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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: BOARD OF COMMISSIONERS

Department Head: CAROL CHANDLER

Presenter, if needed: Attorney Scott Bennett

Preferred Meeting Date: February 14, 2008

Wording for the Agenda:

Consideration of Resolution No. 2008-05 regarding the franchise fees collected from State Cable and Video Service Franchises.

Background/History/Details:

State law changed in 2007 to allow cable television providers to obtain a franchise to operate in Georgia from the State. This resolution protects the County's ability to collect franchise fees.

What action are you seeking from the Board of Commissioners?

Adoption of Resolution No. 2008-05

If this item requires funding, please describe:

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

- ○ Finance Review Complete
- ◉ Purchasing Review Complete
- ◉ Legal Review Complete
- ◉ Administrative Staff Review Complete

Administrator's Approval

Confirmed Meeting Date Thursday, February 14, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ◉ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA RELATING TO STATE CABLE AND VIDEO SERVICE FRANCHISES

RESOLUTION NO. 2008-05

WHEREAS, Act No. 368, otherwise known as the Consumer Choice for Television Act, was passed by the Georgia General Assembly in its 2007 Session and codified at Chapter 76 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the Consumer Choice for Television Act authorizes a statewide franchising option for cable service providers and video service providers providing cable and video services as defined therein; and

WHEREAS, the Act further authorizes cable service providers and video service providers to obtain a state franchise to serve all or parts of the unincorporated areas of Fayette County; and

WHEREAS, in the event any cable service provider or video service provider operating within Fayette County, Georgia elects, after January 1, 2008, to obtain a state franchise to serve all or parts of the unincorporated areas of Fayette County, it is the intention of the Board of Commissioners of Fayette County that such cable service providers or video service providers be subject to any franchise fees authorized by law; and

WHEREAS, Fayette County is authorized by law to collect a franchise fee at a rate up to and including 5% of each cable or video service provider's gross revenues generated within the unincorporated areas of the county or the maximum amount established by federal and state law, and

WHEREAS, County currently collects a franchise fee of 5% of annual gross revenues generated within the unincorporated area of the County pursuant to existing franchise agreements and intends to collect that same amount on gross revenues generated pursuant to any state franchise or the maximum that may subsequently be allowed by law.

NOW, THEREFORE, BE IT RESOLVED that, Fayette County, Georgia, by and through its Board of Commissioners, shall hereby require collection of franchise fees at the rate of 5% of annual gross revenues generated by any cable or video service provider providing cable or video services within the unincorporated areas of Fayette County pursuant to a state franchise or the maximum that may be subsequently allowed by law.

BE IT FURTHER RESOLVED that the County Clerk is herewith directed to forward a certified copy of this Resolution to the Georgia Secretary of State and to each applicant for or holder of a state franchise with a service area located within the unincorporated area of County.

IT IS SO RESOLVED this ____ day of February, 2008.

FAYETTE COUNTY BOARD OF COMMISSIONERS

JACK R. SMITH, CHAIRMAN

ATTEST:

Carol Chandler, County Clerk