

**ORDINANCE \_\_\_\_\_**

**AMENDING REGULATIONS FOR THE ISSUANCE OF LICENSES TO VIDEO SERVICE PROVIDERS TO CONSTRUCT, INSTALL AND OPERATE VIDEO SERVICE NETWORKS ALONG, ACROSS, UNDER AND UPON HIGHWAYS IN COCHISE COUNTY TO INCREASE FEE FROM 3% TO 5% OF LICENSEE'S GROSS REVENUE**

**WHEREAS**, The State of Arizona enacted Title 11, Chapter 14 of the Arizona Revised Statutes ("A.R.S."), declaring that licensing of video service providers and the regulation and use of video services are matters of statewide concern; and

**WHEREAS**, The State of Arizona has required that all Counties adopt new video service provider affidavits, applications, and licenses; and enact a local law in order to be able to continue to collect licensing fees to compensate the County for the use of its highways; and

**WHEREAS**, on March 10, 2020, the Cochise County Board of Supervisors adopted Ordinance 050-20, establishing regulations for the issuance of such licenses to video service providers, which included a fee of three percent (3%) of the Licensee's gross revenue, as defined in A.R.S. § 11901(A)(9); and

**WHEREAS**, in the best interest of the County, the Cochise County Board of Supervisors wishes to increase the fee to five percent (5%) of the Licensee's gross revenue, as defined in A.R.S. § 11901(A)(9), to be consistent with other Arizona counties; and

**WHEREAS**, A.R.S. § 11-1942(B), allows a County to charge a fee of up to five percent (5%) of the Licensee's gross revenue, as defined in A.R.S. § 11901(A)(9).

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:**

Ordinance 050-20, Section 9. Annual License Fee, Subsection A is amended as follows:

**A.** In consideration of the fact that the public highways, streets, roads, and alleys of the County will be used by video service providers and holdover cable operators (hereinafter "Licensee"); and that said highways, streets, roads and alleys are valuable public properties acquired and/or maintained by the County at great expense to its taxpayers, and in consideration of the costs incurred by the County in regulating and administering each License and the authority granted by the Licensing Statute, each Licensee shall pay to the County the following amounts: Licensee shall pay to the County on an annual basis as and for a license fee a sum representing five percent (5%) of Licensee's gross revenue as defined in A.R.S. § 11-1901(A)(9). Payment shall be due in two (2) annual installments, on July 15 and on January 15 for the preceding six (6) months of the year in which such installments are due. Amounts due will be delinquent if not paid within 30 days of the due date. Delinquent payments shall bear interest at the federal short-term rate, determined pursuant to 26 United States Code section 6621(b), plus three percentage points.

If at any time during the term of a License the Board of Supervisors determines that the fee should be adjusted to an amount not to exceed the legal limit for such fees, the Licensee shall commence paying the adjusted fee following sixty (60) days written notice from the County. In no event shall the fee exceed the maximum fixed by applicable law.

A video service provider shall have the right to offset the following fees and charges imposed by the County and paid by Licensee during the preceding billing period against the next license fee payment made: rental, application, construction, permit, inspection, inconvenience and other fees and charges paid to the County related to the video service provider's use or occupancy of the highways.

Ordinance \_\_\_\_

Amending Regulations for the Issuance of Licenses to Video Service Providers to Construct, Install and Operate Video Service Networks Along, Across, Under and Upon Highways in Cochise County to Increase Fee from 3% to 5% of Licensee's Gross Revenue

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**PASSED AND ADOPTED** by the Board of Supervisors for the County of Cochise, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Thomas E. Borer, Chairman  
Cochise County Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Kim Lemons, CPCC  
Clerk of the Board

**APPROVED AS TO FORM:**

*Christine J. Roberts* 06/17/2020  
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Christine J. Roberts  
Chief Civil Deputy County Attorney