

Ordinance No.140

**ORDINANCE**

An Ordinance setting the franchise fee to be paid by those entities providing video service within municipal limits of the Town of Sibley under a state-granted franchise authority and otherwise providing with respect thereto.

**WHEREAS**, pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-RS. 45:1361 et seq. any person or entity desiring to provide cable or video services with the Town of Sibley may do so by obtaining a state-issued certificate of franchise authority;

**WHEREAS**, pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a municipality in which it operates upon the passage of an ordinance by municipality setting such a fee; and

**WHEREAS**, there are persons or entities which operate or desire to operate cable or video services within the Town's municipal limits.

**BE IT THEREFORE** ordained by the Mayor and Board of Alderman of the Town of Sibley, State of Louisiana, that all persons or entities providing cable or video services to the citizens of the Town of Sibley pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq shall pursuant to the provisions of LSA-R.S. 45:1366, pay the Town of Sibley a franchise fee equal to five percent (5%) of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the Town's municipal limits.

**BE IT FURTHER RESOLVED**, that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the Town and any cable or video service provider.

**BE IT FURTHER ORDAINED** that if any portion of this ordinance is ultimately deemed to be invalid or unconstitutional, the remaining portion of the ordinance is deemed valid.

**IT IS FURTHER ORDAINED** that the effective date of this Ordinance shall be November 1, 2008.

This ordinance was read by sections and as a whole and on motion of Wayne Bolton, seconded by Robert Smart was adopted by the following vote:

YEAS: 4 – Wayne Bolton, Doyle Chanler, Robert Smart, Jimmy Williams

NAYS: 0

ABSENT: 1 – Clint Heflin

The above Ordinance was declared adopted on the 14<sup>th</sup> day of October, 2008.

  
LARRY MERRITT, MAYOR

ATTEST:

  
SHERRY MCCANN, TOWN CLERK



## ADOPTION RECORD

Proposed Ordinance 140 Titled AN ORDINANCE SETTING THE FRANCHISE FEE TO BE PAID BY THOSE ENTITIES PROVIDING VIDEO SERVICE WITHIN MUNICIPAL LIMITS OF THE TOWN OF SIBLEY UNDER A STATE-GRANTED FRANCHISE AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO was introduced at the September 9, 2008 Regular Meeting.

Public Notice was advertised in the Minden Press Herald on September 15, 2008 and posted on September 10, 2008.


A Public Hearing was held on October 14, 2008 at 6pm during the October 2008 Regular Meeting held at the Sibley Town Hall Council Chambers.

A motion was made and seconded to adopt said ordinance on October 14, 2008 at 6pm during the October 2008 Regular Meeting, held at the Sibley Town Hall Council Chambers.

Delivered to the Mayor on October 15, 2008. Received back from the Mayor **with** signature on October 17, 2008.

### CERTIFICATE

I hereby certify that the foregoing is a true and exact record of the process of adoption of Ordinance No. 140 and was enacted upon by the Sibley Town Council, Town of Sibley, Parish of Webster, Louisiana.

  
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Sherry McCann, CMC, Town Clerk

