



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-33

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August 7, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 15.75.060 relating to reauthorization of video franchise fees within the City of Long Beach, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request on July 17, 2018, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By 

AMY R. WEBBER
Deputy City Attorney

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SECTION 15.75.060
RELATING TO REAUTHORIZATION OF VIDEO
FRANCHISE FEES WITHIN THE CITY OF LONG BEACH

WHEREAS, AB 2987, the Digital Infrastructure and Video Competition Act
of 2006 (the "Act") became effective January 1, 2007; and

WHEREAS, under the Act, the State of California has sole franchising
authority for new video service providers within the City; and

WHEREAS, the City of Long Beach ("City"), although not the franchising
authority, acquired certain rights and responsibilities with respect to the new state video
franchise holders; and

WHEREAS, pursuant to the Act, certain rights and responsibilities must be
re-established by local ordinance in order to remain effective and enforceable against
state video franchise holders; and

WHEREAS, in September, 2007, the City Council adopted Long Beach
Municipal Code Chapter 15.75, establishing a fee of 5% of gross revenues of each state
video franchisee which operates within the City for use of the public rights-of-way, as well
as an additional fee of 1.04% of gross revenues of each state video franchisee which
operates within the City for Public, Educational and Government (PEG) purposes; and

WHEREAS, in order to ensure that PEG fees continue to remain in force
while state franchise holders renew their franchises upon expiration, the City Council
hereby reauthorizes Long Beach Municipal Code Chapter 15.75 so that franchise holders
continue to provide PEG support;

NOW, THEREFORE, the City Council of the City of Long Beach does

1 ordain as follows:

2 Section 1. Section 15.75.060 is added to the Long Beach Municipal
3 Code to read as follows:

4 15.75.060 Reauthorization.

5 A. If any portion, sentence, clause or phrase of Long Beach
6 Municipal Code Chapter 15.75 is found by a court of competent jurisdiction
7 to be invalid because it is deemed to have expired, then the provisions of
8 this section shall be controlling as of the original effective date of this
9 section.

10 B. To the extent reauthorization is required by law upon the
11 expiration of any and all state video franchises, as to each expiration of any
12 affected state video franchisee, Long Beach Municipal Code Chapter 15.75
13 is hereby reauthorized as to that affected state video franchisee. Any and
14 all reauthorizations under this Chapter shall be effective for so long as such
15 reauthorization is required by law.

16
17 Section 2. Severability. If any section, sentence, clause or phrase of this
18 Chapter is for any reason held to be invalid or unconstitutional by a decision of any court
19 of competent jurisdiction, such decision shall not affect the validity of the remaining
20 portions of this Chapter. The City Council hereby declares that it would have passed this
21 ordinance and adopted this Chapter and each section, sentence, clause or phrase
22 thereof, irrespective of the fact that any one or more section, subsections, sentences,
23 clauses or phrases be declared invalid or unconstitutional.

24
25 Section 3. The City Clerk shall certify to the passage of this ordinance by
26 the City Council and cause it to be posted in three (3) conspicuous places in the City of
27 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
28 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor