

AN ORDINANCE AMENDING CHAPTER 24
SECTION 24-100 OF THE CODE OF ORDINANCES
OF THE CITY OF URBANA, ILLINOIS, REGARDING
CABLE TELEVISION-JOINT CATV COMMISSION

WHEREAS, in November, 1995, the City Council of the City of Urbana directed the Champaign-Urbana Joint CATV Commission to review its purpose and mission; and

WHEREAS, that purpose and mission was to include a review of its expanded role into the area of telecommunications; and

WHEREAS, the Champaign-Urbana Joint CATV Commission was directed to make its recommendation by May 31, 1996, and having duly considered all matters has recommended the amendments contained herein;

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

Section 1. That the Urbana Municipal Code, 1980, Chapter 24, Section 24-100 is hereby amended to read as follows:

"Sec. 24-100. Commission established.

(a) *Established.* There is hereby established a Champaign-Urbana Cable and Telecommunications Commission, which shall act as an advisory body to the City Councils of the City of Champaign and the City of Urbana for the purpose of overseeing the construction, development and operation of the Cable system, and the administration of the Cable franchise, and to monitor and inform the public of telecommunications legislation and policy.

(b) *Membership.*

(1) The Champaign-Urbana Cable and Telecommunications Commission shall consist of ten (10) members, with four (4) members to be appointed by the mayor of the City of Champaign with the advice and consent of the Champaign City Council, and four (4) members to be appointed by the mayor of the City of Urbana with the advice and consent of the Urbana City Council.

(2) At least one (1) member appointed from each city to the Champaign-Urbana Cable and Telecommunications Commission shall be a current member of the city council of that city.

THIS ORDINANCE CONSISTS OF 6 PAGES.

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(3) The Chancellor of the University of Illinois at Urbana may appoint one (1) member to the Champaign-Urbana Cable and Telecommunications Commission to aid in the accomplishment of its tasks. The University of Illinois will make a yearly monetary contribution to support the activities of the Commission of at least One Thousand (\$1,000.00) Dollars and will be accorded full membership status.

(4) The President of Parkland College may appoint one (1) member to the Champaign-Urbana Cable and Telecommunications Commission to aid in the accomplishment of its tasks. Parkland College will make a yearly monetary contribution to support the activities of the Commission of at least One Thousand (\$1,000.00) Dollars and will be accorded full membership status.

(5) The Champaign and Urbana City Council members who are not regular members of the Champaign-Urbana Cable and Telecommunications Commission may attend meetings of the Cable and Telecommunications Commission as nonvoting ex officio members of the Cable and Telecommunications Commission.

(c) *Terms of office.*

(1) The terms of the members of the Champaign-Urbana Cable and Telecommunications Commission shall be for three (3) years each, with such terms to be staggered and to commence on July 1.

(2) With respect to the original appointments to the Champaign-Urbana Cable and Telecommunications Commission, each city shall appoint two (2) members for three (3) years each, one (1) member for two (2) years, and one (1) for one (1) year, all such terms beginning July 1, 1976, with all subsequent appointments being for three (3) years each.

(3) All members of the Champaign-Urbana Cable and Telecommunications Commission shall serve until a replacement has been appointed, and all vacancies shall be filled for the duration of the unexpired term.

(4) Each Cable and Telecommunications Commission member shall be expected to attend all regular meetings of the Champaign-Urbana Cable and Telecommunications Commission. Any Cable and Telecommunications Commission member who fails to attend more than half of the scheduled meetings in any one (1) fiscal year (July 1 through June 30) may be asked to resign, or may have his or her name submitted to their respective mayor and city council with a recommendation for termination and replacement of such member.

(d) *Meetings.*

(1) The Champaign-Urbana Cable and Telecommunications Commission shall meet regularly at least once quarterly at such place, day and time as the Cable and Telecommunications Commission may determine and designate.

(2) All meetings of the Champaign-Urbana Cable and Telecommunications Commission shall be public as required by law; provided, however, that the Cable and Telecommunications Commission may meet in closed executive session when such closed executive session is conducted pursuant to and in accordance with the State Open Meetings Act. (5 ILCS 120/1 et seq.)

(3) The Champaign-Urbana Cable and Telecommunications Commission shall provide for the keeping of minutes of its proceedings, and those minutes shall be a public record.

(4) 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 Cable and Telecommunications Commission.

(5) The Champaign-Urbana Cable and Telecommunications Commission may establish committees. Such committees may include persons who are not members of the Cable and Telecommunications Commission. These committees shall be subject to and governed by the same laws as the Cable and Telecommunications Commission, including the State Open Meetings Act (5 ILCS 120/1 et. seq.)

(e) Organization and procedures.

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

(2) The officers of the Champaign-Urbana Cable and Telecommunications Commission shall be a chairperson and vice-chairperson. The Cable and Telecommunications Commission may create additional offices as it determines necessary, and elect these officers as the time requires.

(3) Each officer shall hold office until a successor has been elected and qualified, or until a resignation from the position is accepted by the Cable and Telecommunications Commission. If a vacancy exists in any office, the Cable and Telecommunications 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/her predecessor.

(4) The Champaign-Urbana Cable and Telecommunications Commission shall determine and set forth its own rules and procedures concerning, but not necessarily limited to, the conduct of the meetings, the order of business, the manner of voting, the scheduling of groups or individuals, the receiving and handling of correspondence, and such other related matters.

(5) In exercising and fulfilling its duties and functions as are now or may later be prescribed by the City Councils of the City of Champaign and the City of Urbana, the Champaign-Urbana Cable and Telecommunications Commission may make investigations into the operation of the Cable System, and for this purpose may call witnesses, take testimony and require the production of evidence or information.

(f) *Powers, duties, function.* The Champaign-Urbana Cable and Telecommunications Commission shall have the following powers, duties and functions:

(1) Hold public hearings and hear testimony concerning applications for and renewals of a Cable Franchise, requests for rate increases and/or changes in services and related matters, and make a report of findings and recommendations to the city councils.

(2) Propose regulations and arbitration procedures as deemed necessary by the Cable and Telecommunications Commission or requested by the city councils, and/or provide any other services to the city councils that may be reasonably required by the city councils under the authority of this section.

(3) Advise the city councils on matters which might be violations of the franchise, and which constitute grounds for penalties and/or revocation of the franchise in accordance with this section.

(4) Serve as a forum for resolving complaints and disagreements between the grantee and subscriber and users of the Cable System, public and private.

(5) Advise the city councils on the regulation of rates in accordance with this section.

(6) Submit an annual report within sixty (60) days from Cable and Telecommunications Commission receipt of the grantee's report to the city councils, which shall include but not be limited to the total number of hours of utilization of access channels, a review of any plans submitted during the year by the grantee and for development of new services, and hourly subtotals for various programming categories.

(7) Submit an annual budget request to the city councils to cover expenses anticipated to be incurred with respect to the administration of the franchise and the performance of the functions imposed by this section, and any amendments thereto.

(8) Review all grantee records required by this section and, in the Cable and Telecommunications Commission's discretion, require the preparation and filing of information in addition to that required by this section.

(9) Conduct evaluations of the Cable System at least every year, and pursuant thereto, make recommendations to the city councils.

(10) Recommend to contract, as necessary, to both city councils, for consultant services which are needed by the Cable and Telecommunications Commission to assist it in the analysis of any matter relative to any franchise under this action.

(11) Develop and publish, and amend as necessary from time to time, a Cable Communication System Rules and Procedures Manual to define the Cable and Telecommunications Commission's functions and responsibilities, and adopt rules and procedures in relation thereto.

(12) Maintain a record of the grantee's subscriber complaints, and make such information available to the city councils upon the request of either.

(13) Monitor the telecommunications legislation and policy at federal and state levels and inform the public and private sector and citizenry of changes in such.

(14) Serve as a forum for citizen input in telecommunication issues.

(15) Identify community telecommunication resources, both financial and advisory.

(16) Promote public/private sector and citizen involvement in existing and emerging telecommunications technology by sponsoring seminar and/or workshops on relevant issues.

(17) Encourage public/private cooperative relationships in telecommunications.

(18) Promote community coalitions which enhance the effective and efficient use of telecommunications technology.

(19) Serve as a liaison between local providers of telecommunications services and the consumer.

(20) Encourage local service providers to use Champaign-Urbana as a testing site for new technologies as they emerge.

(21) The Champaign-Urbana Cable and Telecommunications Commission shall have such other powers, duties and functions as are given by this section, or subsequent amendments hereto. However, the Champaign-Urbana Cable and Telecommunications Commission shall have no authority where expressly prohibited by the Federal Communications Commission's rules and regulations.

Section 2. That this Ordinance shall be effective July 1, 1996 after passage and publication as provided by law.

Section 3. That the City Clerk is hereby directed to publish this ordinance so that its effective date is July 1, 1996.

Section 4. That if any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance, or the provisions of the Code.

Section 5. That the City Clerk is hereby directed to send a copy of this Ordinance to Amy Jordan, Urbana Public Television Coordinator, 400 South Vine, Urbana, Illinois 61801; John Peterson, Chairman, Champaign-Urbana Cable and Telecommunications Commission; and Teri Legner, Assistant to the City Manager.

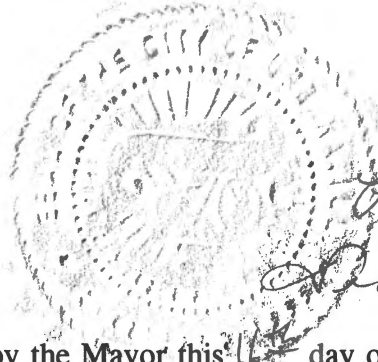
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 3rd day of June, 1996.

AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

PRESENT:



Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Robert J. Robert, Deputy Clerk

APPROVED by the Mayor this 4th day of June, 1996.

Tod Satterthwaite
Tod Satterthwaite, Mayor



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 3rd day of June, 1996, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9596-112, entitled "AN ORDINANCE AMENDING CHAPTER 24 SECTION 24-100 OF THE CODE OF ORDINANCES OF THE CITY OF URBANA, ILLINOIS, REGARDING CABLE TELEVISION-JOINT CATV COMMISSION",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9596-112 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 12th day of June, 1996, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 12th, day of June,



Phyllis D. Clark by _____
Phyllis D. Clark, City Clerk
Deborah J. Roberts, Deputy Clerk