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D. C.

ORDINANCE NO. 0-00-145

AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR THE SERVICES OF THE CABLE TELEVISION **AND** INTERNET SYSTEM; FOR OTHER PURPOSES RELATING TO THE CABLE TELEVISION SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS; Ordinance 0-79-22 states "the rates charged for cable television services will be set by the Conway Corporation, subject to the approval of the City Council; and

WHEREAS; Conway Corporation **has** recommended the rates set forth within **this** ordinance:

NOW **THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section One. That the terms and rates of the cable television system (CT-001 through CT-005), attached to and made a **part** of this Ordinance are **adopted** as those in effect upon passage of this Ordinance. These rates shall become effective with billings on or **after** January 1, 2001.

Section Two. That the terms and rates of the internet system (IN-001 through IN-002), attached to and hereby made **part** of this Ordinance **are** adopted **as** those in effect upon passage of this Ordinance.

Section Three. Should Conway Corporation have a need to provide services in its cable television and internet operations not currently anticipated, it **may** provide such service to the extent provided by law. The rate for such services shall not be less **than** the associated variable costs as determined by Conway Corporation. Nothing in this Ordinance shall prohibit Conway Corporation from providing special prices or promotions for limited periods of time or providing incentives to customers to purchase packaged services so long as the rate for such packages is not less **than** the associated variable costs as determined by Conway Corporation.

Section **Four**. Paragraph One of Section Five: of Ordinance 0-79-21 is hereby amended to read: "A. The grantee shall pay to the City of Conway a franchise fee equal to three (3) percent of the gross revenues of the System for cable services, provided, however, that gross revenues shall not include (a) any **tax**, fee or assessment of any kind imposed by the City or other governmental entity on a cable operator or subscriber, or both, solely because of their **status as** such; or (b) **net unrecovered** bad debt. Conway Corporation shall during the term of this franchise provide the City, any of its departments and public schools, cable **and** internet services provided such service is designated in writing by the Mayor. The value of such services will be deducted from the franchise payment. The franchise fee shall be due and payable 30 days after the close of the preceding calendar month. B. The City of Conway agrees that all amounts paid by the franchisee as fees may be added to the price of cable services and collected from the grantee customers as 'external costs'. **All** amounts paid **as** franchise fees may be separately stated on customer's bills. Cable services includes the transmission to subscribers of video programming or other programming service." Paragraph Three of Section Five is hereby amended by deleting the last sentence which currently reads: "Provided, however, that any change in Franchise Fee: Rate shall be compensated by appropriate adjustments in subscriber fees (raised or lowered)."

Section Five. Subsection One of the Lease contained in Section One of Ordinance 0-79-22 is hereby amended to read:

"1- The Lessor does hereby lease and rent for the consideration set forth below, unto the Lessee the following real estate and personal property, to-wit: The cable television system and all lands and property, real and personal, acquired for the location **and** operation of the System for a term ending December 31, 2015.

The Lessee agrees and promises to pay a lease payment of \$42,000 per month to the Lessor, City of Conway.”

Section Six. Any fee imposed by Conway Corporation that does not exceed \$5.00 shall be presumed reasonable to cover the costs associated with the delinquent payment of cable television and internet services.

Section Seven. Ordinances 0-98-130; 0-96-21; 0-99-83; 0-98-38; 0-97-18; 0-88-9; 0-88-18; 0-90-12; 0-94-76 and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. All rates to be collected under this Ordinance shall become effective January 1, 2001.

Section Eight. It is ascertained and declared that the implementation of this Ordinance is of immediate concern to the inhabitants of the City; that by reason thereof an emergency exists and this Ordinance being necessary for the immediate preservation of public welfare, shall take effect and in force from and after its passage and publication.

Passed: November 28, 2000

Approved:

Tab Townsell
Mayor Tab Townsell

Attest:

Michael O. Bennett
City Clerk