

ORDINANCE NO. 27-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE RATIFYING AND ADOPTING THE AMENDED AND RESTATED AGREEMENT OF FORMATION OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION AND AMENDING CHAPTER 5.50 OF THE ELK GROVE MUNICIPAL CODE TO INCORPORATE SACRAMENTO COUNTY CODE CHAPTER 5.50 INTO THE ELK GROVE MUNICIPAL CODE BY REFERENCE

WHEREAS, the Sacramento Metropolitan Cable Television Commission provides cable television services to the City, the County, and other cities within the County under a joint powers agency (JPA) agreement; and

WHEREAS, the City has been a member of the Cable Commission JPA since incorporation in July of 2000; and

WHEREAS, the Commission and JPA agreement are currently set to sunset and expire on December 31, 2024; and

WHEREAS, the Commission's Board of Directors expressed an interest in extending the term of the Commission in 2020 and proposed amendments to the JPA Agreement in 2021 to address changes in state law and standard practice and to expand the Board of Directors based on current population figures of member jurisdictions; and

WHEREAS, the member agencies have expressed satisfaction with the Commission's operation and are in support of the proposed amendments; and

WHEREAS, the City wishes to continue to participate in the Cable Commission JPA in order to receive the services provided by the Cable Commission, have representation for the City on the Cable Commission Board of Directors, receive revenue distributions from cable television provider franchise fees, and receive PEG Grant funding; and

WHEREAS, in 2009, the City adopted by reference Sacramento County Code Chapter 5.50, into the Elk Grove Municipal Code at Chapter 5.50, thereby adopting an Agreement of Formation of the Sacramento Metropolitan Cable Television Commission, which has now been amended to reflect the changes described; and

WHEREAS, the City wishes to adopt by reference Sacramento County Code Chapter 5.50, as recently amended and now existing, into the Elk Grove Municipal Code at Chapter 5.50 to capture the recent amendments to the County Code, including revisions reflected in the recently Amended and Restated Agreement of Formation of the Sacramento Metropolitan Cable Television Commission.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to ratify and adopt the Amended and Restated Agreement of Formation of the Sacramento Metropolitan Cable Television Commission and incorporate the Code of Sacramento County Chapter 5.50 into Elk Grove Municipal Code Chapter 5.50 known as the Cable Television Ordinance.

Section 2: Action

The City Council hereby amends Elk Grove Municipal Code Chapter 5.50 Cable Television Ordinance to read as follows:

*(All additions are shown as **bold text**, deletions in ~~strikethrough~~)*

5.50.010 Cable television ~~licensing~~ **ordinance**

This chapter shall be known and cited as the “cable television ordinance.” **and is enacted by the City of Elk Grove (hereafter “City”) as a member agency of the Sacramento Metropolitan Cable Television Commission (hereafter “Cable Television Commission” or “Commission”), a separate and distinct public agency established pursuant to the provisions of the Joint Exercise of Powers Act (Title 1, Division 7, Chapter 5 of the Government Code, commencing with Section 6500). Enactment of this ordinance constitutes approval by the City Council of the City of Elk Grove of the terms of the Sacramento Metropolitan Cable Television Commission Amended and Restated Agreement of Formation (hereafter “Agreement of Formation” or “Agreement”) as set forth in County of Sacramento Code, Title 5, Section 5.50.112, which is incorporated herein by reference and which may be amended from time to time. The Agreement establishes, among other things, the Commission’s Governance, and sets forth the powers of each member agency, limitations on those powers, requirement for an annual budget, and a formula for payments to be made to the member agencies from revenues received by the Commission.**

Those certain documents, marked and designated as County of Sacramento Code, Title 5, Chapter 5.50, **as now existing or hereafter amended**, including, but not limited to, the identification and regulation of: cable television franchises, the cable television commission, the system capability and standards, the prevailing rates, the construction and extension of the system, use of streets, services, franchise fees and rates, security, indemnification, insurance, assignments, **the Amended and Restated Agreement of Formation**, the Video Customer Service Act, and the Digital Infrastructure and Video Competition Act of 2006, are hereby referred to, adopted, and made a part of this chapter as though fully set forth herein. The Elk Grove City Council reserves the right, by amendment to this chapter, to exclude portions of the designated incorporated chapter and such exclusions, if any, are set forth in this chapter.

Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication


This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 27-2022
INTRODUCED: September 14, 2022
ADOPTED: September 28, 2022
EFFECTIVE: October 28, 2022




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 29, 2022

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 27-2022

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on September 14, 2022, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting public hearing of said Council held on September 28, 2022, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Suen, Hume, Spease, Nguyen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California