

RESOLUTION NO.     #3253    

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL, APPROVING AND AUTHORIZING THE TOWN MANAGER TO TAKE STEPS NECESSARY FOR THE TOWN TO ENTER INTO THE MARIN COUNTY CABLE RATE REGULATION JOINT POWERS AUTHORITY AGREEMENT; DELEGATING RATE REGULATORY AUTHORITY TO THE MARIN COUNTY CABLE RATE REGULATION JOINT POWERS AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY.**

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, pursuant to Resolution No. 3250, the Town Council authorized the Town Manager to file certification for cable rate regulation authority with the FCC and to take all necessary step to implement rate regulation authority, and reserved the right to delegate rate regulatory authority to a duly created joint powers authority; and

WHEREAS, the Joint Exercise of Powers Act (Gov't Code §6500, et seq.), provides for the creation of legal and administrative entities to exercise jointly the powers of public agencies of this state; and

WHEREAS, a number of municipalities located in Marin County have considered the establishment of such a joint powers authority, to be known as the Marin County Cable Rate Regulation Joint Powers Authority ("Authority") and have prepared an agreement to that effect; and

WHEREAS, the Town Council deems it to be in the best interests of the citizens and residents of the Town to approve and authorize the Town Manager to take the steps necessary for the Town to enter into the Marin County Cable Rate Regulation Joint Powers Authority Agreement (the "Agreement");

WHEREAS, the Town Council deems it to be in the best interests of the citizens and residents of the Town to approve and authorize the Authority to take all steps necessary in connection with the regulation of rates for cable television services and equipment in the Town;

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

Section 1. The Town Manager is hereby authorized to sign the Agreement (a copy of which is attached hereto and made a part hereof) on behalf of the Town, and take all other actions necessary to implement the Agreement on behalf of the Town.

Section 2. Upon execution of the Agreement by the Town Manager, the Authority is hereby delegated full authority to act on behalf of the Town in all matters related to the regulation of rates for cable services and equipment charges by cable licensees in the Town, including, without limitation, authority to adopt and enforce regulations governing the regulation of rates for cable services and equipment and to make filings at the FCC or in court on behalf of the Authority.

Section 3. The Town Manager shall keep the Council informed of actions taken pursuant to this Resolution, and of developments relating to cable television regulation.

Section 4. All resolutions, ordinances or other provisions of Town law, or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.


Section 5. 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.

PASSED AND ADOPTED at a regular meeting of the San Anselmo Town Council held this 25th day of January, 1994, by the following votes:

AYES: Breen, Kroot, Yarish, Chignell

NOES: (None)

ABSENT: Zaharoff

  
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Paul Chignell, MAYOR

  
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Caroline Foster  
TOWN CLERK

Caroline Foster  
TOWN CLERK