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11/7/2016
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Sponsor: Upthegrove
Proposed No.: 2016-0521

1 **AMENDMENT TO PROPOSED ORDINANCE 2016-0521, VERSION 2**

2 On page 3, line 64, after "6.27.054 is" strike "~~((two)) ten thousand ((five hundred))~~" and
3 insert "two thousand five hundred"

4 On page 5, beginning on line 96, strike everything through page 7, line 143, and insert:
5 "SECTION 6. Ordinance 10171, Section 1, as amended, and K.C.C. 6.27.054 is
6 hereby further amended to read as follows:

7 A. A party requesting a new franchise, an amended franchise, a renewal~~((;))~~ or
8 extension of an existing franchise or a transfer of its franchise rights shall pay a franchise
9 application fee as set forth in K.C.C. 4A.675.020. The fee is for ~~((reimbursement to the~~
10 ~~real estate services section of the facilities management division for))~~ the administrative
11 costs ~~((and expenses))~~ incurred by the county in the reviewing and processing of the
12 franchise application. The franchise application fee is payable at the time ~~((the~~
13 ~~application is filed with the clerk of the council))~~ of franchise issuance. In addition, each
14 applicant shall pay an advertising fee as set forth in K.C.C. 4A.675.020.B. ~~((Franchise~~
15 ~~application and a))~~ Advertising fees are not refundable, even if the application is
16 disapproved.

17 B. The real estate services section may require applicants to reimburse the ~~((real~~
18 ~~estate services section))~~ county for the actual costs ~~((and all expenses))~~ incurred by the

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19 ~~((real estate services section as a result of))~~ county in the reviewing and processing of an
20 application for the issuance, renewal or extension, amendment(~~(, extension))~~) or transfer
21 of ((a)) franchise rights, to the extent the costs exceed the costs of reviewing and
22 processing the application recovered by the application fee. The payment of actual cost
23 balances shall be made at the time of the franchise issuance.

24 C. If a franchise is granted to an applicant, the real estate services section may
25 require the grantee of the franchise to reimburse the county for the actual costs incurred
26 by the county in administering a grantee's activities under the franchise, including but not
27 limited to costs incurred for inspections, relocations, abatements and enforcement.

28 D. The facilities management division is authorized to establish rules or policies
29 that define actual costs that may be charged to an applicant for a franchise or to a grantee
30 of a franchise under subsections B. and C. of this section. Costs related to reviewing and
31 processing applications for franchises and administering franchises may include, but are
32 not limited to costs for:

- 33 1. Personnel, including payroll and management;
- 34 2. Overhead, including office rent, maintenance and utilities;
- 35 3. Program planning and development;
- 36 4. Data processing and computer;
- 37 5. Legal and accounting services; and
- 38 6. Consulting services such as engineering and environmental assessment.

39 E. The facilities management division is authorized to establish rules or policies
40 to assess annual administration charges to grantees of franchises under subsection C. of
41 this section to reasonably cover the costs incurred by the county in administering

42 franchises. If the facilities management division institutes such an administration charge,
43 the real estate services section may require applicants to reimburse the county for the
44 actual costs incurred by the county in administering a franchise, to the extent the costs
45 exceed the costs recovered by the administration charge.

46 F. All ~~((franchise application))~~ payments received under this section shall be
47 credited to the county current expense fund. The franchise application fee received under
48 K.C.C. 4A.675.020.A. and K.C.C. 6.27.054.A. and any reimbursement of actual costs
49 under K.C.C. 6.27.054.B. shall be credited against any franchise compensation required
50 by K.C.C. 6.27.060.B.

51 ~~((D-))~~ G. This section shall not apply to franchise applications, amended
52 franchises, renewal ~~((, amendments))~~ or extension of existing franchises or transfers
53 ~~((made))~~ or franchise rights or franchise administration under the county's cable
54 television regulations, K.C.C. chapter 6.27A.”

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57 **EFFECT: Reduces s the application fee from ten thousand dollars back to the current**
58 **two thousand five hundred dollars. Makes the application fee due at the time of**
59 **franchise issuance instead of at the time the application is filed with the clerk of the**
60 **council. Eliminates the provision that made the franchise application fee non-**
61 **refundable. Makes the franchise application fee and any additional actual costs a**
62 **credit against compensation required by the franchise.**