

**BOARD OF TRUSTEES
JEFFERSON TOWNSHIP, MONTGOMERY COUNTY, OHIO**

RESOLUTION NO. 07 - 28

**A RESOLUTION REQUIRING THE PAYMENT OF ADVERTISING REVENUE AS
PART OF THE FRANCHISE FEE COLLECTED FROM VIDEO SERVICE PROVIDERS**

The Board of Trustees of Jefferson Township, Montgomery County, Ohio met in regular session on the 4th day of September, 2007 at One Business Park Drive Dayton, Ohio with the following members present:

Allen Elijah Yes Angela Jones Absent Brice Sims Yes

Brice Sims moved the adoption of the following resolution:

WHEREAS, the LEGISLATURE of the State of Ohio passed Amended Substitute Senate Bill Number 117 ("The Bill") which was subsequently signed into law by the Governor; and

WHEREAS, The Bill removes the right of local municipalities and Townships to negotiate a cable franchise with a cable operator or new entrant video service provider; and

WHEREAS, The Bill allows existing franchise agreements to be terminated at the will of the incumbent cable operator and allows the cable operator to apply for a "video services agreement" with the Department of Commerce without notifying the Township; and

WHEREAS, Jefferson Township anticipates that its incumbent cable operator will abandon its existing franchise and apply for a video services agreement through the Department of Commerce; and

WHEREAS, the definition of "Gross Revenue" of the cable operator or new entrant video service provider under the video services agreement has been severely limited by The Bill; and

WHEREAS, the Board of Township Trustees are required by The Bill to enact a resolution to affirmatively require advertising revenue be included in the definition of Gross Revenue; and

WHEREAS, The Bill provides requirements for notification of cable operators or video service providers operating under a video services agreement issued by the Department of Commerce; and

WHEREAS, the Trustees of Jefferson Township believe it is in the best interest of the Township to enact this ordinance in anticipation of any such video services agreement being issued by the Department of Commerce and to promptly notify the cable operator (s) or video services providers of this Resolution well in advance of any video services agreement being issued by the Department of Commerce; and

WHEREAS, The Bill in Section 1332.32 (B) (2) (g) expressly defines how advertising revenue will be computed for advertising revenue received by the video service provider for advertising on its subscription based video service within a municipal corporation or the unincorporated area of a township and provides a formula for how revenue will be computed under a regional or national compensation contract.

NOW THEREFORE BE IT RESOLVED that the Board of Trustee of Jefferson Township require advertising revenues be paid to Jefferson Township in accordance with the provisions of Section 1332.32 (B) (2) (g); and

BE IT FURTHER RESOLVED, that Jefferson Township in accordance with Section 1332.32 (B) (2) (g) will promptly notify all video service providers, including the incumbent cable operator that it requires these revenues to be paid; and

NOW THEREFORE, BE IT FURTHER RESOLVED, given that this Resolution has been passed well in advance of any cable operator or video services provider applying for a video services agreement to operate in Jefferson Township through the Department of Commerce; and that notice of this Resolution will be delivered to any cable operator or video services provider well in advance of any cable operator or video services provider being granted a video services agreement to operate in Jefferson Township; this Resolution will take effect on the first day of service of any cable operator or video services provider that provides video services in Jefferson Township under a state-wide video services agreement.

Allen Elijah, seconded the motion, and roll was called on the question of its adoption.

The vote was as follows:

Allen Elijah Yes

Angela Jones Absent

Brice Sims Yes

Adopted 4th day of September 2007

Attest: _____
Jerry D. Walker, Fiscal Officer

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