

RESOLUTION NO. 20-2

**A RESOLUTION TO APPROVE AND DESIGNATE A CABLE FRANCHISING FEE; TO RATIFY ANY AND ALL ACTIONS TAKEN CONSISTENT WITH THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE NOTICE; TO REPEAL INCONSISTENT PROVISIONS; AND FOR OTHER PURPOSES.**

**WITNESSETH:**

**WHEREAS**, the Town of Tallulah Falls (the "Town") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

**WHEREAS**, O.C.G.A. § 36-76-6 allows local governing authorities to set a franchise fee which shall not exceed the maximum percentage rate permitted under 47 U.S.C. § 542(b) of the franchise holder's gross revenues received from the provision of cable service within the holder's service area;

**WHEREAS**, 42 U.S.C. § 542(b) provides that during any twelve-month period, the franchise fees paid by a cable operator with respect to any cable system is not to exceed five (5) percent of such cable operator's gross revenues derived in such period from the operation of the cable system to provide cable services;

**WHEREAS**, the Town has received an Application for State-Issued Certificate of Franchise Authority from Trailwave Fiber, Inc. ("Trailwave") along with the proper notification of the Town's right to designate a franchise fee pursuant to O.C.G.A. § 36-76-4(c)(5);


**WHEREAS**, the Mayor and Council, in the exercise of their sound judgment and discretion, have determined it to be in the best interest of the citizens of the Town and the Town as a whole that this Resolution be adopted to designate a franchise fee.

**THEREFORE, IT IS NOW RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TALLULAH FALLS, GEORGIA, AS FOLLOWS:**

1. Designated Franchise Fee. The franchise fee for the Town shall be set at five (5) percent.
2. Effective Date. This Resolution shall take effect immediately.
3. Additional Documents. The Town Council authorizes the Mayor, Town Clerk, and Town Attorney to execute any documents which may be necessary to effectuate this Resolution.
4. Attestation. The Town Council does hereby authorize the Clerk to attest the signature of the Mayor appearing on this Resolution and any related documents, to affix the official seal of the Town thereto, as necessary, and to place this Resolution and an executed copy of any related documents among the official records of the Town for future reference.

5. Severability. To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
6. Repeal of Inconsistent Provisions. All Town resolutions are hereby repealed to the extent they are inconsistent herewith.

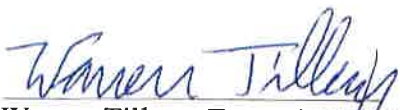
THIS RESOLUTION adopted this 12<sup>th</sup> day of March, 2020.

  
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Mike Early, Mayor

Attest:   
Linda Lapeyrouse, Town Clerk

[seal]

Approved as to Form:

  
Warren Tillery, Town Attorney