

ORDINANCE NO. 8283-21

AN ORDINANCE  
AMENDING CERTAIN SECTIONS OF THE  
URBANA CATV FRANCHISE ORDINANCE (NO. 7273-68, AS AMENDED)

WHEREAS, in order to optimally promote the development of cable television in the Cities of Champaign and Urbana, and so as to ensure ease of oversight by their Joint CATV Commission, it is the desire of both Cities to enact identical ordinances which grant Champaign-Urbana Communications, Inc., the franchise to construct, maintain and operate a CATV System to serve both Cities; and

WHEREAS, the Champaign-Urbana Joint CATV Commission has reviewed and evaluated various Sections in the Champaign and Urbana CATV Franchise Ordinances (as amended), and has recommended that the Champaign and Urbana City Councils amend certain Sections in their respective CATV Franchise Ordinances (as amended); and

WHEREAS, the Urbana City Council accepts and approves as being in the best interest of the City of Urbana the amendments recommended by the Champaign-Urbana Joint CATV Commission; and

WHEREAS, as required by Section 27 (Amendment of the Ordinance) of the Urbana CATV Franchise Ordinance (as amended), a public hearing was conducted during the March 24, 1982, Joint CATV Commission meeting concerning these recommended amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1: That the Urbana CATV Franchise Ordinance (No. 7273-68) passed and approved on February 27, 1973, as amended by Ordinance Nos. 7273-73 on March 8, 1973; 7273-77 on March 22, 1973; 7475-45 on October 22, 1974; 7677-12 on August 3, 1976; 7778-26 on October 6, 1977; 7879-19 on August 21, 1978; 7879-38 on October 20, 1978; 7879-59 on October 19, 1978; 7879-101 on June 1, 1979; 7980-80 on March 5, 1980; and 8081-95 on April 8, 1981; be and it is hereby amended as follows:

A. That subsections (5), (6), (7), (8), (9), (14), (15) and (17) of Section 12, entitled "SERVICES TO BE PROVIDED BY GRANTEE", be and they are hereby amended to read as follows:

"(5) Said cable system shall provide three (3) channels for carrying the following network affiliated commercial television stations:

- (a) WCIA-TV, Channel 3 (CBS), Champaign, Illinois
- (b) WICD-TV, Channel 15 (NBC), Champaign, Illinois
- (c) WAND-TV, Channel 17 (ABC), Decatur, Illinois"

"(6) Said cable system shall provide two (2) channels for carrying two (2) imported independent commercial television stations. The selection of these two (2) imported independent commercial television stations shall be determined by the Grantee, subject to the review and approval of the Champaign-Urbana Joint CATV Commission as provided in subsection (6) (n) of Section 22 (Supervision of the Grantee)."

"(7) Said cable system shall possess the capability for carrying the signals of three (3) imported network affiliated commercial television stations in addition to those set forth in subsection (5) above. These three (3) imported network affiliated commercial television stations shall represent all three (3) major commercial television networks, and may be carried on the cable system when their network counterpart as set forth in subsection (5) above pre-empts regular network programming, provided that the carrying of said television station is not prohibited by network exclusivity and non-duplication legal requirements, and further provided that appropriate space is available on the cable system as determined by the Grantee. The selection of these three (3) imported network affiliated commercial television stations shall be determined by the Grantee, subject to the review and approval of the Champaign-Urbana Joint CATV Commission as provided in subsection (6) (n) of Section 22 (Supervision of the Grantee)."

"(8) Said cable system shall provide one (1) channel for carrying WILL-TV, Channel 12 (PBS), Urbana, Illinois."

"(9) Said cable system shall provide the following automated channels:

- (a) An automated news-weather channel.
- (b) An automated sports, financial, and program guide channel."

"(14) Said cable system shall have a minimum channel capacity of twenty-seven (27) FM channels within the frequency range of 88-107 MHz. Such channel capacity must be designed into the cable system so that the implementation of additional channels will not require the rearrangement of existing channels. Said cable system shall carry the following radio stations:

- (a) All local FM stations licensed or transmitting from within the Cities of Champaign and Urbana.
- (b) All local AM radio stations licensed or transmitting from within the Cities of Champaign and Urbana.
- (c) A minimum of five (5) imported audio signals from the Chicagoland area, such audio signals to be used to provide FM and AM signals from Chicagoland radio stations.

All FM radio stations carried shall be offset from their original transmission frequency. The cable system shall carry these FM radio stations in stereo when said radio stations are broadcast in stereo.

The selection of the FM and AM radio stations as set forth above shall be determined by the Grantee, subject to the review and approval of the Champaign-Urbana Joint CATV Commission as provided in subsection (6) (n) of Section 22 (Supervision of the Grantee)."

"(15) Said cable system shall carry the following shortwave radio stations:

- (a) Voice of America
- (b) British Broadcasting Corporation (BBC)
- (c) Foreign language radio stations in as many foreign languages as possible, subject to availability and quality of broadcast. The selection of these

foreign language radio stations shall be determined by the Grantee, subject to the review and approval of the Champaign-Urbana Joint CATV Commission as provided in subsection (6) (n) of Section 22 (Supervision of the Grantee)."

- "(17) Said cable system may carry any other radio stations which local interest desires, with the selection of these radio stations to be determined by the Grantee, subject to the review and approval of the Champaign-Urbana Joint CATV Commission as provided in subsection (6) (n) of Section 22 (Supervision of the Grantee).

In accordance with and pursuant to the various radio station requirements and provisions set forth herein and in subsections (14), (15) and (16) above, said cable system shall carry no less than a minimum of twenty (20) radio stations."

B. That paragraphs (a) and (b) of subsection (4), paragraph (a) of subsection (5), and paragraph (n) of subsection (6) of Section 22, entitled "SUPERVISION OF THE GRANTEE", be and they are hereby amended; and that paragraphs (d) and (e) of subsection (4), and paragraph (o) of subsection (6) of Section 22, entitled "SUPERVISION OF THE GRANTEE", be and they are hereby added; to read as follows:

"(4) Meetings

- (a) The Champaign-Urbana Joint CATV Commission shall meet regularly at least once quarterly at such place, day and time as the CATV Commission may determine and designate."
- "(b) All meetings of the Champaign-Urbana Joint CATV Commission shall be public as required by law; provided, however, that the CATV Commission may meet in closed executive session when such closed executive session is conducted pursuant to and in accordance with the State of Illinois Open Meetings Act."
- "(d) For the purpose of holding meetings and conducting business, a quorum shall be required. A quorum shall consist of a

majority of those members then duly appointed to the Champaign-Urbana Joint CATV Commission."

- "(e) The Champaign-Urbana Joint CATV Commission may establish Committees; such Committees may include persons who are not members of the CATV Commission. These Committees shall be subject to and governed by the same laws as the CATV Commission, including the State of Illinois Open Meetings Act."

"(5) Organization and Procedures

- (a) At its first meeting after July 1 of each year, the Champaign-Urbana Joint CATV Commission shall hold an election of officers. Nominations may be made by any member of the CATV Commission, and election shall be by an affirmative vote of a majority of those members then duly appointed to the CATV Commission.

The officers of the Champaign-Urbana Joint CATV Commission shall be a Chairperson and a Vice-Chairperson. The CATV Commission may create additional offices as it determines necessary, and elect these officers as the time requires.

Each officer shall hold office until a successor has been elected and qualified, or until a resignation from the position is accepted by the CATV Commission. If a vacancy exists in any office, the CATV Commission shall hold a special election, without notice, to choose a new officer, who shall serve for the duration of the unexpired term of his or her predecessor."

"(6) Powers, Duties and Functions

The Champaign-Urbana Joint CATV Commission shall have the following powers, duties and functions:

- (n) Review and approve, in accordance with subsections (6), (7), (14), (15) and (17) in Section 12 (Services to be

Provided by Grantee), which television stations and radio stations are to be carried by the CATV System.

In conjunction with such review, and prior to such approval, the CATV Commission shall call and hold a public hearing; provided, however, that the CATV Commission may by a two-thirds (2/3) majority vote of its duly appointed members elect to waive this public hearing requirement. Such public hearing shall be called and advertised in the same manner as provided in Section 27 (Amendment of the Ordinance).

Within fifteen (15) days following the CATV Commission's approval of television stations and radio stations which are to be carried by the CATV System pursuant to the requirements set forth in Section 12 (Services to be Provided by Grantee), the City Councils of the Cities of Champaign and Urbana shall be notified in writing of such approval by the CATV Commission. The CATV Commission's approval shall become final and effective forty-five (45) days following the date of the CATV Commission's action, unless either or both City Councils adopts and transmits a motion to the CATV Commission expressing its opposition to the CATV Commission's approval, in which case the review and approval process set forth above shall be repeated."

- "(o) The CATV Commission shall have such other powers, duties and functions as are given by this Ordinance, or subsequent amendments hereto. However, the CATV Commission shall have no authority where expressly prohibited by FCC Rules and Regulations."

Section 2: That all ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3: That this Ordinance shall become effective ten (10) days after its passage and publication as provided by law.

Section 4: That the City Clerk shall publish this Ordinance in pamphlet form to insure that the effective date is no later than October 1, 1982.

Section 5: That the City Clerk shall provide a certified copy of this Ordinance to the Secretary of the Champaign-Urbana Joint CATV Commission, who shall be responsible for forwarding said copy to Champaign-Urbana Communications, Inc., pursuant to and in accordance with the acceptance procedure set forth in Section 21 (Acceptance) of the Urbana CATV Franchise Ordinance (as amended).

PASSED by the City Council this 20th day of September, 1982.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 1st day of October, 1982.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

CERTIFICATION OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in pamphlet form on the 1st day of October, 1982.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk