

**TOWN OF SAN ANSELMO
RESOLUTION NO. 3250**

**A RESOLUTION OF THE TOWN OF SAN ANSELMO TOWN COUNCIL,
APPROVING AND AUTHORIZING THE TOWN ADMINISTRATOR TO TAKE
STEPS NECESSARY TO IMPLEMENT THE TOWN'S CABLE RATE
REGULATION AUTHORITY IN COMPLIANCE WITH THE CABLE
TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992
AND THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION;
RESERVING THE RIGHT TO DELEGATE RATE REGULATORY AUTHORITY;
PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in October 1992 the United States Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 (the "Act"), which, among other things, authorized local franchising authorities to regulate rates for cable television services under certain circumstances; and

WHEREAS, the Act requires the Federal Communications Commission ("FCC") to promulgate rules concerning, among other things, the requirements and procedures for regulation of rates for certain cable television services; and

WHEREAS, the rules adopted by the FCC require a local franchising authority to file for certification with the FCC and to take certain other steps in order to be authorized to regulate rates for cable television services; and

WHEREAS, the Town of San Anselmo Town Council (hereinafter "Town") deems it to be in the best interests of the citizens and residents of the Town to approve and authorize the Town Administrator to take the steps necessary to implement the Town's cable rate regulation authority under the ACT and the FCC rules:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

Section 1. The Town Administrator is hereby authorized to sign and file the necessary forms with the Federal Communications Commission ("FCC") so that the Town is certified to regulate the rates charged by cable franchisees in the Town for basic cable service and equipment. The Town Administrator is authorized to take all steps appropriate to complete the forms, including but not limited to: (1) affirming that the Town will adopt and administer regulations consistent with the FCC's rules governing regulation of the basic tier; (2) affirming that the Town has the legal authority to adopt regulations and the personnel to administer those regulations; (3) affirming that the regulations adopted will provide a reasonable opportunity for consideration of the views of interested parties; and (4) affirming that the Town has reason to believe the FCC's presumption that cable systems do not face effective competition is correct in the Town, and no reason to believe it is incorrect.

Section 2. The Town Administrator shall file and serve the certification forms at the FCC and upon cable franchisees as required by FCC rules. The Town Administrator is authorized to notify cable franchisees when certification has been granted and applicable regulations adopted. The Town Administrator is further authorized to take such other actions as may be appropriate so that the Town may regulate basic service and equipment rates, and so that the Town can respond to challenges to certification. This includes the authority, in consultation with the Town Attorney, to make filings at the FCC or in court on behalf of the Town.

Section 3. The Town Administrator is authorized to file complaints at the FCC regarding the rates charged by cable franchisees for services and equipment associated with cable programming services. The Town Administrator may take such additional steps as may be appropriate to ensure that a reasonable rate is established for cable programming services.

Section 4. The Town Administrator shall keep the Town Council informed of actions taken pursuant to this Resolution, and of developments relating to cable television regulation.

Section 5. The Town Council reserves the right, by ordinance or through any other lawful means, to delegate responsibility for rate regulation, in whole or in part, to any properly created joint powers authority created for that purpose.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 8. This Resolution shall become effective immediately upon its passage and adoption of the Town and its residents requiring it.

PASSED AND ADOPTED at a regular meeting of the Town of San Anselmo Town Council held this 14th day of December, 1993 by the following vote:

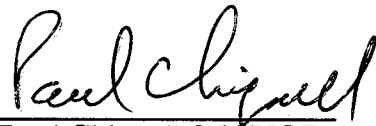
AYES: Breen, Kroot, Yarish, Zaharoff, Chignell

NOES: (None)

ABSENT: (None)

ATTEST:


Caroline Foster, TOWN CLERK


Paul Chignell, MAYOR