

RESOLUTION NO. 2019-1148

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ESTABLISHING A NEW VIDEO LICENSE FEE AS AUTHORIZED BY CHAPTER 117, VIDEO SERVICES, TO CORRESPOND WITH REQUIRED CHANGES TO THE TOWN'S REGULATION OF VIDEO SERVICES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2018 the Arizona State Legislature adopted Chapter 331 and in 2019 the Arizona State Legislature adopted Chapters 76, 163 and 319 (collectively the "Act"), declaring that the regulation of video services and video service providers is a matter of state-wide concern and setting forth the powers of Arizona cities and towns with respect to the regulation of video services and video services providers; and

WHEREAS, the Act preempts the Town of Chino Valley (the "Town") with respect to the regulation of video services and video service providers, prescribes the process for issuing and renewing licenses for video services, and other regulation of video services and video service providers in the Town; and

WHEREAS, the Federal Communications Commission adopted FCC 19-80 on August 1, 2019, which further preempts local jurisdictions in the regulation of video services and video service providers; and

WHEREAS, the Town adopted Ordinance No. 2019-874, adding new Chapter 117 Video Services, consisting of that public record entitled "Town of Chino Valley Video Services Regulatory Ordinance dated November 12, 2019," in order to comply with the requirements of the Act and federal law; and

WHEREAS, pursuant to the Town of Chino Valley Town Code Section 117.14, License Fee on Gross Revenue; Transaction Privilege Taxes, the Town Council is authorized to adopt a video license fee as a percentage of gross revenues for the video service provider's use of the highways to provide video service within its service area.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. In accordance with Section 117.14(A) of the Chino Valley Town Code, the Town's Consolidated Fee Schedule is hereby amended to include the following Video License Fee:

Department Service – Town Clerk – Business Licenses	
Video License:	
Quarterly Fee	5% of "gross revenues"*

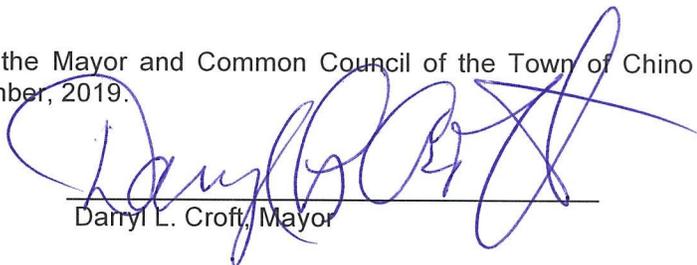
*As such term is defined in ARIZ. REV. STAT. Section 9-1401(9), as amended.

SECTION 3. This fee adopted pursuant to this Resolution shall be effective from and after January 1, 2020.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of November, 2019.



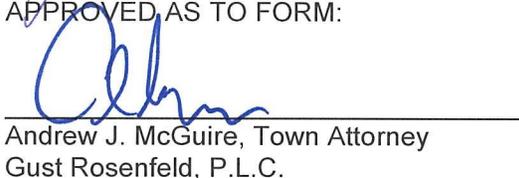
Darryl L. Croft, Mayor

ATTEST:



Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, P.L.C.

I hereby certify the above foregoing Resolution No. 2019-1148 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on November 12, 2019, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.



Jami C. Lewis, Town Clerk