



REPORT TO LAW & LEGISLATION COMMITTEE CITY OF SACRAMENTO

3

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
January 16, 2007

**Honorable Members
of the Law and Legislation Committee**

Title: Ordinance Amendment: Cable Television Commission Joint Powers Agreement

Location/Council District: Citywide

Recommendation: Approve and forward to City Council an **Ordinance** amending Section 5.28.320 of the Sacramento City Code extending the term of the Cable Television Commission Joint Powers Agreement to December 31, 2024 and providing for an annual meeting requirement.

Contact: Shirley Concolino, City Clerk (916) 808-5442; Dawn Bullwinkel, Assistant City Clerk, (916) 808-7267

Presenters: None

Department: City Clerk

Division: NA

Organization No: 0700

Description/Analysis

Issue: The Sacramento Metropolitan Cable Television Commission approved a Resolution on February 2, 2006 recommending amendments to the Joint Powers Agreement. Commission staff and legal counsel were directed to contact the member agencies requesting consideration and adoption of amendments to their respective agency Ordinances.

Policy Considerations: It is in the best interest of the City to amend the Sacramento City Code extending the term of the Cable Television Commission to December 31, 2024 (one year after the termination of the cable franchise), and providing for an annual meeting requirement instead of a quarterly meeting requirement.

Environmental Considerations: NA

Commission/Committee Action: This item was approved to come before the full Council by the Law and Legislation Committee on January 16, 2007.

Rationale for Recommendation: The Sacramento Metropolitan Cable Television Commission requests each member agency extend the term of the Joint Powers Agreement through the term of the franchise (2023) and for one year thereafter to permit for the conclusion of the Commission's business at the end of 2024.

The current termination date of December 2007 was consistent with the original franchise with Sacramento Cable. An option has been exercised and the franchise term now ends on December 23, 2023 and the Commission recommends that the sunset date be extended to 2024 so that its member agencies maintain their maximum flexibility. The Commission and the Joint Powers Agency (JPA) members would not be prevented from acting to dissolve the JPA on an earlier date; in fact, the proposed Ordinance changes include a review of the Commission in 2010 if not initiated earlier by the JPA members or Commission staff.

The decision to employ a part time Executive Director encourages the reduction of required Commission meetings to one annually; however the Commission would have the authority to meet more often.

Other JPA member agencies have been asked to adopt similar Ordinance amendments.

Financial Considerations: NA

Emerging Small Business Development (ESBD): NA

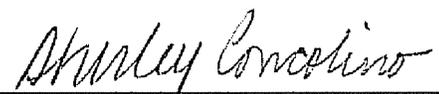
Approved by: 
Shirley Concolino, City Clerk

Table of Contents:

Report	pg. 1
Attachments	
1 City of Sacramento Ordinance	pg. 3
2 City of Sacramento Ordinance-Redlined	pg. 4
3 Sacramento City Code 5.28.320	pg. 6
4 County of Sacramento Report	pg. 10
Cable Television Commission Resolution	pg. 12
Memo from Harriet A. Steiner	pg. 13
County of Sacramento Draft Ordinance	pg. 15

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SUBSECTIONS 2.a. AND 9 OF SECTION 5.28.320 OF CHAPTER 5.28 OF TITLE 5 OF THE SACRAMENTO CITY CODE RELATING TO MEETING REQUIREMENTS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION AND EXTENDING THE TERM OF THE COMMISSION

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

SECTION 1. Subsection 2.a of Section 5.28.320, the Agreement of Formation of the Sacramento Metropolitan Cable Television Commission, is hereby amended to read as follows:

a. Meetings of the board of directors and of such advisory or other committees as the board may appoint, shall be governed by the provisions of the Ralph M. Brown Act (Government Code Sec. 54950 et seq.). The board of directors shall establish a time and place for its regular meetings, which shall be held not less frequently than once per year.

SECTION 2. Subsection 9 of Section 5.28.320, the Agreement of Formation of the Sacramento Metropolitan Cable Television Commission, is hereby amended to read as follows:

9. Term. Except as hereinafter provided, this agreement shall terminate and the Commission shall be deemed dissolved on December 31, 2024.

The Commission shall review the status of the franchise and the status of state and federal law related to cable franchises no later than June 30, 2010 and shall make a recommendation to the member agencies on whether the Commission shall be dissolved prior to December 31, 2024. Nothing in this section shall preclude the Commission from making a recommendation regarding the continuation or early dissolution of the Commission either prior to or after June 2010.

SECTION 3. If any part or provision of this ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable and are intended to have independent viability.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SUBSECTIONS 2.a. AND 9 OF SECTION 5.28.320 OF CHAPTER 5.28 OF TITLE 5 OF THE SACRAMENTO CITY CODE RELATING TO MEETING REQUIREMENTS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION AND EXTENDING THE TERM OF THE COMMISSION

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

SECTION 1. Subsection 2.a of Section 5.28.320, the Agreement of Formation of the Sacramento Metropolitan Cable Television Commission, is hereby amended to read as follows:

a. Meetings of the board of directors and of such advisory or other committees as the board may appoint, shall be governed by the provisions of the Ralph M. Brown Act (Government Code Sec. 54950 et seq.). The board of directors shall establish a time and place for its regular meetings, which shall be held not less frequently than ~~every three (3) months~~ once per year.

SECTION 2. Subsection 9 of Section 5.28.320, the Agreement of Formation of the Sacramento Metropolitan Cable Television Commission, is hereby amended to read as follows:

9. Term. Except as hereinafter provided, this agreement shall terminate and the Commission shall be deemed dissolved on December 31, ~~2007~~2024.

~~In the event the Initial CATV Franchise is not renewed at the expiration of its term and at the expiration of said term there is no other franchise issued pursuant to the provision of this Chapter to operate a Cable Television system in effect within the Sacramento Community, this Agreement shall be deemed terminated and the Commission shall be deemed dissolved on the date of the expiration of the initial CATV Franchise.~~

The Commission shall review the status of the franchise and the status of state and federal law related to cable franchises no later than June 30, 2010 and shall make a recommendation to the member agencies on whether the Commission shall be dissolved prior to December 31, 2024. Nothing in this section shall preclude the Commission from making a recommendation regarding the continuation or early dissolution of the Commission either prior to or after June 2010.

SECTION 3. If any part or provision of this ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable and are intended to have independent viability.

Attachment 3**5.28.320 Agreement of formation.**

The cable television commission shall be deemed to be created upon execution by each member thereof of an agreement of formation. Enactment of this chapter constitutes approval by the governing bodies of the county and cities of the terms of the agreement of formation.

The chairperson of the governing body of the county and mayor of the municipality of Sacramento shall execute the following agreement of formation on the date of selection of the franchisee for the initial CATV franchise pursuant to the provisions of Section 5.28.390 of this chapter. The mayors of any of the municipalities of Folsom, Isleton or Galt which have enacted this chapter, shall execute the agreement of formation thirty-one (31) calendar days following the date of selection of the franchisee for the initial CATV franchise pursuant to the provisions of Section 5.28.390 of this chapter, unless the governing body of the municipality has adopted a resolution making the selection inapplicable to that municipality pursuant to the provisions of Section 5.28.400 of this chapter.

AGREEMENT OF FORMATION-SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

THIS AGREEMENT is made and entered into pursuant to the provisions of Section 6500 et seq. of the Government Code of the State of California by and between the County of Sacramento, herein referred to as "County"; and the City of Sacramento and municipalities of Folsom, Isleton and Galt, herein referred to as "Cities"; who do hereby mutually agree as follows:

1. Establishment.

There is hereby created an organization known and denominated as the Sacramento metropolitan cable television commission, which shall be a public entity, separate and apart from the county and cities. The Sacramento metropolitan cable television commission (hereinafter referred to as "commission") shall be governed by the terms of this agreement, the terms of an ordinance enacted by each agency which enters into this agreement which is entitled "cable television ordinance," and is hereinafter referred to as the "ordinance," and by such rules as are duly passed and adopted by the board of directors of the commission.

Notwithstanding the provisions of the introductory paragraph of this agreement, it is specifically contemplated that each of the Municipalities of Folsom, Isleton and Galt may or may not execute this agreement and participate in the formation of and become members of the commission. Therefore, the commission shall be formed by, as members, the county, the Municipality of Sacramento, and so many of the other municipalities as approve and execute this agreement. If neither Folsom, Isleton nor Galt approve and execute this agreement, this agreement shall be deemed to have been entered into and the commission formed by, as members, the County and Municipality of Sacramento.

2. Board of Directors.

The commission shall be governed by and the powers of the commission vested in a board of directors. The number of members of the board of directors, composition thereof, and tenure of directors shall be prescribed by Article II of Chapter 5.28 of the Sacramento City Code.

a. Meetings of the board of directors and of such advisory or other committees as the board may appoint, shall be governed by the provisions of the Ralph M. Brown Act (Government Code Sec. 54950 et seq.). The board of directors shall establish a time and place for its regular meetings, which shall be held not less frequently than ~~every three (3) months~~ once per year.

b. A majority of the members of the board of directors shall constitute a quorum for the purpose of transacting business.

c. No action taken by the board of directors shall be effective except by duly adopted motion receiving the votes of a majority of the directors of the board.

d. The board of directors shall annually elect its chairperson.

e. The clerk of the board of supervisors of the county shall serve as secretary to the board of directors, shall be responsible for recordation of the official actions by the board, and shall be the official custodian of all records of the board of directors.

The county may determine reasonable charges to be made against the commission for the services of the clerk and the commission shall pay such charges.

3. Powers.

The board of directors of the commission shall be vested with the following powers:

a. To employ in the name of the commission an executive director and such other personnel as the board of directors deems appropriate. The executive director shall be appointed by and serve at the pleasure of the Board of Directors;

b. To make and enter into contracts in the name of the commission as authorized by or in order to carry out the objects or purposes of this agreement or the ordinance, including, but not limited to, contracts with the county providing for provision by county personnel of services for the commission and reimbursement of the county by the commission of the costs thereof;

c. To acquire in the name of the commission, take title to, hold and dispose of real and personal property;

d. To incur in the name of the commission debts, liabilities and obligations, which shall not constitute debts, obligations or liabilities of any of the member agencies;

e. To accept in the name of the commission grants, gifts and donations in the public interest to carry out the purposes and functions of the commission;

f. To establish and provide for the payment of reasonable compensation to its members or their personal representatives for performance of the duties of office; and

g. To exercise such other powers as are expressly conferred by the provisions of this agreement or the ordinance.

The board of directors shall also be authorized to sue in the name of the commission. The commission shall be subject to suit in its name.

4. Limitations.

Pursuant to the provisions of Government Code Section 6509, the powers of the commission are subject to the restrictions upon the manner of exercising such powers of one (1) of the designated member agencies. For such purposes, the municipality of Sacramento is hereby designated.

5. Budget.

Prior to July 1st of each fiscal year, the board of directors shall adopt a preliminary budget. Prior to September 1st of each fiscal year, said board shall adopt a final budget.

6. Payments.

Not later than the first day of October of each year during the term of this agreement, the commission shall distribute to the county and cities who are members of the commission the difference between:

(i) the revenue required to finance the costs to be incurred in accordance with the commission's budget (including a reserve for contingencies) for the fiscal year commencing on the

preceding first day of August for the preceding fiscal year ending June 30. Notwithstanding the foregoing, the commission shall distribute to said county and cities not later than the first day of each October not less than twenty (20%) percent of the revenue from such franchise fees.

The franchise fees shall be paid to the county and cities who are members of the commission in the same proportion as the ratios which the population of the unincorporated area of the cities bear to the total population of the Sacramento community, as disclosed by the federal decennial census for 1980 during the period ending June 30, 1991, the federal decennial census for 1990 during the federal decennial census for 2000 during any period succeeding June 30, 2001.

Each distribution shall be accompanied by a statement by the auditor of the commission stating the amounts of all franchise fees received by the commission for the distribution period, the dates of receipt, the amount of revenue required to finance the commission budget, and the population ratios upon which apportionment of the distribution is being made.

7. Treasurer.

The treasurer of the county shall be the depository of funds of the commission, and said treasurer shall be the ex officio treasurer of the commission.

The treasurer shall receive and have custody of and disburse commission funds on the warrant of the auditor and shall make disbursements authorized by this agreement. The treasurer shall invest commission funds in accordance with the general law. All interest collected on commission funds shall be accounted for and posted to the account of said funds.

The county may determine reasonable charges to be made against the commission for the services of the treasurer, and the commission shall pay such charges.

8. Auditing.

The auditor of the county shall be the ex officio auditor of the commission, and shall draw warrants against the funds of the commission when the demands are approved by the executive director or his designee. At the close of each fiscal year, as provided in Government Code Section 6505, the directors may contract with a public accountant or certified public accountant to make an audit of the accounts and reports of the commission.

The auditor shall establish and maintain such funds and accounts as are deemed necessary to account for and report on receipts and disbursements. The commission shall keep such additional records and accounts which are deemed necessary to account for and report on sources of funds, expenditures, grants and programs as may be required by good accounting practices. The books and records of the commission shall be open to inspection at all reasonable times by representatives of the member agencies.

The county may determine reasonable charges to be made against the commission for the services of the auditor, and the commission shall pay such charges.

9. Term.

Except as hereinafter provided, this agreement shall terminate and the commission shall be deemed dissolved on December 31, ~~2007~~2024.

The Commission shall review the status of the franchise and the status of state and federal law related to cable franchises no later than June 30, 2010 and shall make a recommendation to the member agencies on whether the commission shall be dissolved prior to December 31, 2024. Nothing in this section shall preclude the Commission from making a recommendation regarding the continuation or early dissolution of the Commission either prior to or after June 2010.

~~—In the event the Initial CATV Franchise is not renewed at the expiration of its term and at the expiration of said term there is no other franchise issued pursuant to the provisions of this title to operate a~~

~~cable television system in effect within the Sacramento community, this agreement shall be deemed terminated and the commission shall be deemed dissolved on the date of expiration of the Initial CATV Franchise.~~

10. Disposition of Assets.

Upon dissolution of the commission, its assets shall be distributed to member agencies in the same proportion as distributions to member agencies have most recently been made pursuant to the provisions of paragraph 6, above. Any real property owned by the commission shall, in advance of dissolution, be conveyed by the board of directors to member agencies as tenants in common with proportional interests equal to the proportion of distributions most recently made pursuant to the provisions of said paragraph 6.

11. Debts.

The debts, liabilities and obligations of the commission shall not constitute any debts, liabilities or obligations either jointly or severally of the County of Sacramento, City of Sacramento or municipalities of Folsom, Isleton or Galt.

12. Amendment.

This agreement may be amended by written contract approved by and executed on behalf of the governing bodies of each member agency. No franchisee shall be deemed to either expressly or impliedly be a party to this agreement, a third party beneficiary thereof, or to have any interest which precludes amendment of the terms of this agreement in any manner in which the governing bodies of the member agencies, in their discretion, may mutually agree.

IN WITNESS HEREOF the parties hereto have approved and executed this agreement as follows.

(Prior code § 20.02.112)

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
September 5, 2006

To: Board of Supervisors

From: Department of Economic Development and Intergovernmental Affairs

Subject: Sacramento Metropolitan Cable Television Commission Joint Powers Agreement; Introduce An Ordinance Amending Meeting Requirements Of The Sacramento Metropolitan Cable Television Commission And Extending The Term Of The Commission

Contact: Robert Davison, Commission Executive Director 874-6926
Paul Hahn 874-5889

Overview

The Joint Powers Agreement (the "JPA") that created the Sacramento Metropolitan Cable Television Commission (the "Commission") is included in the Cable Television Ordinance of the Sacramento County Code. Adoption of the attached Ordinance will allow for the JPA to be amended to provide for one annual meeting and extend the term of the Commission to December 31, 2024.

Recommendation

Introduce the attached Ordinance Amending Meeting Requirements of the Sacramento Metropolitan Cable Television Commission and Extending the Term of the Commission, waive the first reading, and continue to September 12, 2006 for adoption.

Measures/Evaluation

Not Applicable

Fiscal Impact

There are no fiscal impacts to the County from the changes to the JPA.

BACKGROUND

The JPA that created the Commission (Section 5.50.112 of the Sacramento County Code (SCC)) is included in the Cable Television Ordinance (SCC Chapter 5.50). On February 2, 2006, the Commission proposed amendments to the JPA, approved the attached resolution and directed staff and legal counsel to contact the Member Agencies and request they consider and adopt the proposed amendments.

DISCUSSION

Attached is a letter from Harriet A. Steiner, Commission Counsel, dated January 25, 2006, that explains the need and justification for the proposed amendments. The following summarizes the two proposed amendments:

1. Sunset Date

The Commission's termination date is currently December 2007 which was four years after the original Franchise with Sacramento Cable would have expired. The franchise term has since been extended and now ends on December 23, 2023. The amendment to the JPA proposes to extend the Commission's sunset date to December 2024, one year after the termination date of the franchise. This date is recommended to provide the Commission and its Member Agencies maximum flexibility. The Commission and the JPA members would not be prevented from acting to dissolve the JPA on an earlier date, and in fact, the proposed ordinance change includes a review of the Commission in 2010 if not initiated earlier by the JPA members or Commission staff

2. Regular Meetings

The current JPA requires the Commission to hold regular meetings at least once per quarter. With the Commission's decision to employ a part time Executive Director, it is appropriate to streamline the Commission meetings by reducing the number of required meetings. The Commission would still have the authority to meet as often as it wants.

Adoption of the attached Ordinance will allow for the JPA to be amended to provide for one annual meeting and extend the term of the commission to December 31, 2024. Staff recommends that you introduce the Ordinance today, waive the reading, and continue it until September 12, 2006, for adoption.

Respectfully submitted,

APPROVED

Paul J. Hahn, Director
Department of Economic Development
and Intergovernmental Affairs

TERRY SCHUTTEN
County Executive

Attachments:

Commission Resolution No. 06-003
Letter from Harriet Steiner to Commission dated January 25, 2006
Ordinance

cc: Harriet A. Steiner, Commission Counsel
Diane Graber, Commission Administrative Officer

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

A RESOLUTION RECOMMENDING

AMENDMENTS TO THE COMMISSION'S JOINT POWERS AGREEMENT TO EXTEND THE TERM OF THE JOINT POWERS AGREEMENT TO DECEMBER 31, 2024 AND CHANGING THE REQUIRED COMMISSION MEETINGS FROM ONCE PER QUARTER TO ONCE PER YEAR AND REQUESTING THAT THE MEMBER AGENCIES APPROVE THE RECOMMENDED AMENDMENTS

RESOLUTION NO. 06-003

WHEREAS, Sacramento Metropolitan Cable Television Commission desires to extend the term of its Joint Powers Agreement so that the Commission's term will extend through the term of the franchise and for one year thereafter to permit for the winding up of the Commission's business, for the reasons outlined in the Commission Counsel staff report dated January 25, 2006, and attached hereto as Exhibit A; and

WHEREAS, as also outlined in Exhibit A, the Commission desires to change the minimum number of regular Board meetings required to one per year to streamline the business of the Commission;.

NOW THEREFORE BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION that the Commission hereby recommends to each of its member agencies that they adopt the amendments to the joint powers agreement and franchise ordinance set forth in Exhibit B, attached hereto, to extend the term of the Joint Powers Agreement within the Cable Television Franchise Ordinance from December 31, 2007 to December 31, 2024.

FURTHER BE IT RESOLVED that the Commission hereby also recommends the proposed change to the joint powers agreement to change the minimum number of regular Board meetings required per year from once every quarter to once per year.

FURTHER BE IT RESOLVED that Commission staff and counsel are directed to circulate the Franchise language as attached as Exhibit B for adoption by each member agency and are hereby directed to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Director Illa Collin, seconded by Director Andy Morin, the foregoing Resolution was passed and adopted by the Sacramento Metropolitan Cable Television Commission this 2nd day of February 2006 by the following vote to wit:

AYES: UNANIMOUS VOICE VOTE
Directors Waters, Morin, McCarty, Collin, MacGlashan, Masuoka (alt for Peters), Miller, Sheedy, Nottoli

NOES: None

ABSENT: Directors Dickinson, Leary, Peters

Chairperson, Sacramento Metropolitan
Cable Television Commission

ATTEST: _____
Secretary, Sacramento Metropolitan
Cable Television Commission

06-009

Sacramento
555 Capitol Mall
9th Floor
Sacramento CA
95814-4692
tel 916 444.3900
toll free 800.403.3900
fax 916 444 8334



McDonough Holland & Allen PC
Attorneys at Law

Memorandum

Oakland
1901 Harrison Street
9th Floor
Oakland CA
94612-3501
tel 510 273.8780
toll free 800.339.3030
fax 510 839.9104

Harriet A. Steiner
Attorney at Law

Sacramento Office
916.444.3900 tel
916.444.8334 fax
hsteiner@mhalaw.com

Yuba City
422 Century Park Drive
Suite A
Yuba City CA
95991-5729
tel 530 674.9761
fax 530 671.0990

DATE January 25, 2006
TO Sacramento Metropolitan Cable Television Commission
FROM Harriet A. Steiner
RE Proposed Amendments to the Commission's Joint Powers Agreement

www.mhalaw.com

RECOMMENDATION:

- A. Approve the Attached Resolution and proposed amendments to the Joint Powers Agreement ("JPA") to:
 - (1) extend the term of the JPA and the Commission through 2024, one year after the termination of the cable franchise; and
 - (2) provide for an annual required Commission meeting, rather than required quarterly meetings
- B. Direct Commission staff and legal counsel to contact the member agencies and request that they consider and adopt the proposed amendments

BACKGROUND

1. Sunset Date

The JPA that created the Commission is included in the Cable Franchise Ordinances of each of the member agencies. The Commission's termination date is now December 2007. This termination date was consistent with the original Franchise with Sacramento Cable. The original franchise would have expired in 2003 with the Commission's existence terminating four years later in 2007.

However, as part of the settlement of the cable litigation with Sacramento Cable, in 1988, the Amended and Restated Franchise Resolution provided for an optional extension of the original cable franchise term by 20 years to 2023. This option has been exercised and the franchise term now ends on December 23, 2023.

At the time of the settlement, the member agencies did not also take action to adjust the JPA so that the Commission's sunset date would be after the expiration of the franchise. In all likelihood, the Commission's sunset date was overlooked in the press of crafting a settlement at that time.

Thus, in reverse of the original dates, the JPA now dissolves before the Franchise ends rather than after the Franchise ends. If the sunset date is not extended, the Commission will have to begin the process of winding down the Commission's affairs within the next six months.

We recommend that the Commission's sunset date be extended to December 2024, one year after the termination date of the franchise, to permit for the winding up of the franchise and the Commission's business, as necessary.

We are recommending that the sunset date be extended to 2024 so that the Commission and its member agencies

maintain their maximum flexibility. The Commission and JPA members can act to dissolve the JPA at any time.

As the Commission is aware, there is one cable franchise that covers all of the franchise area. This franchise will stay as a single franchise regardless of whether the Commission is dissolved or stays in place. In addition, Channel 14 will continue to require joint action to operate, again regardless of whether the Commission is dissolved or stays in place there will only be one shared channel. Therefore, in our opinion, the most flexible and expeditious action to take is to continue the Commission so that a single administrator of the franchise and Channel 14 stays in place for the term of the franchise.

As an alternative, the Commission could decide to recommend an extension of the Commission for three or four years, to see whether federal legislation will affect the Commission and the franchise. However, although we anticipate that there will be many changes in cable regulation in the next years, we have no way of predicting what these changes will be, what year changes might take effect and what the impact might be on the Commission and the franchise. Therefore, we recommend that the JPA be extended through the term of the franchise. If changes in federal or state legislation warrant the dissolution of the Commission prior to 2024, the member agencies can take this step at the time of their choosing. The proposed JPA amendment calls for a review in 2010 to evaluate the status of the Commission and whether any actions affecting the Commission should be considered.

Thus, it is recommended that the Commission adopt a resolution recommending to the JPA members that they each adopt identical changes to the JPA agreement which extend the JPA term from December 31, 2007 to December 31, 2024.

2. Regular Meetings

The JPA requires that the Commission hold regular meetings at least once per quarter. With the decision to employ a part time Executive Director, it is appropriate to streamline the Commission meetings by reducing the number of required meetings to once per year (i.e. for adoption of the budget and distribution of franchise fees to the member agencies). The Commission would still have the authority to meet as often as necessary to conduct the business of the Commission.

Attachments:

1. Resolution Approving Amendment Recommendations
Exhibit – Ordinance Amendment Language

cc: JPA Members

AN ORDINANCE OF THE COUNTY OF SACRAMENTO AMENDING SUBSECTIONS 2.a. AND 9 OF SECTION 5.50.112 OF THE SACRAMENTO COUNTY CODE, THE CABLE TELEVISION COMMISSION, TO PROVIDE FOR ONE ANNUAL MEETING PER YEAR AND TO EXTEND THE TERM OF THE COMMISSION TO DECEMBER 31, 2024

BE IT ORDAINED BY THE SACRAMENTO COUNTY BOARD OF SUPERVISORS, as follows:

Section 1. Subsection 2.a of Section 5.50.112, the Agreement of Formation of the Sacramento Metropolitan Cable Television Commission, is hereby amended to read as follows:

a. Meetings of the Board of Directors and or such advisory or other committees as the Board may appoint, shall be government by the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.). The Board of Directors shall establish a time and place for its regular meetings, which shall be held not less frequently than every three (3) months once per year.

Section 2. Subsection 9 of Section 5.50.112, the Agreement of Formation of the Sacramento Metropolitan Cable Television Commission is hereby amended to read as follows:

9. Term. Except as hereinafter provided, this Agreement shall terminate and the Commission shall be deemed dissolved on December 31, ~~2007~~2024.

~~In the event the Initial CATV Franchise is not renewed at the expiration of its term and at the expiration of said term there is no other franchise issued pursuant to the provision of this Chapter to operate a Cable Television system in effect within the Sacramento Community, this Agreement shall be deemed terminated and the Commission shall be deemed dissolved on the date of the expiration of the initial CATV Franchise.~~

The Commission shall review the status of the franchise and the status of state and federal law related to cable franchises no later than June 30, 2010 and shall make a recommendation to the member agencies on whether the Commission shall be dissolved prior to December 31, 2024. Nothing in this section shall preclude the Commission from making a recommendation regarding the continuation or early dissolution of the Commission either prior to or after June 2010.

Section 3. If any part or provision of this ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable and are intended to have independent viability.

INTRODUCED ON _____, 200 __, and PASSED AND ADOPTED by the County of Sacramento Board of Supervisors on this ___ day of _____, 200 __, by the following vote:

AYES:

NOES:

ABSENT:

Chair

ATTEST:
