

CITY COUNCIL
Mayor Bill Stankiewicz
Reginald Jackson, Post 1
Marichal Price, Post 2
Fred Higgins, Post 3
George Bailey, Post 4
Theresa Strickland, Post 5

City of Hogansville



David Milliron, City Manager
Lisa Kelly, City Clerk
Jeff Todd, City Attorney

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Hogansville GA 30230-1196
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COUNCIL ACTION FORM

MEETING DATE: November 5, 2018

SUBMITTED BY: City Manager

AGENDA TITLE: Audit of Franchise Fees

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|---|-------------------------------------|--|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input checked="" type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

Hogansville is a member of the GMA's Telecommunications and Right-of-Way Management program. Here is the link: <https://goo.gl/kEMqjA>. Our GMA Franchise Representative has suggested it is time to examine the franchise fee payments to the City from Comcast. They performed a full Franchise Fee Compliance Review back in 2013, which resulted in recovering \$1,583 in underpayments. In addition, Comcast was to correct the errors that caused those underpayments.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

It is recommended the GMA representative begin with looking at the remittance sheet from Comcast, and if advisable they will move towards replicating the full Franchise Fee Compliance Review to ensure the City is getting the proper remittance from Comcast. Hogansville is already a member of the program, so this is at no additional charge to the City.

STAFF RECOMMENDATION (Include possible options for consideration)

Attached is a Resolution setting the franchise fee rate at 5%. This is advisable for every city that has a state issued franchise or may soon have one. After it passes, the updated copy will be filed with the Secretary of State's Office and the review and audit will commence.

RESOLUTION

A RESOLUTION OF THE CITY OF HOGANSVILLE THROUGH THE COUNCIL TO AUTHORIZE THE MAYOR TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE AND VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA

WHEREAS, the City currently collects a franchise fee from any current cable or video providers;

WHEREAS, the City considers collecting a franchise fee from a cable or video provider utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economics development of the City and to protect public works infrastructure;

WHEREAS, the City of Hogansville is authorized to collect a franchise fee of 5%, the maximum amount established by federal and state law, of each cable or video providers gross revenues received from the provision of cable or video service generated within the City;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hogansville hereby requires a franchise fee of 5% of any cable or video state franchise holder's gross revenues received from the provision of cable or video service generated within the corporate boundaries of the City of Hogansville, pursuant to a franchise issued by the State of Georgia pursuant to O.C.G.A. 36-76-1 et seq. known as the "Consumer Choice for Television Act" of 2007.

RESOLVED by the Mayor and Council of the City of Hogansville this __th day of _____ 2018.

ATTEST:

By _____

City Clerk

Mayor: _____

City of Hogansville

(SEAL)