

Ordinance 2011-02

AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE OF COMMERCIAL POINT; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service (the "Video Law"); and

WHEREAS, under the Video Law a video service provider that is providing video service to subscribers in a Village pursuant to a state-issued video service authorization must pay the Village a video service provider fee ("VSP") based on a percentage of the provider's gross revenues received from providing video service in the Village; and

WHEREAS, the Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the Village (the VSP Fee Percentage"); and

WHEREAS, the Video Law further requires the Village to provide a video service provider with written notice of the VSP Fee Percentage within ten (10) days of receiving notice from the video service provider, pursuant to R.C.1332.27(A), that it will begin offering service in the Village; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage, it is necessary for this Council (i) to establish the VSP Fee Percentage; and (ii) to authorize the Mayor to provide the appropriate notice of the VSP Fee Percentage to a video service provider within ten (10) days of the Village receiving notice that a video service provider will begin providing service in the Village.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, COUNTY OF PICKAWAY, STATE OF OHIO, TWO-THIRDS OF ITS MEMBERS ELECTED THERETO CONCURRING THAT:

Section 1. The Council of the Village of Commercial Point hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of three percent (3%) to the video service provider's gross revenues as defined in Section 1332(B) of the Video Law. All video service provider and cable television operators providing video service in the Village of Commercial Point shall apply the VSP Percentage against gross revenues as defined in the Video Law.

Section 2. The VSP Fee shall be paid by each video service provider providing service in the Village on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

Section 3. The Mayor is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage as determined by this Council, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the Village pursuant to a state-issued video service authorization.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Commercial Point, in that emergency action is necessary in order to provide timely notice to the video service provider of the VSP Fee Percentage. Accordingly this Ordinance shall become effective immediately upon passage.

Vote on Passage of the Ordinance:

Motion by Kimberly Gooden-Kinney 2nd Don Benedik

Roll Call:

Yes Jim Kuzelka Yes Janet Hutchins Yes Jason Thompson
No Vidal Cruz Yes Kimberly Gooden Kinney Yes Don Benedik

Adopted this 5th day of December, 2011.

Allan Goldhardt, Mayor

Wendy Hastings, Fiscal Officer

Approved as to Form:

D. Michael Crites, Law Director