

OWOSSO CABLE ACCESS ADVISORY COMMISSION

JUNE 8, 2009

5:00 P.M.

PRESIDING OFFICER: COMMISSIONER JAMES GUTTING

PLEDGE OF ALLEGIANCE: COMMISSIONER CHRISTOPHER PERRY

PRESENT: Commissioners James Gutting, Christopher Hardwick, Christopher Perry, Michael Tillotson, and Eddie Urban.

ABSENT: Chairperson Steven Flayer and Commissioner Jack Johnson.

DETERMINE CHAIR OF THE MEETING

Motion by Commissioner Tillotson to nominate Commissioner Gutting as the chair of the meeting. Motion seconded by Commissioner Urban.

Roll Call Vote.

AYES: Commissioners Gutting, Hardwick, Perry, Tillotson, and Urban.

NAYS: None.

ABSENT: Chairperson Flayer and Commissioner Johnson.

SET TIME LIMIT AND RE-AFFIRM RULES OF CONDUCT

Motion by Commissioner Tillotson to set the time limit for 1 ½ hours after the guest speaker has finished.

Motion supported by Commissioner Urban.

Roll Call Vote.

AYES: Commissioners Gutting, Hardwick, Perry, Tillotson, and Urban.

NAYS: None.

ABSENT: Chairperson Flayer and Commissioner Johnson.

APPROVE AGENDA

Motion by Commissioner Hardwick to approve the agenda as presented.

Motion supported by Commissioner Perry.

Roll Call Vote.

AYES: Commissioners Gutting, Hardwick, Perry, Tillotson, and Urban.

NAYS: None.

ABSENT: Chairperson Flayer and Commissioner Johnson.

APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 9, 2009

Motion by Commissioner Hardwick to approve the minutes of the meeting of March 9, 2009 as presented.

Motion supported by Commissioner Perry.

Roll Call Vote.

AYES: Commissioners Gutting, Hardwick, Perry, Tillotson, and Urban.

NAYS: None.

ABSENT: Chairperson Flayer and Commissioner Johnson.

APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 13, 2009

Motion by Commissioner Perry to approve the minutes of the meeting of April 13, 2009 as presented.

Motion supported by Commissioner Tillotson.

Roll Call Vote.

AYES: Commissioners Gutting, Hardwick, Perry, Tillotson, and Urban.

NAYS: None.

ABSENT: Chairperson Flayer and Commissioner Johnson.

APPROVAL OF THE MINUTES OF THE MEETING OF MAY 11, 2009

Motion by Commissioner Perry to approve the minutes of the meeting of May 11, 2009 as presented.

Motion supported by Commissioner Hardwick.

Roll Call Vote.

AYES: Commissioners Gutting, Hardwick, Perry, Tillotson, and Urban.

NAYS: None.

ABSENT: Chairperson Flayer and Commissioner Johnson.

CITIZEN COMMENTS

There were no citizen comments.

ITEMS OF BUSINESS

**NON-PROFIT STATUS DISCUSSION – GUEST EXPERT HARRY HAASCH,
PUBLIC MEDIA NETWORK**

Harry “Hap” Haasch introduced himself as the Executive Director of Public Media Network a cable consortium consisting of 5 different municipalities. He indicated he had over 25 years of experience in cable broadcasting and had worked with several different management structures including those to be discussed this evening.

He gave a brief history of PA 480 which governs cable franchise agreements and the distribution of public access channels across the state. He indicated that due to PA 480 no other community television channel operations would be created in the future and if we were to lose our channels to a lack of programming it would be likely we would not receive those channels back from the cable company.

He presented a handout detailing three management structure options the Commission may want to consider. The options were: Municipal Management, Municipal Consortium, and Non-Profit Entity. He indicated there was a fourth option to allow the cable operator to broadcast of behalf of the City but he did not recommend that option as it leaves the City and patrons with little control over the broadcast.

He outlined each structure and gave examples of each as follows:

Municipal Management: Managed directly by the City of Owosso utilizing City staff. The system would be funded by a portion of cable television franchise fees. It would be functionally integrated into a pre-existing City department such as the City Manager's Office or City Clerk's Office.

The system would be governed through the creation of City Advisory Commission or Committee that would provide policy-making, budget development, and operational planning oversight. Note: Budget adoption, and specific policies would occur at the City Council level. (In this case, this advisory committee already exists in the form of the Cable Access Advisory Commission.) This type of management entity would NOT secure a 501c3 non-profit designation as it would be a function of local government.

Examples in Michigan: Community Television Network in Ann Arbor and MCTV in Midland.

Municipal Consortium: Multiple municipalities (City + Townships) form an inter-governmental consortium to manage PEG resources jointly. They would have a shared financial commitment based on an equitable formula. There would be a management structure for the consortium that is entirely separate from the City. The consortium would form its own Board of Directors, including representation from each participating municipality and a number of at-large community members. This Board would have hire/fire authority, would set policy, adopt budgets and monitor operating performance. This type of management entity could be eligible for 501c3 NPO status, that decision would be made as part of early items of business.

Examples in Michigan: Public Media Network in Kalamazoo, MI and AccessVision in Battle Creek, MI.

Non-Profit Entity: A local non-profit organization-either as part of a pre-existing organization or formed specifically for this function - would manage PEG services for the City of Owosso on a contractual basis. The organization would likely have 501c3 tax status (exclusion for payment of certain taxes and the ability to provide a small tax credit to donors). The entity would almost certainly have a Board of Directors who would have hire/fire authority, policy, and operational oversight duties. The City may have the option to appoint a representative to a designated voting seat on this Board. Contracted terms with the City would provide terms for length of contract (usually 3-5 years), compensation levels for operating and capital funding, audit requirements, indemnification and risk management for the City, severability terms etc.

Examples in Michigan: Grand Rapids Community Media Center Grand Rapids, MI and TCTV, Traverse City, MI.

There was discussion regarding developing a content neutrality clause for the Programming Rules to prevent discrimination, downloading programs from satellite, the cost sharing advantages of a consortium, the payroll and risk disadvantages to the non-profit approach, the training and resources that could be provided to residents, the need to develop a team of volunteers, ensuring there is someone to maintain the channel, the use of franchise fees, the use of college interns, and playing programming from outside the local area.

There was further discussion regarding the random scheduling seen on Wednesdays, keeping things as they are, broadcasting over the internet, making better use of the channels, finding someone to manage operations, and surveying viewers and residents to find out what they want from their local community television station.

DETERMINATION OF TERMS

Ordinance No. 706, adopted by City Council April 20, 2009, altered the make-up of the Cable Access Advisory Commission. The ordinance dictated that organizational members previously appointed annually by organizations receive multi year terms which would be determined by drawing.

There was discussion regarding how to conduct the drawing as two members whose terms would be decided were not present at the meeting. It was decided City Liaison Amy Kohagen would draw terms for all four organizational representatives. The results of the drawing were as follows:

<u>Name</u>	<u>Term Expiration</u>
Steven Flayer	June 30, 2009
Christopher Hardwick	June 30, 2011
Jack Johnson	June 30, 2011
Christopher Perry	June 30, 2010

RULES FOR ADDRESSING THE COMMISSION

There was a brief discussion as to when within the meeting the second session of citizen comment would be inserted.

Motion by Commissioner Tillotson to add a second opportunity for citizen comments and questions just prior to the adjournment of the meeting, with the format of the period identical to that of the first period for citizen comments and questions.

Motion supported by Commissioner Perry and concurred in by unanimous vote.

BY-LAW AMENDMENTS

It was noted the proposed changes to the By-laws were made to bring them into compliance with the recently amended Cable Ordinance.

Motion by Commissioner Perry to accept the proposed changes to the Cable Commission By-laws as follows:

BYLAWS OF OWOSSO CABLE ACCESS ADVISORY COMMISSION

ARTICLE 1. GENERAL

Owosso Community Television (OCTV) has been established to provide support services necessary for video casting locally produced television programs.

It is the purpose of Owosso Community Television to provide the people of the city and organizations in the Owosso area with an opportunity to be involved in using the television medium to inform, communicate, educate, and entertain by providing locally produced program of public interest.

The Cable Access Advisory Commission (CAAC) has been established as an advisory body to the City Council with regard to all aspects of Owosso Community Television and public access cable service in the City.

ARTICLE 2. PURPOSE AND DUTIES

The purpose of CAAC shall be to serve as an advisor to the Owosso City Council.

The commission shall have the following specific duties:

- (1) Advise the City Council regarding general policy matters related to the services provided to public access producers and viewers pursuant to the Code of Ordinances of the City.
- (2) Encourage the use of public access channels among the widest range of institutions, groups, and individuals within the city.
- (3) Make an annual report to the City which shall include, but not be limited to, a summary report on the utilization of any public access channels and a summary report of the commission's deliberations throughout the year.
- (4) Request comments and encourage suggestions from the public regarding public access channels.
- (5) Perform such other functions as the City Council may direct.
- (6) Conduct public hearings at the request of the City Council.

ARTICLE 3. ORGANIZATION

Section 1. Members.

The members of the Commission shall be appointed in accordance with the provisions of Ordinance No. 706. Membership of the commission shall consist of seven (7) citizen at large voting members possessing the qualifications to hold appointed office as stated in Charter Sections 4.2 and 4.3. Whenever possible, members shall be cable subscribers.

A person from the administrative staff of the city who has been designated by the city manager as the OCTV coordinator shall be an ex officio member of the commission but without the right to vote.

Section 2. Terms.

Each at large member of the commission shall be appointed for a term of three (3) years commencing on July 1 except that the members at the time of this reorganization shall begin their terms immediately with two (2) of said members being appointed for term ending June 30, 2009, two (2) said members being appointed for terms ending June 30, 2010, and three (3) said member being appointed for terms ending June 30, 2011. Terms for current members previously appointed annually will be determined by drawing. Seats originally assigned to members representing local organizations will convert to citizen at large positions upon the expiration of their assigned term.

Section 3. Vacancies.

Vacancies are to be filled through appointment by the Mayor, with the approval of City Council.

Section 4. Officers.

- (a) The officers of the commission shall be a chairperson and a vice-chairperson, who shall be members of the commission and a secretary, who shall be the City Staff Liaison as appointed by the City Manager.

- (b) The officers shall be selected by the voting members of the Commission annually during the first regular meeting of the commission in July of each year.
- (c) The terms of office for the officers shall be one year or such longer period as is necessary until a successor is appointed and assumes the office.
- (d) If an office shall become vacant before the officer has served his complete term, the commission shall appoint another officer to serve for the remainder of the term of office.

Section 5. Duties of officers.

(a) The chairperson shall be the presiding officer at all regular and special meetings of the commission, shall call special meetings under the by-laws, sign CAAC documents, and shall be the spokesperson for the commission in all contacts with the City administration, City Council, and the news media.

(b) The Vice Chairperson shall assist the Chairperson in his/her duties and shall serve as the Chairperson in the absence of the elected Chairperson. In the absence of both the Chairperson and Vice Chairperson, the members of the Commission shall elect a temporary Vice Chairperson to carry out the duties of the Chairperson.

(c) The secretary shall have custody of the records of the commission, shall prepare and distribute the agenda for each meeting, and shall take minutes of all meetings of the commission,

Section 6. Meetings.

(a) The commission shall schedule regular meetings and shall approve the date, time, and place of such meetings. Special meetings may be called by the Chairperson or by a majority of the voting members of the Commission. All meetings of the commission shall be held in accordance with the Open Meetings Act (P.A. 267 of 1976, as amended).

(b) A majority of the voting members of the Commission shall constitute a quorum.

(c) Any decision of the commission shall require the concurrence of four (4) members.

(d) The Chairperson shall be the presiding officer at all meetings of the commission. In the absence of the Chairperson, the Vice-Chairperson shall serve as Chairperson for that meeting.

ARTICLE 4. FINANCE

Section 1. Budget.

(a) The Commission shall annually prepare and recommend to the council a budget for the fiscal year commencing July 1, which budget will show the anticipated revenues and expenditures for the operation of OCTV.

(b) The Staff Liaison shall present a proposed budget for consideration by the commission at its first regular meeting during the month of February.

(c) The Commission shall approve a budget for the ensuing fiscal year not later than the first meeting of March.

Section 2. Purchases.

The Staff Liaison shall have the authority to make purchases of such supplies and services as are necessary to carry out the activities of the Commission. Purchases not exceeding one hundred dollars

may be made without prior approval of the Commission of the specific purchase. Purchases in excess of one hundred dollars necessitated by an emergency which must be addressed prior to the next regular meeting of the Commission may be made by the Staff Liaison after consultation with the Chairperson of the Commission.

ARTICLE 5. APPROVAL AND AMENDMENTS

Section 1. Approval.

These by-laws shall become effective following their approval by the Commission and by the City Council.

Section 2. Amendments.

The Commission shall annually during its first regular meeting in July review these by-laws and determine the need to make any changes, additions, or deletions. These by-laws may be amended as deemed necessary by the Commission. Such amendments shall be approved as provided in Section 1.

Motion supported by Commissioner Hardwick and concurred in by unanimous vote.

PROGRAMMING RULES AMENDMENT

There was discussion regarding the FBI copyright warning that prompted the proposed change. Commissioner Hardwick indicated he liked Option #2 which placed the responsibility on the person submitting the programming. Commissioner Gutting indicated he would like to see an amendment written in the affirmative so sponsors would have to prove they have permission.

Motion by Commissioner Gutting to approve Option #1 as follows:

If a program contains material which requires appropriate rights from broadcast stations, network sponsors, music licensing organizations, performers, representatives, copyright holders and any other persons as may be necessary for cablecast, written proof these rights have been granted must be provided upon request. Evidence must be presented to the Program Coordinator that copyrighted materials have been cleared for cablecasting.

Motion failed for lack of support.

Some Commission members indicated they wished for more research on the appropriate language. They agreed to contact Hap Haasch Executive Director of Public Media Network to gain advice and possible samples of language his organization has adopted.

ADJOURNMENT

Motion by Commissioner Urban for adjournment at 6:53 p.m.

Motion supported by Councilperson Gutting and concurred in by unanimous vote.

Amy K. Kohagen, City Clerk