

ORDINANCE NO. 1984

AN ORDINANCE OF THE CITY OF SAN RAFAEL PROVIDING FOR THE TERMINATION OF THE MARIN TELECOMMUNICATIONS AGENCY AND REPEALING THE TELECOMMUNICATIONS ORDINANCE CODIFIED IN CHAPTER 10.74 OF THE SAN RAFAEL MUNICIPAL CODE

WHEREAS, in 1997, the City Council of the City of San Rafael adopted Ordinance No. 1719, approving an Agreement of Formation of the Marin Telecommunications Agency (“MTA”), a California joint powers agency pursuant to the provisions of Title 1, Division 7, Chapter 5 of the Government Code (commencing with Section 6500), and adding Chapter 10.74 to the San Rafael Municipal Code.

WHEREAS, the current member agencies of the MTA are: the Cities of Belvedere, Mill Valley, Sausalito, and San Rafael, the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon, and the County of Marin (“MTA Member Agencies”).

WHEREAS, in 2006 the California Legislature approved, and the Governor enacted the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”), creating a process for the issuance of franchises by the California Public Utilities Commission and superseding locally issued franchises.

WHEREAS, subsequent to the adoption of DIVCA and other changes to state and federal law further limiting the ability of local governments to regulate telecommunications facilities, the MTA no longer takes the active policy role that it did prior to the adoption of DIVCA.

WHEREAS, the MTA Member Agencies find it desirable to terminate the MTA and delegate its duties to the Marin General Services Agency (“MGSA”), a California joint powers authority that was formed on October 1, 2005, by the City of Belvedere, Town of Corte Madera, Town of Fairfax, City of Larkspur, City of Mill Valley, City of Novato, Town of Ross, Town of San Anselmo, City of San Rafael, City of Sausalito, Town of Tiburon, County of Marin, Bel Marin Keys Community Services District, and Marinwood Community Services District.

WHEREAS, Paragraph 13 of the Agreement of Formation of the MTA provides that the MTA may be terminated by the enactment of an ordinance in substantially identical form by the majority of the MTA Member Agencies specifying such termination, with each such ordinance being adopted within no more than ninety days of each other. Upon such action, the MTA will be deemed terminated.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated by reference.

Section 2. Termination of MTA. Pursuant to Paragraph 13 of the Agreement of Formation, the City Council declares that this Ordinance is intended to serve to terminate the Agreement of Formation and the MTA.

Section 3. Repeal of Chapter 10.74 as of Operative Date. Chapter 10.74, "Telecommunications," of the San Rafael Municipal Code is hereby repealed, effective as of the Operative Date. The repeal of Chapter 10.74 shall not affect the City's consent to the termination of the Marin County Cable Rate Regulation Joint Powers Agency ("MCCRRJPA") or the actual termination of MCCRRJPA, as provided for in Division 2 of Ordinance No. 1719.

For purposes of this section, the "Operative Date" shall mean the later of the following two dates: (1) July 1, 2020; or (2) the date upon which a majority of the MTA Member Agencies has adopted a resolution authorizing the MGSA to collect franchise and PEG access fees and to exercise all powers and functions associated with DIVCA, as well as an ordinance of termination substantially identical in form pursuant to Paragraph 13 of the Agreement of Formation of the MTA and such ordinance of termination has become effective.

Section 4. Effective Date and Publication. This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1984 was introduced at a regular meeting of the City Council of the City of San Rafael, held on the 20th day of April 2020 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: None

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 4th day of May 2020.



LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 1984

AN ORDINANCE OF THE CITY OF SAN RAFAEL TERMINATING THE MARIN TELECOMMUNICATIONS AGENCY AND REPEALING CHAPTER 10.74 OF THE SAN RAFAEL MUNICIPAL CODE

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 1984, which will amend the Chapter 10.74 of the San Rafael Municipal Code. Ordinance No. 1984 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 4, 2020. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

The Ordinance will formalize the City's consent to dissolution of the Marin Telecommunications Agency and will repeal Chapter 10.74 of the San Rafael Municipal Code, the City's Telecommunications Ordinance. The Marin Telecommunications Agency (MTA) was formed in 1997 as a Joint Powers Authority (JPA) with the adoption of a "Telecommunications Ordinance" by each of its member agencies. The original purpose of MTA was to negotiate local franchises for all types of telecommunications facilities; however, in 2006, the State of California passed the Digital Infrastructure and Video Competition Act (DIVCA), which preempted local cable television franchises and moved cable television providers to a state franchise system. This regulatory change significantly reduced MTA's responsibility, leaving it with a largely administrative role. The MTA Board of Directors has recommended dissolving the agency and transitioning its functions to the Marin General Services Agency. Not only will this new structure be more efficient, but it also has the potential to increase revenue to the City of San Rafael.

Copies of Ordinance No. 1984 will be available for public review online on Thursday at www.cityofsanrafael.org/public-meetings as of Thursday, April 30, 2020. You may also contact the City Clerk at (415) 485-3066.

LINDSAY LARA
San Rafael City Clerk
Dated: 4/23/2020