

ORDINANCE NO. 93-069

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF DEC 14 1993

WHEREAS, Article 4.5 (commencing with section 53088) has been added to Chapter 1 of Division 2 of Title 5 of the California Government Code as the "Video Customer Service Act" (hereinafter the "Video Customer Service Act"); and

WHEREAS, the Video Customer Service Act establishes certain customer service standards for video providers including without limitation cable television providers; and

WHEREAS, the City has heretofore entered into an agreement with the County of Sacramento and the Cities of Folsom and Galt to create the Sacramento Metropolitan Cable Television Commission ("the Commission") to administer cable television matters within the County; and

WHEREAS, the City has heretofore enacted the Cable Television Franchise Ordinance (commencing Chapter 20.01) and the Cable Television Licensing Ordinance (commencing Chapter 20.11); and

WHEREAS, the Commission is charged with the administration of Franchises and Licenses pursuant to Chapters 20.01 *et seq.* and 20.11 *et seq.*; and

WHEREAS, the Video Customer Service Act delegates certain powers and imposes certain obligations upon the City in connection with video providers, including without limitation cable television systems; and

WHEREAS, coordinated administration of the Video Customer Service Act, both as to cable television systems and as to other video providers not heretofore subject to the jurisdiction of the Commission, would enhance equal and balanced enforcement consistent with the proper exercise of the police power of the City under the California Constitution; and

WHEREAS, the City desires to delegate such powers and obligations to the Commission in order to obtain the benefits of such coordinated administration; and

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ORDINANCE NO.: 93-069
DATE ADOPTED: DEC 14 1993

AMENDMENT TO CABLE TELEVISION FRANCHISE ORDINANCE AND
TO CABLE TELEVISION LICENSING ORDINANCE

NOW THEREFORE, The City Council of the City of Sacramento, State of California, does ordain as follows:

SECTION 1. Chapters 20.01 through 20.10, Section 20.01.010 through Section 20.10.999, Title 20 of the Sacramento City Code, is hereby amended to add sections 20.10.852 and 20.10.854 to read as follows:

"VIDEO CUSTOMER SERVICE ACT

20.10.852 DELEGATION OF POWERS. Except as otherwise expressly provided in any Franchise issued by the City pursuant to its reserved powers under section 20.01.042 of Chapter 20.01, all powers, rights, duties and obligations of the City pursuant to the provisions of Article 4.5 (commencing with section 53088) of Chapter 1 of Division 2 of Title 5 of the California Government Code (hereinafter the "Video Customer Service Act"), as it now exists or should hereafter be amended, are hereby delegated to and conferred upon the Board of Directors of the Cable Television Commission as to any video provider included within the scope of its provisions, including without limitation those video providers who have received, or hereafter receive, a Franchise issued by the Commission pursuant to this Chapter.

20.10.854 MONETARY PENALTIES. The maximum monetary penalties set forth in Government Code section 53088.1(o) are hereby adopted and enacted as the applicable schedule of penalties for the material breach by a video provider of the provisions of section 53088.1, as it now exists or should hereafter be amended, within the jurisdiction of the City. Subject to the procedures required by Government Code section 53088.1(p), the Board of Directors of the Commission is authorized to impose monetary penalties up to the maximum amounts so specified and subject to the terms thereof, *provided that* the schedule of penalties hereby adopted shall not be deemed to reduce or delimit any other or additional penalties which the Commission may otherwise be authorized to impose under law."

SECTION 2. Chapters 20.11 through 20.18, Section 20.11.1010 through Section 20.18.999, Title 20 of the Sacramento City Code, is hereby amended to add Section 20.18.1714 and 20.18.1716 to read as follows:

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"VIDEO CUSTOMER SERVICE ACT

20.18.1714 DELEGATION OF POWERS. Except as otherwise expressly provided in any Franchise issued by the City pursuant to its reserved powers under section 20.01.042 of Chapter 20.01, all powers, rights, duties and obligations of the City pursuant to the provisions of Article 4.5 (commencing with section 53088) of Chapter 1 of Division 2 of Title 5 of the California Government Code (hereinafter the "Video Customer Service Act"), as it now exists or should hereafter be amended, are hereby delegated to and conferred upon the Board of Directors of the Cable Television Commission as to any video provider included within the scope of its provisions, including without limitation those video providers who have received, or hereafter receive, a License issued by the Commission pursuant to this Chapter.

20.18.1716 MONETARY PENALTIES. The maximum monetary penalties set forth in Government Code section 53088.1(o) are hereby adopted and enacted as the applicable schedule of penalties for the material breach by a video provider of the provisions of section 53088.1, as it now exists or should hereafter be amended, within the jurisdiction of the City. Subject to the procedures required by Government Code section 53088.1(p), the Board of Directors of the Commission is authorized to impose monetary penalties up to the maximum amounts so specified and subject to the terms thereof, *provided that* the schedule of penalties hereby adopted shall not be deemed to reduce or delimit any other or additional penalties which the Commission may otherwise be authorized to impose under law."

SECTION 3. This is an urgency ordinance within the meaning of Section 25131 of the Government Code. An ordinance for the immediate preservation of the public peace, health and safety within the meaning of Section 25131(d) of the Government Code, shall be passed immediately upon introduction, and shall take effect immediately upon introduction, and shall take effect immediately. The facts constituting the urgency are as follows: The Video Customer Service Act took effect, pursuant to Government Code section 53088.1(s), on September 1, 1993 and the immediate effect of the provisions hereof are necessary to insure coordinated application and enforcement thereof within the boundaries of the City of Sacramento.

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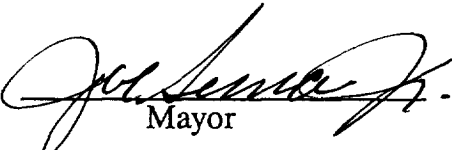
AMENDMENT TO CABLE TELEVISION FRANCHISE ORDINANCE AND
TO CABLE TELEVISION LICENSING ORDINANCE

SECTION 4. Because this Ordinance is intended to further enhance equal and balanced enforcement consistent with the proper exercise of the police power of the City under the California Constitution, it is essential that this Ordinance not take effect as to some, but not all, video providers within the City. Accordingly, and in view of the urgency set forth in Section 3 hereof, this Ordinance shall take effect immediately upon the enactment of this Ordinance by the *latter* of the City and the County of Sacramento, and the Cities of Folsom and Galt, *provided* that, if the *latter* of the City and the County of Sacramento, and the Cities of Folsom and Galt shall not have enacted the Ordinance in substantially similar form on or before *January 1, 1994*, this Ordinance shall be null, void and of no effect. It shall be published once with the names of the members of the City Council voting for and against the same, said publication to be in a newspaper of general circulation published in the City of Sacramento. This publication may be done in conjunction with the publication by the County of Sacramento, the City of Folsom and/or the City of Galt.

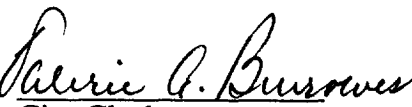
DATE ENACTED: December 14, 1993

DATE EFFECTIVE: January 13, 1994

PASSED FOR PUBLICATION: December 7, 1993


Mayor

ATTEST:


Valerie A. Bussowes
City Clerk

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