

RESOLUTION 2007-05
TOWNSHIP OF BIRCH RUN, MICHIGAN

WHEREAS, Public Act 480 of 2006 (the "Act") requires video service providers to obtain a franchise from a municipality by means of a Uniform Video Service Local Franchise Agreement ("Uniform Franchise"); and

WHEREAS, the Michigan Public Service Commission ("MPSC") on January 30, 2007 issued an Order that provided a Uniform Franchise form; and

WHEREAS, the Act provides the Township of Birch Run fifteen (15) business days from the date an application for a Uniform Franchise is filed with the Municipality to respond as to the completeness of the Uniform Franchise; and

WHEREAS, the Act provides the Township of Birch Run thirty (30) days from the submission date of a complete application for a Uniform Franchise in which to act to approve the Uniform Franchise; and

WHEREAS, the Township of Birch Run wishes to memorialize that there were 1 public, educational and governmental access channels in actual use on the incumbent video provider's system in the Municipality on the effective date of the Act, January 1, 2007; and

WHEREAS, the Township of Birch Run has determined that it must designate an official to whom it delegates the authority to respond to, complete, sign and approve Uniform Franchise applications in order to meet the deadlines under the Act, including establishing the video service provider franchise fees and fees to support public, educational and governmental access facilities and services provided for in Uniform Franchises, and taking all actions related thereto; and

WHEREAS, the Township of Birch Run desires to provide such official with guidance on such fees; and

WHEREAS, the Township of Birch Run does not intend that by approving a Uniform Franchise that it shall be waiving rights, nor does it understand that the Act or the MPSC Order so requires.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Township of Birch Run of Birch Run, Michigan, designates and delegates to the Township Supervisor full authority to respond to, complete and approve Uniform Franchise applications, and take all actions related thereto; and

BE IT FURTHER RESOLVED that such authority includes the Township Supervisor having the authority to determine within the statutory deadlines whether the Uniform Franchise as submitted is complete, and having the authority to sign it indicating approval of the Township of Birch Run; and

BE IT FURTHER RESOLVED that a fee of 5% of gross revenues from video service providers is hereby established as the annual video service provider franchise fee, which is also the fee paid to the Township of Birch Run by Charter Communication, which is the incumbent and only video provider in the Township of Birch Run, under its existing year 2004 cable franchise with Municipality, with the Township Supervisor having the authority to modify such fee, if appropriate; and

BE IT FURTHER RESOLVED that in addition to the preceding fee, a video service provider shall pay to the Township an annual fee as support for the cost of public, education, and government access facilities and services, not less than that as determined by Township's cable franchise with Charter Communications, being the Township's only cable franchise on the effective date of the Act; and

BE IT FURTHER RESOLVED that it is hereby memorialized that there were 1 public, educational and governmental access channels in actual use on the incumbent video provider's system in the Township on the effective date of the Act, January 1, 2007; and

BE IT FINALLY RESOLVED that no approvals, deemed approvals under the Act or signature of the Township Supervisor on a Uniform Franchise shall be construed or understood to be a waiver by the Municipality of its police powers; rights it may possess under the Act, Michigan law, the Michigan Constitution, or federal law; or right to challenge or modify a Uniform Franchise if the Act in whole or in part is overturned by the courts.

RESOLUTION DECLARED ADOPTED:

YEAS: Mike Marr, Earl Schlegel, Ed Magnus, Debbie Trevino

NAYS: None

ABSTENTIONS: Jeff Putnam, Amy Cook, Joanne Strahm

CERTIFICATION

STATE OF MICHIGAN)
COUNTY OF SAGINAW) ss.

I, the undersigned, the fully qualified and acting Township Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution which was adopted at a regular meeting of the Township of Birch Run, Birch Run, Michigan, held on June 12, 2007. The original of the proceeding is on file in my office and is available to the Public.

Public notice of the meeting was given to and in compliance with Act 267, Public Acts of Michigan of 1976.

IN WITNESS, I have executed this document on June 18, 2007.

Amy Cook, Clerk
TOWNSHIP OF BIRCH RUN