(passed 6-0 Banach, Ruff, Rollo out of room)

**ORDINANCE 03-29**

**TO AMEND ORDINANCE 96-31 WHICH ESTABLISHED A TELECOMMUNICATIONS NON-REVERTING FUND (TELECOM FUND)**
**(Allowing the Infrastructure Portion of the Fund to Be Used For the Maintenance and Repair of the City's Telecommunications Infrastructure)**

WHEREAS, in November of 1996 the City adopted Ordinance 96-31, which established the Telecommunications Non-Reverting Fund (herein after known as the Telecom Fund) with the revenues received from cable franchise fees; and

WHEREAS, according to said ordinance, sixty percent (60%) of franchise fee revenues were set aside for the support of public, education, and government access/ telecommunications services (otherwise known as the Telecommunications Services) and forty percent (40%) of franchise fee revenues were set aside for the planning and development of the city's telecommunications infrastructure (otherwise known as the Telecommunications Infrastructure); and

WHEREAS, in the years following the establishment of the Telecom Fund, the City began a program of installing telecommunications conduit in its rights-of-ways known as the Bloomington Digital Underground (BDU); and

WHEREAS, as a result of this new initiative, in November of 2000, the City adopted Ordinance 00-45 which amended Ordinance 96-31 by dedicating a certain amount of the revenues from the sale, lease, operation, or other use of this telecommunications infrastructure to the Telecommunications Infrastructure portion of the Telecom Fund; and

WHEREAS, the City wishes to amend Ordinance 96-31 further by expanding the uses of the Telecommunications Infrastructure portion of the Telecom Fund to include not only the planning, design, development, and construction of the City's telecommunications infrastructure, but also the maintenance and repair of this asset; and

WHEREAS, this amendment is not intended to alter other restrictions upon the revenues imposed by Ordinance 00-45;

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

SECTION I. Section III of Ordinance 96-31, entitled Dedication of Revenues; Purpose of Fund," as subsequently amended, shall be amended so that the first sentence will read as follows:

> 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, construction, maintenance, and repair of the City's telecommunications infrastructure (herein after known as Telecommunications Infrastructure).

SECTION II. 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 by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of October, 2003.

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of October, 2003.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 16th day of October, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes funds in the Telecommunications Infrastructure portion of the Telecommunications Non-Reverting Fund to be used for the maintenance and repair of the City's telecommunications infrastructure.

Signed copies to:

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| legal(5) | telecom council | file |
| controller | ITS | clerk |
| DW | CA/CA(2) | |