

ORDINANCE NO. 3118

AN ORDINANCE to amend and reordain Section 9-3-43, Article D, Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 9 relates to LICENSING AND REGULATION, which Chapter 3 relates to CABLE TELEVISION REGULATION, which Article D relates to TRANSFER OR ASSIGNMENT OF A FRANCHISE and which Section 9-3-43 relates to NOTICE OF TRANSFER OR ASSIGNMENT.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 9-3-43, Article D, Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 9-3-43. Notice of transfer or assignment.

(a) The franchisee shall promptly notify the city manager and council of any actual or proposed change in, or transfer of, or acquisitions by any other party of control of Jones Intercable, Inc. A person "controls" Jones Intercable, Inc. if the person:

(1) Is a general partner, officer or director of Jones Intercable, Inc.;

(2) Directly or indirectly or acting in concert with one or more other persons, or through one (1) or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than 20 percent of the voting interest of Jones Intercable, Inc.;

(3) Controls in any manner the elections of a majority of the directors of Jones Intercable, Inc.; or

(4) Has contributed more than 20 percent of the capital of any given form of indebtedness, stock or other form of security, including, but not limited to common stock, preferred stock, straight subordinated notes, convertible notes, or straight bank loan of Jones Intercable, Inc.

(b) For the purpose of determining whether it shall consent to change, transfer or acquisition of control of the franchisee, the council may inquire into the qualifications of the prospective controlling party, and the franchisee shall assist the council in any such inquiry. In the event that the council adopts a resolution denying its consent and such change, transfer or acquisition of control has been effected, the council may cancel the franchise unless control of the franchise is restored to its status prior to the change or to a status acceptable to the council. Any mortgage, pledge or lease shall be subject and

subordinate to the rights of the city under this chapter or other applicable law.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

JAMES P. MORAN, JR.  
Mayor

Final Passage: March 25, 1986