



MEMORANDUM

DATE: June 13, 2011

TO: City Council

FROM: Amy K. Kirkland, City Clerk

RE: Cable Commission Reorganization

During the budget workshops a discussion about the Cable Access Advisory Commission and the future of the cable access channels was held. The take-away from that meeting was a request to make a recommendation for the potential future make-up and purpose of the Cable Access Advisory Commission.

As a result of a number of factors, including funding and the legal limitations imposed by our Uniform Cable Franchise Agreement, I believe we may have come to the end of what is possible for the Cable Access Advisory Commission at this particular time. The Commission was hoping to establish a studio which would assist citizens in producing programming for the cable channel, but the current circumstances dictate funding be dedicated to much more urgent needs. In light of this I feel the Commission needs to move from a group with a more active role to that of a maintenance role. Charged with tasks such as the maintenance of rules and regulations governing the cable channels and receiving citizen comments, as well as performing as an appeals board for any programmers that wish to appeal a decision by the program coordinator. This new downsized role makes a 7 member board unnecessary and somewhat cumbersome. We have also historically had difficulty maintaining a full complement of members. With this in mind I am recommending the size of the Commission be reduced to 3 people. This size should easily accommodate the tasks at hand and should make keeping a full board a much easier task. The reduced Commission would still be comprised of citizens at large, though you may wish to consider appointing /approving members affiliated with the Schools and/or Baker College to ensure they remain engaged with the channels and any opportunities for programming from these two sources are seized. Further I would recommend the Commission meet quarterly to handle regular business. Should an issue arise between meetings a special meeting can always be called.

Any changes made to the make-up of the Commission will necessitate changes to the cable ordinance as well as the Commission bylaws and Programming Rules. I have attached a draft of the cable ordinance reflecting the changes I have proposed. If you find the recommended changes acceptable the proposed ordinance can be put forward for first reading and setting of the public hearing. The document can also be used as a starting point should you desire something different than that recommended.

ORDINANCE NO. ____

**AN AMENDMENT TO THE CODE OF ORDINANCES
ARTICLE III, OWOSSO COMMUNITY TELEVISION, SECTIONS 9-100 THROUGH 9-110
TO REVISE THE PURPOSE AND MAKE-UP OF THE CABLE ACCESS ADVISORY COMMISSION**

WHEREAS, the City of Owosso has an ordinance governing the use of the local cable access channels; and

WHEREAS, the ordinance dictates the membership and purpose of the Cable Access Advisory Commission, which advises the City Council on matters related to the access channels; and

WHEREAS, it has become necessary to revise the make-up of the Commission to better fit the purpose of the channels.

THE CITY OF OWOSSO ORDAINS: that Chapter 9, Cable Television, Article III, Owosso Community Television, Sections 9-100 and 9-105 through 9-110, be amended as follows:

Section 1: Sec. 9-100, Purpose of OCTV, will be amended as follows:

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

(b) It is the purpose of OCTV 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. It is also the purpose of OCTV to provide the Owosso community with locally produced programs of public interest.

(c) The following television channels shall be operated by OCTV:

(1) *Channel 3 95*. This channel or its successor shall be known as the "public access channel" and shall be used solely to cablecast non-profit, non-commercial programming produced or sponsored by individuals or organizations in the Owosso area. When the aforementioned programming is not scheduled, this channel may cablecast either an electronic message board to be known as the "public access electronic message board" or the *Channel 40 96* electronic message board. The public access electronic message board shall be used solely for promotion of the public access channel and shall not be used for "for-profit" commercials or advertisements. Messages cablecast on the public access electronic message board may not contain any of the following:

a. Obscene material as the same is defined and regulated under Act No. 343 of the Public Acts of Michigan of 1984, being MCL 752.362 et seq.

b. Slanderous or libelous material.

(2) *Channel 40 96*. This channel or its successors shall be known as the "government/education access channel" and shall be used to cablecast non-profit, non-commercial programs produced or submitted by government or educational agencies. When the aforementioned programming is not scheduled, this channel shall cablecast an electronic message board containing government or educational messages submitted by government or educational agencies, or an electronic message board used for the promotion of community activities, meetings or events by non-profit organizations within the county, as determined by the city administration. Electronic messages advising of emergencies, including but not limited to weather emergencies, shall take precedence over all other programming on this channel.

(Ord. No. 687, § 1, 10-15-07)

Section 2: Secs. 9-105 through 9-110 will read as follows:

Sec. 9-105. Same--Membership.

Membership of the commission shall consist of ~~seven (7)~~ **three (3)** 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.

The 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. (Ord. No. 687, § 1, 10-15-07; Ord. No. 706, § 1, 4-20-09)

Sec. 9-106. Same--Term of members.

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, 2014~~ **shall receive terms of one (1) year, two (2) years, and three (3) years respectively.**

~~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.~~

(Ord. No. 687, § 1, 10-15-07; Ord. No. 706, § 1, 4-20-09)

Sec. 9-107. Same--Internal administration.

The commission shall select one (1) of its voting members as chair and shall designate the ex-officio member as secretary. The commission may adopt such rules as it deems necessary for the transaction of its business. Any decision of the commission shall require the concurrence of ~~four (4)~~ **a majority of the** members. The commission shall meet as often as necessary with at least one (1) meeting each calendar quarter and all of its meetings shall comply with the open meetings act. (Ord. No. 687, § 1, 10-15-07; Ord. No. 706, § 1, 4-20-09)

Sec. 9-108. Same--Specific duties.

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

(Ord. No. 687, § 1, 10-15-07)

Sec. 9-109. Same--Finances.

The commission shall not have the power to expend public funds but may make recommendations to the city council for budget purposes.

The commission shall not engage in rate regulation, rate change request processing, financial analysis, legal interpretation, or contractual negotiation with a cable operator or public service channel operator.

(Ord. No. 687, § 1, 10-15-07)

Sec. 9-110. Effective date.

This article shall become effective ~~November 4, 2007~~.

(Ord. No. 687, § 1, 10-15-07)

Section 3. Repeal Clause.

All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Inspection.

This Ordinance may be purchased or inspected in the City Clerk's Office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.