

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 3/15/02  
**Department Name:** CAO  
**Department No.:** 012  
**Agenda Date:** 3/26/02  
**Placement:** Administrative  
**Estimate Time:** 5 mins for 4/23/02  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown  
County Administrator

**STAFF CONTACT:** Scott Ullery, Deputy County Administrator  
568-2243

**SUBJECT:** Amendment to Cox Com Cable Franchise, Ordinance 4439

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## **Recommendation:**

That the Board of Supervisors: Set April 23, 2002, to consider the introduction (First Reading) of an Ordinance Amending Ordinance 4439 Granting a Cable Communications System Franchise to Cox Com, Inc.

## **Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with actions required by law or by routine business necessity.

## **Executive Summary and Discussion:**

The recommended amendment clarifies the role of the County and other local government franchise authorities in establishing a new nonprofit corporate provider of public access television services. The existing franchise language has been deemed by County Counsel and the Santa Barbara City Attorney's Office as lacking sufficient clarity with respect to the independence of the new corporation from control by the local governments. The amendment is intended to insure the County is not exposed to liability any more than is typical of a grant to an independent nonprofit service provider. The clear establishment of an "arms length" relationship between the nonprofit corporation and the local governments is not a departure from the original intent of the recently renewed franchise. This amendment will reduce the County's exposure to any future claims against the corporation resulting from various third party programming and editorial disputes, and the open-meeting and agenda requirements of the *Ralph M. Brown Act* and the conflict of interest and financial disclosure requirements of the *Political Reform Act of 1974* are not implicated. The City of Santa Barbara, County Counsel, and Cox Communications are in agreement on this Amendment.

## **Fiscal and Facilities Impacts:**

None.

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**Special Instructions:**

County Administrator's Office to obtain signature of appropriate Grantee (Cox Communications) official.

**Concurrence:**

County Counsel