Passed: 7-0

ORDINANCE 96-31

TO ESTABLISH A TELECOMMUNICATIONS NON-REVERTING FUND

WHEREAS, in June of 1996 the Common Council approved and the Mayor signed Resolution 96-12; and

WHEREAS, the resolution, in part, increased the cable franchise fee from three to five percent of the annual gross revenue of the cable system in the City; and

WHEREAS, the resolution declared the intent of the City to set aside franchise fee revenues into a dedicated fund; and

WHEREAS, sixty percent (60%) of franchise fee revenues are to be used for the support of public, education, and government access/telecommunications services; and

WHEREAS, forty percent (40%) of franchise fee revenues are to be used for the planning and development of the city's telecommunications infrastructure;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Establishment of Fund. A Telecommunications Non-Reverting Fund (Fund) shall be established in the Office of the Controller.

SECTION II. Source of Revenues. The Fund shall derive its revenues from cable franchise fees.

SECTION III. Dedication of Revenues; Purpose of Fund. Sixty percent (60%) of cable franchise fees shall be dedicated for public, education, and government access/telecommunications services (herein after known as Telecommunications Services) and forty percent (40%) of cable franchise fees shall be dedicated for the planning, design, development and construction of the City's telecommunications infrastructure (herein after known as Telecommunications Infrastructure).

SECTION IV. Flow of Funds. All of the cable franchise fee revenues dedicated for the City's Telecommunications Infrastructure that are received after the adoption of this ordinance shall be deposited into the Fund. In recognition of Civil City Budget appropriations for telecommunications services for the years 1996 and 1997, only the revenues from cable franchise fees dedicated for Telecommunications Services received by the City in those years that exceed budgeted amounts shall be deposited into the Fund. Therefore, any cable franchise fees dedicated for Telecommunications Services that are received by the City in 1996 after adoption of this ordinance that exceed $153,319 and in 1997 that exceed $190,068 shall be deposited into the Fund. After the year 1997, all said revenues shall be deposited into the Fund.

SECTION V. Expenditures from Fund. All expenditures from this Fund shall be subject to appropriation by the city's fiscal body and shall be budgeted through the Department of Public Works.

SECTION VI. Amendment and Termination. The Telecommunications Non-Reverting Fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the Fund at termination shall be deposited into the General Fund.

SECTION VII. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of November, 1996.

Patricia Cole
PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 12th day of November, 1996.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 12 day of November, 1996.

John Fernandez
JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance establishes a Telecommunications Non-Reverting Fund (Fund) with revenues derived from the Cable Franchise Fees. Sixty percent (60%) of cable franchise fees shall be dedicated for public, education, and government access/telecommunications services and forty percent (40%) of cable franchise fees shall be dedicated for the planning, design, development and construction of the city's telecommunications infrastructure. All future cable franchise fee revenues, except those that have been budgeted for 1996 and 1997, shall be deposited into the Fund. All expenditures from the Fund must be appropriated by the Common Council.

Signed copies to
TCC (6) controller 2
Public Works Brad Underwood