

TOWN OF ROSS

ORDINANCE NO. 706

AN ORDINANCE OF THE TOWN OF ROSS PROVIDING FOR THE TERMINATION OF THE MARIN TELECOMMUNICATIONS AGENCY AND REPEALING THE TELECOMMUNICATIONS ORDINANCE CODIFIED IN CHAPTER 5.26 OF THE TOWN CODE

WHEREAS, in 1997, the Town Council of the Town adopted Ordinance No. 540, 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 5.26 to the Municipal Code.

WHEREAS, the current member agencies of the MTA are: the Cities of Belvedere, Mill Valley, and San Rafael, the Towns of Corte Madera, Fairfax, Ross, San Anselmo, Sausalito, 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 TOWN COUNCIL OF THE TOWN OF ROSS DOES HEREBY 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 Town Council declares that this Ordinance is intended to serve to terminate the Agreement of Formation and the MTA.

Section 3. Repeal of Chapter 5.26 as of Operative Date. Chapter 5.26, “Telecommunications Ordinance,” of the Municipal Code is hereby repealed, effective as of the Operative Date. The repeal of Chapter 5.26 shall not affect the Town’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 Section 5.26.320 of the Municipal Code.

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 effective 30 days following its adoption by the Town Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Government Code Section 36933, with the names of the Councilmembers voting for and against it.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Ross Town Council on the 16th day of April 2020, and was adopted at a regular meeting of the Ross Town Council on the 14th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie McMillan, Mayor

ATTEST:

Linda Lopez, Town Clerk