission shall not be unreasonably withheld.

Any such sale, transfer, assignment, mortgage, pledge, lease, sublease or other encumbrance of whatever kind or nature made in violation of the provisions of this section shall be void.

As used in this section "transfer or change of control" shall mean the acquisition of sufficient dominance to determine the operational and financial policies of the Licensee, including but not limited to the disposition of its assets. The word "control" as used in this section is not limited to major stockholders or financial interests but also includes actual working control in whatever manner exercised and includes, but is not limited to (i) the acquisition of accumulation by any party or association of parties of ten percent (10%) or more of the voting shares or stock of the Licensee or named owner of the Licensee; (ii) a change in general partners of a Licensee or name owner of the Licensee; or (iii) a merger or consolidation of the Licensee or named owner of the Licensee.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

ATTEST:

CITY CLERK

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- 5 -

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 5.28.2160, 5.28.2170, 5.28.2480 AND 5.28.2570 OF CHAPTER 5.28 AND ADDING SECTIONS 5.28.2175 AND 5.28.2235 TO CHAPTER 5.28, TITLE 5 OF THE CITY CODE RELATING TO LICENSING OF CABLE TELEVISION FRANCHISES

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- A. A clear description of the identity of the applicant, including but not limited to the name of the applicant, the address of the applicant, the nature of business entity;
- B. Copies of the policy or policies of liability insurance, including comprehensive general liability insurance products completed operations liability, personal injury liability, owners and contractors protective liability, broad form property damage, contractual liability, automobile liability (owned; nonowned and hired automobiles), workers compensation and employer liability required by Section 5.28.2550 of this chapter;
- C. 1. A clear description of the boundaries of the precise geographic area for which applicant seeks a license ("license area") defining the area by metes and bounds in terms of street name and direction, or
- 2. A map or maps of a scale of not less than one inch equals one thousand (1,000) feet showing the license area boundaries; and

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____

D. A calculation and certification of the initial penal sum of the performance bond which will be provided prior to the initiation of construction pursuant to Section 5.28.2520 of this chapter or the election of the applicant to provide the alternative performance bond specified by Section 5.28.2530 of this chapter. (Prior code §§ 20.12.1102)

E. A service activation plan and schedule utilizing census tract or similar demographic data that demonstrates that the Applicant will provide cable television services within the service area on a non-discriminatory basis (racial/ethnic/economic), when evaluated beginning with the first anniversary of the issuance of the License and on a semi-annual basis thereafter. The format and reporting detail shall be subject to the approval of the Commission.

SECTION 2

5.28.2170 Issuance of License

Section 5.28.2170 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

The cable television commission shall issue all licenses for which applications are received unless:

A. The application shall fail to comply with the provisions of Section 5.28.2160 of this chapter; or

B. Any license theretofore issued to any affiliate, subsidiary or parent of the licensee or any other person or entity in which the licensee has a financial interest or which has a financial interest in the licensee shall be thereupon in default as to any provision of this chapter or as to any provision of any license issued hereunder. (Prior code §§ 20.12.1104)

C. The applicant fails to submit a service activation plan and schedule that meets the requirements of 5.28.2160, as determined by the Commission.

SECTION 3

Section 5.28.2175 is added to Chapter 5.28 of Title 5 of the City Code to read as follows:

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DATE ADOPTED: _____

5.28.2175 Denial

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SECTION 4

Section 5.28.2235 of Chapter 5.28 of Title 5 of the City Code is added to read as follows:

5.28.2235 Interconnect

The Licensee shall provide interconnection of its Cable System to other franchised, licensed or authorized Cable Systems within the County for the purpose of transporting and distributing PEG programming. The Licensee shall make all reasonable efforts to coordinate the cablecasting of PEG access programming upon its Cable System at the same time and upon the same channel designations as such programming is cablecast upon other Cable Systems. However, the Licensee shall not be bound by these interconnection requirements if interconnection is impractical or infeasible due to the refusal of the other cable operators to share equitably in the cost of interconnection. Any denial of interconnection by a Licensee shall be subject to the reasonable review and reversal of the Commission.

SECTION 5

Section 5.28.2480 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2480 Interest on Delinquent License Fees

Any license fees which remain unpaid after the dates specified in Section 5.28.2470 of this chapter shall be delinquent and shall thereafter accrue interest at the maximum legal rate until paid. As used in this section the maximum legal rate shall be that rate set forth in Section 685.010 of the California Code of Civil Procedure, as amended from time to time, or any successor California statute establishing the rate interest accrues for money judgments.

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DATE ADOPTED: _____

SECTION 6

Section 5.28.2570 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2570 Transfers Prohibited

Except as otherwise expressly provided in this chapter, no part or element of a cable television system or any other real or personal property which is a part of said cable television system shall be sold, transferred, assigned, mortgaged, pledged, leased, sublet or otherwise encumbered for any purpose whatsoever, nor shall title thereto, either legal or equitable, or any right or interest therein pass to or vest in any party without the prior written consent of the cable television commission. Such consent of the commission shall not be unreasonably withheld.

A license issued pursuant to the provisions of this chapter shall not, either in whole or in part, be sold, transferred, assigned, mortgaged, pledged, leased, sublet, or otherwise encumbered for any purpose whatsoever; not shall title thereto, either legal or equitable, or any right or interest therein, pass to or vest in any party without the prior written consent of the cable television commission. Such consent of the commission shall not be unreasonably withheld.

Any such sale, transfer, assignment, mortgage, pledge, lease, sublease or other encumbrance of whatever kind or nature made in violation of the provisions of this section shall be void.

As used in this section "transfer or change of control shall mean the acquisition of sufficient dominance to determine the operational and financial policies of the Licensee, including but not limited to the disposition of its assets. The word "control" as used in this section is not limited to major stockholders or financial interests but also includes actual working control in whatever manner exercised and includes, but is not limited to (i) the acquisition of accumulation by any party or association of parties of ten percent (10%) or more of the voting shares or stock of the Licensee or named owner of the Licensee; (ii) a change in general partners of a Licensee or name owner of the Licensee; or (iii) a merger or consolidation of the Licensee or named owner of the Licensee.

DATE PASSED FOR PUBLICATION:
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DATE EFFECTIVE:

MAYOR

FOR CITY CLERK USE ONLY

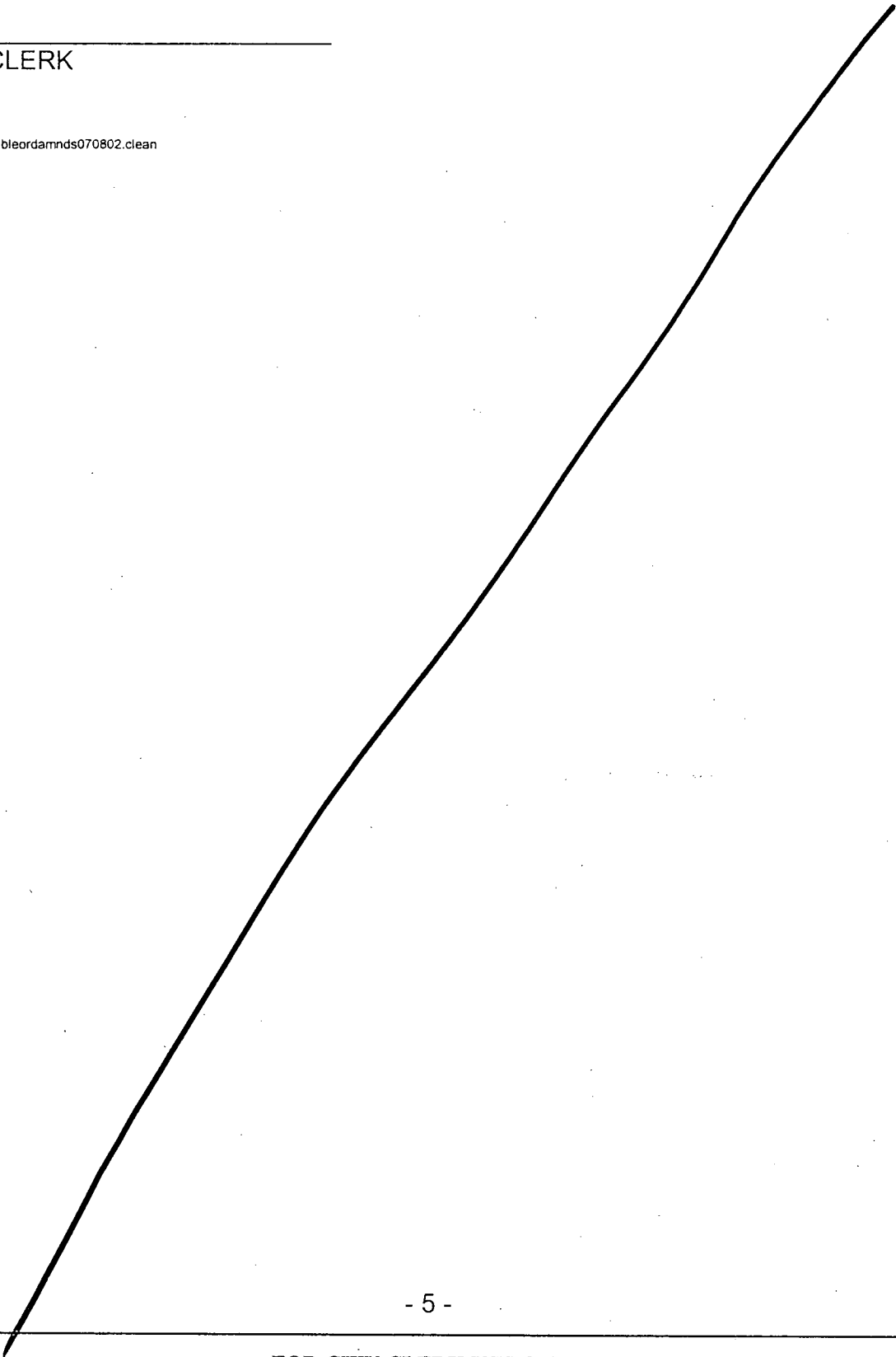
ORDINANCE NO. _____

DATE ADOPTED: _____

ATTEST:

CITY CLERK

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Val Burrows
c/o Nancy

From: Jeannette Lee-Boykin
To: Richard Archibald
Subject: Re: Item 2.8 (cable ordinance amendments)

ok

>>> Richard Archibald 07/23/02 10:01AM >>>

one phrase somehow got left out of the draft ordinance; a revised ordinance has been prepared and will be delivered to the Clerk's Office this morning for replacement. A clean and dirty version of the ordinance as revised will be delivered to you as well. the revised ordinance(s) should be substituted for the ordinance attached to the staff report scheduled for next week. The Clerk will take care of providing the Council with the revised ordinance for purposes of today's PFP. I'm guessing the staff report for next week has already gone over for signature and delivery to the Clerk's office; if that's true, let me know and I'll make eappropriate arrangements for its substitution.

holler if any questions.



2.8

**DEPARTMENT OF
ADMINISTRATIVE SERVICES**

SALLY W. NAGY
CHIEF INFORMATION OFFICER

**CITY OF SACRAMENTO
CALIFORNIA**

1000 I STREET
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SACRAMENTO, CA
95814-2601

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FAX 916-264-5087

July 11, 2002

City Council
Sacramento, California

CONTINUED
FROM 7/23/02
TO 7/30/02

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING SECTIONS 5.28.2160, 5.28.2170, 5.28.2480
AND 5.28.2570 OF CHAPTER 5.28 AND ADDING SECTIONS 5.28.2175
AND 5.28.2235 TO CHAPTER 5.28, TITLE 5 OF THE CITY CODE
RELATING TO LICENSING OF CABLE TELEVISION FRANCHISES**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to July 30, 2002 for adoption.

CONTACT PERSONS: Vivienne Nicol, Information Technology Dept., 566-1508
Richard E. Archibald, Assistant City Attorney, 264-5346

FOR COUNCIL MEETING OF: Tuesday, July 23, 2002

SUMMARY:

This item is presented, at this time, for approval of publication of title pursuant to City Charter, Section 32(c).

COMMITTEE/COMMISSION ACTION:

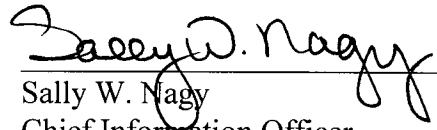
None.

City Council
Re: Ordinance Amending Licensing of Cable Television Franchises
July 10, 2002

BACKGROUND:


This item is presented, at this time, for approval of publication of title pursuant to City Charter, Section 32(c). Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully Submitted,



Sally W. Nagy
Chief Information Officer

RECOMMENDATION APPROVED:



Robert P. Thomas
City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 5.28.2160, 5.28.2170, 5.28.2480 AND 5.28.2570 OF CHAPTER 5.28 AND ADDING SECTIONS 5.28.2175 AND 5.28.2235 TO CHAPTER 5.28, TITLE 5 OF THE CITY CODE RELATING TO LICENSING OF CABLE TELEVISION FRANCHISES

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- C.
 - 1. A clear description of the boundaries of the precise geographic area for which applicant seeks a license ("license area") defining the area by metes and bounds in terms of street name and direction, or
 - 2. A map or maps of a scale of not less than one inch equals one thousand (1,000) feet showing the license area boundaries; and

- 1 -

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D. A calculation and certification of the initial penal sum of the performance bond which will be provided prior to the initiation of construction pursuant to Section 5.28.2520 of this chapter or the election of the applicant to provide the alternative performance bond specified by Section 5.28.2530 of this chapter. (Prior code §§ 20.12.1102)

E. A service activation plan and schedule utilizing census tract or similar demographic data that demonstrates that the Applicant will provide cable television services within the service area on a non-discriminatory basis (racial/ethnic/economic), when evaluated beginning with the first anniversary of the issuance of the License and on a semi-annual basis thereafter. The format and reporting detail shall be subject to the approval of the Commission.

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SECTION 5

Section 5.28.2480 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2480 Interest on Delinquent License Fees

Any license fees which remain unpaid after the dates specified in Section 5.28.2470 of this chapter shall be delinquent and shall thereafter accrue interest at the maximum legal rate until paid. As used in this section the maximum legal rate shall be that rate set forth in Section 685.010 of the California Code of Civil Procedure, as amended from time to time, or any successor California statute establishing the rate interest accrues for money judgments.

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Any such sale, transfer, assignment, mortgage, pledge, lease, sublease or other encumbrance of whatever kind or nature made in violation of the provisions of this section shall be void.

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DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

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DATE ADOPTED: _____

ATTEST:

CITY CLERK

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FOR CITY CLERK USE ONLY

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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Applications for a license shall include at a minimum:

- A. A clear description of the identity of the applicant, including but not limited to the name of the applicant, the address of the applicant, the nature of business entity;
- B. Copies of the policy or policies of liability insurance, including comprehensive general liability insurance products completed operations liability, personal injury liability, owners and contractors protective liability, broad form property damage, contractual liability, automobile liability (owned; nonowned and hired automobiles), workers compensation and employer liability required by Section 5.28.2550 of this chapter;
- C. 1. A clear description of the boundaries of the precise geographic area for which applicant seeks a license ("license area") defining the area by metes and bounds in terms of street name and direction, or
2. A map or maps of a scale of not less than one inch equals one thousand (1,000) feet showing the license area boundaries; and

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D. A calculation and certification of the initial penal sum of the performance bond which will be provided prior to the initiation of construction pursuant to Section 5.28.2520 of this chapter or the election of the applicant to provide the alternative performance bond specified by Section 5.28.2530 of this chapter. (Prior code §§ 20.12.1102)

E. A service activation plan and schedule utilizing census tract or similar demographic data that demonstrates that the Applicant will provide cable television services within the service area on a non-discriminatory basis (racial/ethnic/economic), when evaluated beginning with the first anniversary of the issuance of the License and on a semi-annual basis thereafter. The format and reporting detail shall be subject to the approval of the Commission.

SECTION 2

5.28.2170 Issuance of License

Section 5.28.2170 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

The cable television commission shall issue all licenses for which applications are received unless:

A. The application shall fail to comply with the provisions of Section 5.28.2160 of this chapter; or

B. Any license theretofore issued to any affiliate, subsidiary or parent of the licensee or any other person or entity in which the licensee has a financial interest or which has a financial interest in the licensee shall be thereupon in default as to any provision of this chapter or as to any provision of any license issued hereunder. (Prior code §§ 20.12.1104)

C. The applicant fails to submit a service activation plan and schedule that meets the requirements of 5.28.2160, as determined by the Commission.

SECTION 3

Section 5.28.2175 is added to Chapter 5.28 of Title 5 of the City Code to read as follows:

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DATE ADOPTED: _____

5.28.2175 Denial

If an Applicant is a Licensee, an affiliate of a Licensee or controlled by a Licensee, the Commission may deny issuance of a License if the Commission finds and determines that the issuance of any subsequent license(s) and the geographic areas requested to be served, may result or appears to result in an overall service territory for the Licensee or its affiliates or controlled entities that discriminates against any community, neighborhood or geographic area for socio-economic reasons.

SECTION 4

Section 5.28.2235 of Chapter 5.28 of Title 5 of the City Code is added to read as follows:

5.28.2235 Interconnect

The Licensee shall provide interconnection of its Cable System to other franchised, licensed or authorized Cable Systems within the County for the purpose of transporting and distributing PEG programming. The Licensee shall make all reasonable efforts to coordinate the cablecasting of PEG access programming upon its Cable System at the same time and upon the same channel designations as such programming is cablecast upon other Cable Systems. However, the Licensee shall not be bound by these interconnection requirements if interconnection is impractical or infeasible due to the refusal of the other cable operators to share equitably in the cost of interconnection. Any denial of interconnection by a Licensee shall be subject to the reasonable review and reversal of the Commission.

SECTION 5

Section 5.28.2480 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2480 Interest on Delinquent License Fees

Any license fees which remain unpaid after the dates specified in Section 5.28.2470 of this chapter shall be delinquent and shall thereafter accrue interest at the maximum legal rate until paid. As used in this section the maximum legal rate shall be that rate set forth in Section 685.010 of the California Code of Civil Procedure, as amended from time to time, or any successor California statute establishing the rate interest accrues for money judgments.

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DATE ADOPTED: _____

SECTION 6

Section 5.28.2570 of Chapter 5.28 of Title 5 of the City Code is amended to read as follows:

5.28.2570 Transfers Prohibited

Except as otherwise expressly provided in this chapter, no part or element of a cable television system or any other real or personal property which is a part of said cable television system shall be sold, transferred, assigned, mortgaged, pledged, leased, sublet or otherwise encumbered for any purpose whatsoever, nor shall title thereto, either legal or equitable, or any right or interest therein pass to or vest in any party without the prior written consent of the cable television commission. Such consent of the commission shall not be unreasonably withheld.

A license issued pursuant to the provisions of this chapter shall not, either in whole or in part, be sold, transferred, assigned, mortgaged, pledged, leased, sublet, or otherwise encumbered for any purpose whatsoever; not shall title thereto, either legal or equitable, or any right or interest therein, pass to or vest in any party nor shall there be any transfer or change of control of the licensee without the prior written consent of the cable television commission. Such consent of the commission shall not be unreasonably withheld.

Any such sale, transfer, assignment, mortgage, pledge, lease, sublease or other encumbrance of whatever kind or nature made in violation of the provisions of this section shall be void.

As used in this section "transfer or change of control" shall mean the acquisition of sufficient dominance to determine the operational and financial policies of the Licensee, including but not limited to the disposition of its assets. The word "control" as used in this section is not limited to major stockholders or financial interests but also includes actual working control in whatever manner exercised and includes, but is not limited to (i) the acquisition of accumulation by any party or association of parties of ten percent (10%) or more of the voting shares or stock of the Licensee or named owner of the Licensee; (ii) a change in general partners of a Licensee or name owner of the Licensee; or (iii) a merger or consolidation of the Licensee or named owner of the Licensee.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

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ORDINANCE NO. _____

DATE ADOPTED: _____

ATTEST:

CITY CLERK

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ORDINANCE NO. _____

DATE ADOPTED: _____

**CITY OF SACRAMENTO
ORDINANCES**

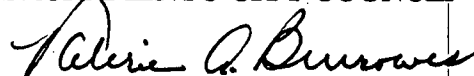
On July 23, 2002, the following ordinance(s) were considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of July 30, 2002. In accordance with Sacramento City Charter Section 32, the titles are herein published:

**AN ORDINANCE AMENDING SECTION 8.80.140 OF TITLE 8
OF THE SACRAMENTO CITY CODE RELATING TO
PROHIBITION OF SMOKING AT CITY BUILDINGS**

**AN ORDINANCE AMENDING SECTIONS 5.28.2160, 5.28.2170,
5.28.2480 AND 5.28.2570 OF CHAPTER 5.28 AND ADDING
SECTIONS 5.28.2175 AND 5.28.2235 TO CHAPTER 5.28, TITLE
5 OF THE CITY CODE RELATING TO LICENSING OF CABLE
TELEVISION FRANCHISES**

Anyone interested in the full text of the above ordinance(s) may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, phone (916) 264-5427.

SACRAMENTO CITY COUNCIL



BY: VALERIE A. BURROWES
CITY CLERK

AD NO.: 9514
RUN ONE TIME: 7/26/02
2 PUB PROOFS