

## ORDINANCE NO. 299

### AN ORDINANCE AMENDING ORDINANCE NO. 136, AS AMENDED BY ORDINANCE NO. 150, GRANTING TO FALCON CABLE SYSTEMS, A FRANCHISE FOR THE USE OF STREETS, ALLEYS AND PUBLIC EASEMENTS WITHIN THE CITY OF COOS BAY FOR THE OPERATION OF A CABLE TELEVISION COMMUNICATIONS SYSTEM FOR A PERIOD ENDING JUNE 30, 2004

The City of Coos Bay ordains as follows:

**Section 1: Franchise Fee.** Ordinance 136, Section 5 is hereby amended to read as follows:

**Section 5. Franchise Fee.** For rights, privilege and franchise granted herein, Grantee shall pay franchise fees in the amount prescribed below.

(1) **Determination of Fee.** During the term of this franchise, Grantee shall pay to the City an amount equal to five percent (5%) per year of the Grantee's annual Gross Revenues arising from or attributable to the operation of Grantee's cable communications system within the City.

(2) **Payment of Fee.** Said fees shall be paid quarterly not later than August 1, November 1, February 1, and May 1 for the preceding three (3) month period, ending respectively, June 30, September 30, December 31 and March 31, Not later than the date of each payment, the Grantee shall file with the City a written statement signed under penalty of perjury by an officer of the Grantee, which identifies in detail the sources and amounts of Gross Revenues received by the Grantee during the quarter for which payment is made. Such statement shall also contain a listing of beginning and ending basic service customers for the period.

(3) **Acceptance by City.** No acceptance of any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim which the City may have for further or additional sums payable under the provisions of this Section.

(4) **Delinquent Fees.** Any franchise fees which remain unpaid after the dates specified in Section 5 (2) above shall be delinquent and shall thereafter accrue interest at an annual rate equal to the average rate of return on invested funds of the City during the period for which payment was due.

**Section 3: Effective Date.** This ordinance shall take effect thirty days after its enactment by the Council, but shall become null and void unless within such thirty day period Franchisee files with the City Recorder Franchisee's acceptance of the terms and obligations to be preformed hereunder.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 7<sup>th</sup> day of

November, 2000.

Yes: Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks

No: None

Absent: Mayor Joanne Verger

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Joanne Verger  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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Joyce Jansen  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon

The franchisee accepts the amendment to the franchising ordinance.

CHARTER COMMUNICATIONS

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Linda Kimberly, General Manager

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Date