



Agenda Date: 6/7/2005
Agenda Placement: 6CC

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Bennett Wilson - Director
Information Technology Services
REPORT BY: Bennett Wilson, Director, 707 253-4829
SUBJECT: Cable Franchise Ordinance

RECOMMENDATION

Second reading and adoption of an ordinance amending Chapter 5.12 of the Napa County Code regulating occupancy and use of public rights-of-way by cable systems and open video systems, providing for establishment of customer service standards, franchise and licensing requirements of such systems and prescribing minimum charges, terms and conditions for construction, maintenance and repair of such systems.

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

EXECUTIVE SUMMARY

The County received notification from Comcast Cable Communications, Inc. on August 13, 2003 of their desire to renew their cable franchise with Napa County. This started a process where the County has worked cooperatively with the cities of Napa and American Canyon to review the franchise renewal process. A key part of the process was a review of the existing ordinance. The review indicated several updates are necessary to address changes in federal law and to give the County an instrument to deal with current and future cable and open video systems.

The cities of Napa and American Canyon have already adopted new ordinances with the same content as the proposed amended County ordinance.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Cable franchise fees.

Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Adoption of the amended ordinance is expected to result in the receipt of the full amount of franchise fees provided for by Congress when it passed the Telecommunications Act of 1996. Additionally, the ordinance has been updated to include other provisions of the Telecommunications Act of 1996, which provide greater flexibility to the County in managing its cable franchises and at the same time provide for an enhanced level of service to the residents of Napa County.
Is the general fund affected?	Yes
Future fiscal impact:	Franchise fee receipts may increase in future years with enhanced levels of cable service, assuming more residents of Napa subscribe to cable services.
Consequences if not approved:	The County would continue to manage its cable franchises under the existing ordinance, which has not been updated since 1986.
Additional Information:	

ENVIRONMENTAL IMPACT

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BACKGROUND AND DISCUSSION

On May 3, 2005, the Board opened the public hearing and introduced the ordinance, read the title, waived reading the balance of the ordinance and declared its intention to adopt the ordinance. The ordinance is now before the Board for formal adoption.

Information Technology Services Director and County Counsel recommend adoption of the Ordinance.

SUPPORTING DOCUMENTS

A . Final Ordinance

CEO Recommendation: Approve

Reviewed By: Andrew Carey