

JUL 8 1997

ORDINANCE NO. 141A-9

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4-86.1, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, CABLE COMMUNICATIONS ADMINISTRATOR AND CITIZENS COMMITTEE, SECTION 4-86.1.7, CABLE COMMUNICATIONS ADMINISTRATOR'S POWER AND RESPONSIBILITIES; ARTICLE V, FRANCHISE CONDITIONS, SECTION 4-86.1.13, FRANCHISE FEE; AND ARTICLE VI, SUBSCRIBER FEES AND RECORDS, SECTION 4-86.1.17, BOOKS AND RECORDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4-86.1, Cable Communications, is hereby amended and reordained by amending Section 4-86.1.7, Cable communications administrator's power and responsibilities; Section 4-86.1.13, Franchise fee; and Section 4-86.1.17, Books and records.

Chapter 4-86.1. Cable Communications

Article IV. Cable Communications Administrator and Citizens Committee

Sec. 4-86.1.7. Cable communications administrator's power and responsibilities.

(a) Day-to-day administration of cable television operations within the county may be assigned to a cable communications administrator. The administrator shall be designated by the county administrator and shall report directly to the county administrator. The administrator's powers and responsibilities shall include, but not be limited to, the following functions:

- (7) Reviewing all franchise records, ~~including the financial records as indicated in Section 4-86.1.17(b)~~, and reports as required by this chapter, as well as all franchise reports filed with the

FCC, and, at the county administrator's discretion, requiring the preparation and filing of information in addition to that required therein, as may reasonably be required to accomplish the purposes of this chapter.

Article V. Franchise Conditions

Sec. 4-86.1.13. Franchise fee.

(a) In consideration of the grants contained herein, a grantee shall pay ~~annually~~ *monthly* to the county a sum equal to five percent of the gross ~~annual~~ *monthly* revenues. Such payment shall be made to the treasurer (payable to James City County) not later than ~~45 days after the close of the grantee's fiscal year~~ *the 20th day of the following calendar month*. The ~~annual~~ *monthly* franchise fee shall be in addition to any other payment, charge, permit fee or bond owed to the county by the grantee and shall not be construed as payment in lieu of personal or real property taxes levied by the state, county or local authorities. Grantee agrees to provide a statement of the gross annual revenues within 60 days of the end of each calendar year (or grantee's fiscal year); ~~which for review by the Commissioner of the Revenue a statement of the gross monthly revenues by the 20th day of the following calendar month, which~~ should be certified under oath by an officer of the grantee.

Article VI. Subscriber Fees and Records

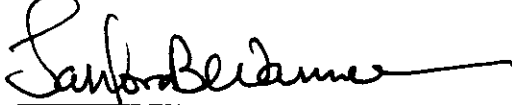
Sec. 4-86.1.17. Books and records.

(b) A grantee shall file annually with the county commissioner of the revenue, no later than ninety (90) days after the end of the grantee's fiscal year, a copy of a complete financial report applicable to the James City County Cable operation, including an income statement applicable to its operations during the preceding twelve-month period, a balance sheet, and a statement of its properties devoted to cable system operations, by categories, giving its investment in such properties on the basis of original cost, less applicable depreciation. This report shall be certified as correct by an authorized officer of the grantee and there shall be submitted along with it such other reasonable information as the county shall request with respect to the grantee's properties and expenses related to the system within the county. The county shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the system. The grantee's accounting records shall include sufficient detail as may be necessary to provide the county with the information needed to make accurate determinations as to the financial condition of the system.



Jack D. Edwards
Vice Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| TAYLOR | ABSENT |
| SISK | AYE |
| DEPUE | AYE |
| EDWARDS | AYE |
| MAGOON | ABSENT |

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 1997.