

AMENDED IN SENATE JUNE 14, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2242**

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**Introduced by Assembly Member ~~Vargas~~ Strickland**

February 19, 2004

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An act to amend Section ~~8610~~ of the Government Code, relating to ~~emergency services~~ 53066.3 of the Government Code, relating to local cable television services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2242, as amended, ~~Vargas~~–Strickland. ~~Emergency services~~  
*Local cable television: franchises.*

*Existing law authorizes any city, county, or city and county to grant franchises for the operation of an additional cable franchise in an area where a franchise has already been granted if specified conditions are met. Existing law requires any additional franchisee, providing service in an area in which a franchise has already been granted and an existing cable operator is providing service or is prepared to provide service, to wire and serve the same geographical area within a reasonable time, and in a sequence that does not discriminate against lower income or minority residents and to contain the same public, educational, and governmental access requirements that are set forth in the existing franchise.*

*This bill would impose the same requirements on an additional franchise that is a telephone corporation, or affiliate, as defined.*

~~Existing law authorizes counties, cities and counties, and cities to create, by ordinance, disaster councils to develop plans for meeting any condition constituting a local emergency or state of emergency. The~~

~~governing body of the county, city and county, or city in the ordinance may provide for the organization, powers and duties, divisions, services, and staff of the council.~~

~~This bill would specifically authorize the governing body to provide additionally for voting membership on the council that includes representatives of the agencies overseeing law enforcement or emergency response.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1.—Section 8610 of the Government Code is~~  
2 *SECTION 1. Section 53066.3 of the Government Code is*  
3 *amended to read:*  
4 53066.3. (a) If a city, county, or city and county elects to  
5 grant an additional cable television franchise in an area where a  
6 franchise has already been granted to a cable television operator,  
7 it shall do so only after a public hearing noticed pursuant to Section  
8 6066, in a newspaper of general circulation as defined in Section  
9 6000, where all of the following have been considered:  
10 (1) Whether there will be significant positive or negative  
11 impacts on the community being served.  
12 (2) Whether there will be an unreasonable adverse economic or  
13 aesthetic impact upon public or private property within the area.  
14 (3) Whether there will be an unreasonable disruption or  
15 inconvenience to existing users, or any adverse effect on future  
16 use, of utility poles, public easements, and the public  
17 rights-of-way contrary to the intent of Section 767.5 of the Public  
18 Utilities Code.  
19 (4) Whether the franchise applicant has the technical and  
20 financial ability to perform.  
21 (5) Whether there is any impact on the franchising authority’s  
22 interest in having universal cable service.  
23 (6) Whether other societal interests generally considered by  
24 franchising authorities will be met.  
25 (7) Whether the operation of an additional cable television  
26 system in the community is economically feasible.



1 (8) Such other additional matters, both procedural and  
2 substantive, as the franchising authority may determine to be  
3 relevant.

4 (b) Nothing in this section prevents any city, county, or city and  
5 county from considering the approval or denial of an additional  
6 cable service franchise in any area of the city, county, or city and  
7 county, subject to compliance with subdivision (d), or the  
8 imposing of additional terms and conditions upon the granting of  
9 the franchise, as the city, county, or city and county determines is  
10 necessary or appropriate.

11 (c) The city, county, or city and county shall make a final  
12 determination as to whether to grant the additional franchise  
13 within six months of the application date unless the jurisdiction  
14 can establish that the applicant has unreasonably delayed  
15 proceedings designed to consider the matters set forth in  
16 paragraphs (1) to (8), inclusive, of subdivision (a).

17 (d) Any additional franchise granted to provide cable television  
18 service in an area in which a franchise has already been granted and  
19 where an existing cable operator is providing service or certifies  
20 to the franchising authority that it is ready, willing, and able to  
21 provide service, shall require the franchisee to wire and serve the  
22 same geographical area within a reasonable time and in a sequence  
23 which does not discriminate against lower income or minority  
24 residents, and shall contain the same public, educational, and  
25 governmental access requirements that are set forth in the existing  
26 franchise. This subdivision does not apply where all existing cable  
27 operators certify to the franchising authority that they do not  
28 intend to provide service within a reasonable time to the area to be  
29 initially served by the additional franchise.

30 *(e) Notwithstanding subdivision (d), any additional cable*  
31 *television franchise granted to a telephone corporation, as defined*  
32 *in Section 234 of the Public Utilities Code, or an affiliate thereof,*  
33 *for an area within that telephone corporation's service area or*  
34 *areas, as defined in Section 230.3 of the Public Utilities Code,*  
35 *shall require that franchisee to serve its cable television franchise*  
36 *area within a reasonable time and in a sequence that does not*  
37 *discriminate against lower income or minority residents. The*  
38 *additional cable television franchise granted to a telephone*  
39 *corporation or its affiliate shall contain the same public,*



1 *educational, and governmental access requirements that are set*  
2 *forth in the existing cable television franchise.*

3 amended to read:

4 ~~8610. Counties, cities and counties, and cities may create~~  
5 ~~disaster councils by ordinance. A disaster council shall develop~~  
6 ~~plans for meeting any condition constituting a local emergency or~~  
7 ~~state of emergency, including, but not limited to, earthquakes,~~  
8 ~~natural or manmade disasters specific to that jurisdiction, or state~~  
9 ~~of war emergency. The plans shall provide for the effective~~  
10 ~~mobilization of all of the resources within the political~~  
11 ~~subdivision, both public and private. The disaster council shall~~  
12 ~~supply a copy of any plans developed pursuant to this section to the~~  
13 ~~Office of Emergency Services. The governing body of a county,~~  
14 ~~city and county, or city may, in the ordinance or by resolution~~  
15 ~~adopted pursuant to the ordinance, provide for the organization,~~  
16 ~~powers and duties, voting membership in the organization that~~  
17 ~~includes representatives of the agencies overseeing law~~  
18 ~~enforcement or emergency response, divisions, services, and staff~~  
19 ~~of the emergency organization. The governing body of a county,~~  
20 ~~city and county, or city may, by ordinance or resolution, authorize~~  
21 ~~public officers, employees, and registered volunteers to command~~  
22 ~~the aid of citizens when necessary in the execution of their duties~~  
23 ~~during a state of war emergency, a state of emergency, or a local~~  
24 ~~emergency.~~

25 ~~Counties, cities and counties, and cities may enact ordinances~~  
26 ~~and resolutions and either establish rules and regulations or~~  
27 ~~authorize disaster councils to recommend to the director of the~~  
28 ~~local emergency organization rules and regulations for dealing~~  
29 ~~with local emergencies that can be adequately dealt with locally;~~  
30 ~~and further may act to carry out mutual aid on a voluntary basis~~  
31 ~~and, to this end, may enter into agreements.~~

