



ORDINANCE NO. 958

**AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE
TELEVISION FRANCHISE FEES IN THE VILLAGE OF
MACKINAW, ILLINOIS**

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw

MARCH 14, 2018

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *12TH day of March 2018*, insofar as same relates to the adoption of *Ordinance No. 958*, entitled:

**AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION FRANCHISE FEES
IN THE VILLAGE OF MACKINAW ILLIOIS**

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.958*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *MARCH 14, 2018* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by **FIVE** members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 24TH DAY OF MARCH, 2018.



Village Clerk

ORDINANCE NO. 958

AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION FRANCHISE FEES IN
THE VILLAGE OF MACKINAW ILLINOIS

ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW

Adopted by the Village Board of Trustees of the Village of Mackinaw, Illinois
on 12th day of March, 2018.

WHEREAS, MCC Illinois LLC operates a cable television system providing cable television services to households in the Village of Mackinaw, Illinois authorized under an Authorization of Offer Cable or Video Services granted by the Illinois Commerce Commission in 2017 pursuant to 220 ILL. COMP. STAT. 5/21-401; and

WHEREAS, 220 ILL. COM. STAT. 5/21-801 permits the Village to collect service provider fees from a cable operator operating within the Village pursuant to a state authorization; and

WHEREAS, the Village hereby adopts this Ordinance in order to collect service provider fees from the MCC Illinois LLC.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW, ILLINOIS AS FOLLOWS:

SECTION 1. MCC Illinois LLC shall pay an annual service provider fee to the Village in an amount equal to 3% of annual gross revenues derived from the provision of cable or video service to households located within the Village. The twelve (12) month period for the computation of service provider fee shall be a calendar year.

SECTION 2. The service provider fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by the representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked.

SECTION 3. For purposes of the calculation of the service provider fee, "gross revenues" shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by MCC Illinois LLC for operation of its cable system to provide cable or video service within the Village, including the following: (i) recurring charges for cable service or video service; (ii) event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges; (iii) rental of set-top boxes and other cable service or video service equipment; (iv) service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges; (v) administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination

charges; and (vi) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the cost of collecting delinquent payments.

SECTION 4. For purposes of the calculation of the service provider fee, "gross revenues" shall not include: (i) revenues not actually received, even if billed, such as bad debt; (ii) the service provider fee or any tax, fee or assessment of general applicability; (iii) any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records kept in the regular course of business and any applicable laws, rules, regulation, standards, or orders; (iv) security deposits collected from subscribers, or (v) any amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel as part of the cable attributed by the holder to.

SECTION 5. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6. All ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 12th day of March, 2018.

APPROVED:



Craig M. Friend – President of the Board of Trustees

ATTEST:



Lisa Spencer – Clerk

AYES: 5
NAYS: 0
ABSENT: 1
PRESENT: 0