

**ARTICLE VII. SYSTEM PERFORMANCE REVIEW;
SPECIAL EVALUATION.**

Sec. 7.5-80. Annual review of system performance

Once each year throughout the term of the franchise, the board of supervisors may conduct a review of Grantee's system performance and quality of service. The board review shall include, but is not limited to, the various reports required pursuant to this Chapter, results of technical performance tests, the record of subscriber complaints and Grantee's response to complaints, and the information acquired in any subscriber surveys. In addition, any subscriber may submit oral or written comments or complaints for board consideration. Within thirty (30) days after conclusion of a system performance review, the board may issue its evaluation of Grantee's franchise compliance and quality of service.

If Grantor determines that Grantee is not in compliance with the requirements of this Chapter or the Grantee's franchise, Grantor may direct Grantee to correct the areas of noncompliance within a reasonable period of time. Failure of Grantee, after given reasonable notice, to correct the areas of noncompliance within the period specified or to commence compliance within such period and diligently achieve compliance thereafter, shall be considered a material breach of the franchise, and Grantor may exercise any remedy within the scope of this Chapter and the franchise agreement which Grantor considers appropriate.

Sec. 7.5-81. Special review of system performance

(a) Grantor shall have the right to compel the Grantee to test, analyze and report on the performance of the system in order to protect the public against substandard cable service where complaints or other evidence exists which, in the judgment of the Grantor, casts reasonable doubt on the reliability or quality of cable service to the effect that the Grantee is not in compliance with the requirements of this Chapter or its franchise. Prior to exercising its right under this Section, Grantor shall provide Grantee with at least thirty (30) days notice and an opportunity to be heard by the board of supervisors. Such tests or analyses shall be made at Grantee's sole cost and the report thereof shall be delivered to the Grantor no later than thirty (30) days after the Grantor provides Grantee with notice, or if Grantee requests a hearing, thirty (30) days after the board of supervisors determines after hearing Grantee that it is exercising such right.

(b) Such report shall include the following information: the nature of the complaints which precipitated the special tests; what system component was tested; the equipment used and procedures employed in said testing; the results of such tests; and the method by which such complaints were resolved. Any other information pertinent to the special test shall be recorded.

(Ord. No. 1408, §1)

Sec. 7.5-82. Special evaluation sessions

Grantor, in addition to the annual Review of System Performance pursuant to Section 7.5-80 and any Special Review of System Performance pursuant to Section 7.5-81, may hold special evaluation sessions at any time during the term of a franchise, provided such sessions are held no more often than once every three (3) years. The Grantee shall be notified of the place, time and date thereof and the topics to be discussed. Such sessions shall be open to the public and advertised in a newspaper of general circulation at least thirty (30) days before each session. The sessions may include an evaluation of any items considered relevant to the cable system, the subscribers and the county. Either the Grantor or the Grantee may propose items for discussion or evaluation.

(Ord. No. 1408, §1)