

**CHAMPAIGN-URBANA JOINT CABLE AND
TELECOMMUNICATIONS COMMISSION
STUDY SESSION
MINUTES**

DATE: July 20th, 2005
Wednesday, 4:30 p.m.

PLACE: Urbana Council Chambers

MEMBERS PRESENT:	CITY OF CHAMPAIGN Richard Atterberry Karen Walker Brian Silverman Giraldo Rosales	CITY OF URBANA Barb Gladney Danielle Chynoweth Peter Resnick
	PARKLAND	UI

MEMBERS ABSCENT: Tom McDonnell, Stan Yagi,

STAFF PRESENT: Chris Foster
Jeff Hamilton

OTHERS PRESENT: Carl Caldwell and Melody Brucker

Call to Order
Jeff notes attendance

I. Changes or Additions to Agenda

Chair requests that committee appointments be moved after Officer elections.
Motion to approve by Brian Silverman.
Seconded by Barb Gladney.

II. Approval of minutes of April 13, 2005 Study Session, April 20, 2005 Quarterly Meeting and June 14, 2005 Special Meeting

Motion to approve by Brian Silverman.
Seconded by Giraldo Rosales.

III. Correspondence

None. No cable complaints for this quarter.

IV. Political Content on PEG channels

Silverman expresses a concern about people who are actively campaigning for office started by Barack Obama speaking at MLK event. It was rebroadcast while he was actively involved in a primary election. Wanted City Attorneys to look into it. Willing to table since there won't be election questions until next March.

Resnick-Old City Attorney Steve Holtz, did research issues. As long as it is not on government or educational portion of programming. In this particular case, this was government programming and he did draft language so that government programming doesn't get involved in promoting any candidates. He also gave us information saying that anybody candidate or otherwise could come in at any time of the year.

Silverman-Problem with airing on UPTV was it gave the appearance that they were endorsing a candidate because he was on so frequently. The other candidates could have rightly complained that they weren't getting a fair shake.

Resnick-Again this was part of government programming because it was a rebroadcast of a government event, the MLK celebration, so there was that borderline issue, but we don't have any equal access problem on UPTV because any other candidate can come on under the public access and put on as much programming as they desire.

Silverman-Somebody can complain that this is an in-kind contribution and the candidate would need to put that on their reports. It happened in Washington. I think its something for people to think about and candidates to be wary of.

Resnick-In the case in Washington and others, the problem was its commercial radio and television. If there's an in-kind contribution here, it's a contribution of \$0 because its zero cost to get this stuff on the air.

Silverman-I can construct an argument that it's reducing the amount of money they would have to spend to get in on for advertising channel 3. The amount of money they save is in fact a contribution.

Resnick- I would like to make a motion that we get it voted on or off the table because we've spent too much time on it with no production of case law.

Chair-There is nothing on the table to vote on. This was just a matter of seeking an opinion from the attorney which we do have.

Barb-The new attorney hasn't officially accepted it. I would leave it for UPTV to do what they want to do with it.

Silverman-I apologize for any misunderstanding. I was merely saying this is something we need to be careful about because it could open up our peg channels for criticism. We want it to be an open forum.

Resnick-My concern is the Urbana Commission has spent an awful of time worrying about this and we've come to a reasonable conclusion. I would prefer this no appear on the agenda in the future unless there is new information that we're going to run into something problematic.

Foster-I worked with Steve Holtz on this and we went over it. I shared what he thought with the commission. At the last meeting we decided to wait for the new city attorney gets appointed and present it and finalize it at that pint.

Silverman- All I suggested was that there be a written policy so people have an understanding of what is fair and what isn't. Until we have one, I'd like to keep it on the agenda until there is a written policy and I suggest we do that after the new city attorney is in place.

Gladney: We have never brought our policies up for approval to the commission. Why would we bring this specific one up?

Chynoweth: I make a **motion** to acknowledge that the UPTV Commission is working on its language for policies and procedures and any issue of political content on a Public Access channel be handled by UPTV Commission.

Seconded by *Peter Resnick*.

Discussion

Silverman: Only problem is we are answerable to city council and its constituents. We have an obligation to oversee these kinds of things. They are more than welcome to do what they like, but if it conflicts with something we think ought to be discussed, it is proper and appropriate for us to do that.

Chynoweth: UPTV has written policies and procedures and if any member of this commission would like to respond with a proposal to be voted on where we'd make a recommendation to overturn something (if that is within our jurisdiction), then we should do that. But, this is micromanaging. UPTV Commission does have a written policy on this issue and has been working on it which resolves this concern. Secondly, as a council member I serve my constituents and what they say is many of them don't know how to vote or if they should vote. I talk to the TV stations and they say we don't have the resources to do that. The only TV stations that has responded is WILL who has held forums and UPTV which has provided a public access forum. My understanding from talking to former City Attorney, Steve Holtz, is the public access portion of our PEG channel is a public access forum similar to a street or a park or something like that and so it's actually an essential piece of our democracy that people be able to hold forums, express opinions, have talk shows, etc. that explicitly talks about election politics. What is important is that everybody have equal access and that it not take up so much of the public access time that other things are pushed out. It is appropriate for us to regulate time, duration and context in some cases of these things. Public access channels should have election related information featuring candidates on those channels. The best scenario is when every candidate is heard. It would be illegal for us to restrict free speech in that manner. We can take a vote on whether UPTV can handle this. My understanding of the **motion** is that this body understands that UPTV has policies and procedures in place to deal with political content for the public access complement of their channel. We are now voting that a majority of this membership, if there is a majority, is leaving it to UPTV. That does not preclude a Commissioner from bringing a specific proposal forward in the future in response to specific UPTV language.

Chair: Motion on the table. Any further discussion?

All in favor signify by saying Aye.

Aye-all but Silverman

Opposed?

Nay-Silverman

V. Committee reports

a. Technical-none

b. Public Access

Gladney- Thanks to Commission for providing the study committee a budget. Mission statement is being passed around. Basically the charge given to committee and in addition we are saying we will assess where there is sufficient public interest and commitment to make public access viable which is also part of the franchise renewal process. Committee is hard working and enthusiastic. Much of what we've been doing is preparing for two meetings. Monday, Aug. 29th at 4pm there is an UPTV meeting here and we've invited representatives from community organizations. The purpose of that meeting is to tell you about the current public access facilities and to hear about what you are doing or would like to do with public access. The other meeting is Sat., Sept. 17th featuring Sue Buske of the Buske group. She will meet with committee in morning in afternoon and will give a presentation in the Champaign council chambers. Any suggestions the commission has as to what kinds of information you would like consultant to give us or what you would like the committee to look into, we will. I make a motion that the Commission hold a special meeting in the council chambers on Sat., Sep. 17th from 2-4pm. The purpose is for the consultant to provide a presentation on public access and public access concerns.

Chair: No motion needed to schedule special meeting.

Gladney: I would also like to invite the Mayors and city council members and Champaign County Board and will write a letter on behalf of Rick and myself and would also like a press release to go out officially from the Commission. Jeff and I will work on that. We still plan to present a report at the October study session. Our committee is losing a member, Carl Caldwell.

c. PEG Advisory Committee Report

Differed to later in agenda

d. compliance Committee

Not compliance season yet.

VI. Staff Reports

Foster-Studio is completed. I have a meeting set up with administration to talk about last few things before we start utilizing it. I'm fully staffed now with a Production Assistant and Outreach Coordinator. I have someone interested in using the studio. Patsy Petrie of Regional Planning Commission has volunteered to be first in line.

Chynoweth-does the studio have a call in function?

Foster-not at this time. Back when we originally started, the old administration wasn't sure about that and I haven't been directed in a different manner as of yet, but I'm meeting with Bruce about it.

Chynoweth- Mayor Prussing is interested in supporting the call in function.

Hamilton-the public access committee has been meeting regularly. The agendas and minutes of those meetings are available on the city's website.

VII. Operator's report

Resnick-Are the numbers dropping this time of year strictly students?

Brucker-All student. you will see a decline in May, June and July and it will go back up in August and September.

Chair-There is a little bit of creep in call answered time and hold time. Any particular reason for that?

Brucker--That varies a lot. It could be vacation time. The amount of calls that come in. It varies.

Silverman-I've gotten calls from people who were upset about the introductory offer presented to new customers being unfair.

Brucker-To stay competitive, we have to put out marketing strategies to attract new customers. A lot of customers who are upset, if we go back, we see that they came in under a special. It's a revolving door. We are grateful for our customers. At some point everyone comes in under special and then becomes a longevity customer.

Gladney-everybody does it. Telephone companies, retailers, etc.

Silverman-Where are we at with getting Fox Sports Midwest?

Brucker-We are in the midst with negotiating with Fox Sports Chicago since they lost their programming. Until we have come to some agreement, I'm not sure where we stand with Fox Sports Midwest. We listen to concerns. Keep calling. We track that. Right now I can't tell you where we're at in the process, but talks are happening.

Resnick-commented on letter he received regarding the downtime in his cable service. Do you have statistics regarding downtime we can use with our quarterly reports?

Brucker- staff are given a report of outages and we keep statistics of calls coming in

Resnick-do you keep track of the reasons?

Brucker-franchise reads we have 24 hours by law to get up and running and we try and work within a 2 hour timeframe. We keep track of the big issues.

Silverman-asks for information regarding the cable card.

Brucker-we accept the card and it replaces the digital box. It's \$2.95/month. They rent the card like the box.

Danielle-What is status of wiring the Urbana Free Library?

Chris-I don't know if its' being used. Bill is working on that. I'll be there on Friday and can ask about it and we can look into getting it taken care of and send out the details to the commission.

Jeff-ownership of insight may be in flux. The current upper management was looking at taking the company private are there any updates on that?

Brucker-no updates

Jeff-city of Champaign has reviewed our franchise agreement. We don't believe this would require a transfer agreement. Section 6.7B of franchise agreement requires that if a person or group acquires more than 10% this is a rebuttal presumption that a transfer has occurred. I encourage Urbana to look at their language as well.

Danielle-does that provision also state the agreement transfers or is it renegotiated?

Jeff-transfer

Danielle-would transfer require a vote?

Silverman-seamless in transference. Designed so when cable company is bought out, there is an internal process and we can't interfere with it. It's like a lease they automatically become bound by things in the franchise.

New Business

Officer election time. Vice-Chair position is vacant.

Silverman nominates Rick Atterberry to be chairman of commission. Seconded by (lady).

Discussion-none

Roll call vote taken. Motion passes unanimously.

Silverman nominates Karen Walker as Vice-Chair. Seconded by Chynoweth. Silverman moves to close nominations. Roll call vote taken. Motion passes unanimously. Silverman nominates Barb Gladney as Secretary. Seconded by Chynoweth. Silverman moves to close nominations. Roll call vote taken. Motion passes unanimously.

Commission rules language change

Pg. 4 of rules and regulations. Atterberry reviews previous language. Requests that it be changed to "...before each agenda item" because rarely are our agenda items action items. Silverman-problem I have is the next sentence and being able to limit it. If people have 5 minutes to speak on controversial issues, the chairman should limit how long speaking would be.

Resnick-Brian's concern is addresses by following sentence other and further audience participation as deemed appropriate. We can vote to limit it under that clause.

Silverman motion to adopt the change of the presented rule. Seconded by Rosales.

Roll call vote taken. Motion carried.

Broadcast Retransmission

Atterberry reviews concern brought by a constituent regarding cable and local network retransmission channels.

Brucker-Our current contract expires December 2005. We've reached out to our partners and we have a good relationship. It's too early for me to make any forecasts, but we hope to be able to reach and negotiate these locally.

Annual PEG Reports

Chair invites Carl to speakers table and reviews PEG report for benefit of audience.

UI-7 Carl: Report is fairly consistent. We are trying to keep commission updated regarding current interest among students to do more with UI 7. Dean Yates is interested in using UI 7 more as an educational tool and broadcasting special events on campus.

Silverman: Is closed captioning in English available for SCOLA broadcasts?

Carl: It certainly is a possibility that we can look into.

Parkland Channel: PCETV has changed departments it is now housed in the Center for Excellence in Teaching and Learning. Program schedule is online and available by phone. It's on Insight Channel 19 preview channel, news gazette and on the bulleting board. 45 new parkland. Productions this year and 34 new hours of programming.

Channel 6: Compares numbers from last year with this year. City meeting lower that last year. Public access has made a huge jump. We have consistent customers who bring in programs. For the most part, locally produced programs are people bringing in programs from the outside.

Channel 5: Our numbers were also down this year attributed to a number of meetings being cancelled and meetings being shorter. Milestones include we have a new brand as CGTV or Champaign government television. We also had a number of candidate forums.

NTOA Conference

We can afford to send one person to the conference. Danielle volunteers to attend.

Audience Participation

None

Committee Appointments

Chair reviews committees and people presently participating.

Commissioner's Comments

Chair welcomes Danielle back to the Commission

Next meeting is October 19th a study session and Oct. 26th.

Silverman moves to adjourn.

Seconded by Karen Walker.