

ORDINANCE NO. 15-11

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SECTION 5 OF ORDINANCE 14-11 OF THE CITY OF DIAMOND CITY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on September 12, 2011, the City Council of the City of Diamond City, Arkansas adopted Ordinance No. 14-11 authorizing and approving a cable franchise agreement with for the City of Diamond City, Arkansas; and

WHEREAS, the City Council has recognized that there was an error in the wording or understanding of Section 5 of Ordinance 14-11; and

WHEREAS, the City Council, after thorough consideration, desires to approve and adopt said amendment to the Cable Franchise Ordinance.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Diamond City, that the following subsection of the Cable Franchise Ordinance of the City of Diamond City, Arkansas is hereby amended in its entirety as follows:

Section 5 of Ordinance 14-11:

For the use of the streets and other facilities of the city in the operation of the CATV System and for the municipal supervision thereof, the grantee shall pay the city annually an amount equal to three percent (3%) of the grantee's gross subscriber revenues from basic services starting November 1, 2011, from operations within the city of Diamond City, Arkansas, during the year beginning November 1, 2011. For this purpose, "gross subscriber revenues" does not include sales, excise, or other privilege taxes billed to and collected from subscribers by grantee in addition to charges for service rendered, and shall not include amounts collected from installation charges. Basic services are the services provided for which there is no additional charge.

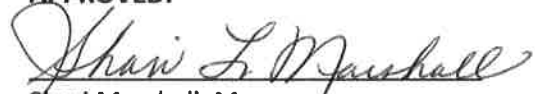
EMERGENCY CLAUSE. The City Council hereby determines that this Ordinance is necessary for the provision cable television service to the citizens of the City of Diamond City, Arkansas. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the ordinance enacting this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED this 13th day of October, 2011.

ATTEST:


Cheryl Guthrie, City Recorder

APPROVED:


Shari Marshall, Mayor

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF BOONE

We, Shari Marshall and Cheryl Guthrie, do solemnly swear that as Mayor and City Recorder/Treasurer, respectively, of and for the City of Diamond City, Boone County, Arkansas, that a certified copy of Ordinance No. 15 - 11 was, on the 14 day of OCTOBER, 2011, duly posted in five separate and distinct places inside the corporate limits of the Town in accordance with Ordinance No. 03 - 10 of the City, and that the above listed Ordinance remains posted for thirty (30) days.

Dated this 14th day of November, 2011.


Cheryl Guthrie, Recorder/Treasurer


Shari Marshall, Mayor