

**ORDINANCE NO. 2017-12-069**

**AN ORDINANCE TO REPEAL URBANA CITY  
CODE CHAPTER 24, ARTICLE IV, SECTION 24-100**

**(Champaign-Urbana Cable and Telecommunications Commission)**

**WHEREAS**, the City of Urbana (the “City”) is a home rule unit of local government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 and may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the creation and dissolution of boards and commissions to assist with the performance and functioning of its governmental affairs; and

**WHEREAS**, on or about February 21, 1994, the City adopted Ordinance No. 9394-69 which created and established the Champaign-Urbana Cable and Telecommunications Commission which creation and establishment is currently memorialized in Chapter 24, Article IV, Section 24-100 of the Urbana City Code (hereinafter, Section 24-100”); and

**WHEREAS**, Section 24-100 has been amended on one or more occasions including by Ordinance No. 9596-112 adopted on or about June 3, 1996 and Ordinance No. 9697-121 adopted on or about April 21, 1997; and

**WHEREAS**, the current stated purpose of the Champaign-Urbana Cable and Telecommunications Commission is to “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” UCC Sec. 24-100; and

**WHEREAS**, since the adoption of Section 24-100 there have been significant changes in state and federal laws, rules and regulations governing the operation of cable television and telecommunication companies, and franchises thereof; and

**WHEREAS**, the Illinois Commerce Commission and the Federal Communication Commission provide extensive regulation of cable television and telecommunication services and activities; and

**WHEREAS**, much of the Champaign-Urbana Cable and Telecommunications Commission responsibilities have been subsumed by state and federal law and their respective regulatory agencies.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:**

**Section 1.** Chapter 24, Utilities, Article IV, Cable Television Franchises, Section 24-100, Commission Established, of the Urbana City Code shall be and hereby is repealed effective upon adoption of this Ordinance.

**Section 2.** Effective upon the adoption of this Ordinance, the City of Urbana shall refrain from appointing any persons to serve on and shall cease all participation in the Champaign-Urbana Cable and Telecommunications Commission.

**Section 3.** Effective upon adoption of this Ordinance, all terms of those commissioners which have been appointed by the City of Urbana to serve on the Champaign-Urbana Cable and Telecommunications Commission shall be deemed to and hereby expire.

**Section 4.** Chapter 24, Utilities, Article VI, Public, Education, Government Access Cable Television, Section 24-152, Composition, shall be and hereby is amended as follows with the text denoted with strikeouts representing text of said section to be deleted from the Urbana City Code and with text denoted with underlines representing text to be included in said section of the Urbana City Code.

The UPTV commission shall be composed of nine (9) commissioners. One (1) commissioner shall be appointed by the mayor with the approval of the council and shall be chosen from among the members in good standing of Urbana Public Television. One (1) commissioner shall be appointed by the mayor with approval of the council from nominees named by the Board of the Urbana Park District. One (1) commissioner shall be appointed by the mayor with approval of council from nominees named by the Board of Urbana School District No. 116. One (1) commissioner shall be appointed by the mayor with approval of council from nominees named by the Board of the Urbana Free Library. One (1) commissioner shall be appointed by the mayor, with approval of council, from residents of the city. Four (4) commissioners shall be appointed by the mayor, with approval of council, regardless of such appointees' residences.

**Section 5.** Chapter 24, Utilities, Article VI, Public, Education, Government Access Cable Television, Section 24-153, Terms, Initial Appointment, Vacancies, Removal of Members, Attendance, shall be and hereby is amended to read as follows:

Each of these commissioners shall serve a term of three (3) years except as hereinafter provided.

(a) The initial term of one (1) commissioner shall expire on June 30, 1998. The initial terms of two (2) commissioners shall expire on June 30, 1999. The initial terms of the two (2) new commission positions created by ordinance in the year 2004 shall expire on June 30, 2006. Within thirty (30) days following the expiration of the term of each of those commissioners, a successor shall be appointed by the mayor with the approval of the council, and the successor shall serve for a term of three (3) years.

(b) The terms of the four (4) commissioners who have been appointed to the commission by virtue of their appointment to the Champaign-Urbana Cable and Telecommunications Commission shall expire on the date or dates, as the case may be, when their terms on the Champaign-Urbana Cable and Telecommunications Commission otherwise would have expired but for the repeal of Urbana City Code Section 24-100. Thereafter, the terms of these four (4) commissioners shall be for three (3) years.

(c) Should one of these commissioners resign or be removed from the commission, a successor shall be appointed by the mayor and shall serve for the unexpired period of the vacated term.

(d) These commission members shall be expected to attend all regular meetings of the UPTV commission. If a member fails to attend more than half (1 / 2) of the scheduled meetings in any one (1) fiscal year (July 1 through June 30), the member may be asked to resign, or may have his or her name submitted to the mayor and city council with a recommendation for termination and replacement of such member.

(e) These members of the commission may be removed by the mayor with the approval of a majority of council for good cause.

**Section 6.** Notwithstanding anything to the contrary contained in this Ordinance, the City of Urbana shall retain such records pertaining to and/or created by, for or on behalf of the Champaign-Urbana Cable and Telecommunications Commission by the City of Urbana and any of its employees in compliance with the laws of the State of Illinois concerning the retention and destruction of local governmental records.

**Section 7.** Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 8.** This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action accrued or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

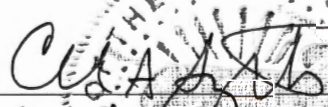
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 5<sup>th</sup> day of February, 2018.

AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:

  
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Charles A. Smith, City Clerk

**APPROVED BY THE MAYOR** this 6<sup>th</sup> day of February, 2018

  
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Diane Wolfe Marlin, Mayor