

RESOLUTION NO. _____

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, education 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 established 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 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 the City ordinance authorizing the establishment of the PEG fee.