

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTION 3.50.010 “FEE FOR
SUPPORT OF LOCAL CABLE USAGE,” OF THE
MERCED MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 3.50.010, “Fee for Support of Local Cable Usage” of the Merced Municipal Code is hereby amended to read as follows:

**“3.50.010 Fee for Support of Local Cable Usage;
Reauthorization for State Franchise Holder PEG Fee.**

A. For any state video franchise holder operating within the boundaries of the City of Merced, there shall be fee paid to the City equal to one percent of the gross revenue of the state video franchise holder, which fee shall be used by the City for the purpose of facilitating public, educational, and governmental access consistent with state and federal law. The term ‘gross revenues’ shall be defined as set forth in Public Utilities Code Section 5860, as amended from time to time.

B. The fee on state franchise holders to support public, educational and governmental channel facilities in Merced Municipal Code Section 3.50.010(A) is reauthorized and shall remain unchanged and in full effect as to all state franchise holders.

C. The PEG fee in Merced Municipal Code Section 3.50.010 shall automatically be reauthorized upon expiration of any existing or future franchise certificate(s) held by any state franchise holder operating within the City of Merced.

D. This Section shall automatically be reauthorized upon the expiration of any existing or future certificate(s) held by any state franchise holder operating within the City of Merced. This Section shall so renew upon the future expiration of any franchise certificate(s) until such time that the City Council formal affirmative action to cease renewals.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2017, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2017, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Vellay Fincher *12/13/17*
City Attorney **Date**