

ORDINANCE NO. _____

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

(Termination of the City of Urbana's Appointment of Commissioners to, Staffing of,
and involvement in the 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"; 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 Chapter 24, Article IV, Section 24-100 of the Urbana City Code shall be and hereby is repealed effective at 11:59 p.m. C.S.T. on November 30, 2015. Consistent herewith, the following, as denoted by ~~strikeout~~, shall be deleted from the Urbana City Code:

~~(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.~~

~~(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 dollars (\$1,000.00) 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 dollars (\$1,000.00) 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.~~

~~In addition, the four (4) members appointed by the mayor of Urbana shall be expected to attend all regular meetings of the Urbana Public Television Commission. Any member appointed by the mayor of Urbana who fails to attend more than half (1/2) 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 the 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 a 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 CATV System, and for this purpose may call witnesses, take testimony and require the production of evidence or information.~~

~~(f) Powers, duties, functions. 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 the 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 section.~~

~~(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.~~

The words "Repealed effective at 11:59 C.S.T. on November 15, 2015" shall be substituted in the Urbana City Code in place of the aforementioned text bearing strikeouts.

Section 2. Effective at 11:59 p.m. C.S.T. on November 30, 2015, the City of Urbana shall cease all participation in the Champaign-Urbana Cable and Telecommunications Commission including, but necessarily not limited to –

- a. providing any form of financial support and City employee/staffing for the Champaign-Urbana Cable and Telecommunications Commission and to any committee or subcommittee, if any, thereof; and
- b. appointing individuals to serve as commissioners on the Champaign-Urbana Cable and Telecommunications Commission; and
- c. convening and hosting meetings and public hearings of the Champaign-Urbana Cable and Telecommunications Commission and any of its committees; and
- d. preparing and publishing notices of meetings and agendas for the Champaign-Urbana Cable and Telecommunications Commission and any of its committees; and
- e. undertaking any administrative function heretofore performed by the Champaign-Urbana Cable and Telecommunications Commission; and
- f. submitting matters for consideration and deliberation by the Champaign-Urbana Cable and Telecommunications Commission; and
- g. receiving and holding any money, if any, for, on behalf of, or for the benefit of the Champaign-Urbana Cable and Telecommunications Commission; and
- h. performing any other function in the name of or on behalf of the Champaign-Urbana Cable and Telecommunications Commission.

Section 3. Effective at 11:59 p.m. C.S.T., on November 30, 2015 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 notwithstanding Urbana City Code Section 24-100(c).

Section 4. Notwithstanding anything to the contrary contained in Sections 1, 2 and 3 of this Ordinance, Urbana City Code Section 24-152 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. ~~Four (4) commissioners shall be the same individuals who serve as the city's four (4) members of the Champaign-Urbana Cable and Telecommunications Commission.~~ 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. Notwithstanding anything to the contrary contained in Sections 1, 2 and 3 of this Ordinance, Urbana City Code Section 24-153 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.

~~(a) The appointment, terms, removal, vacancies and attendance requirements of the four (4) UPTV commissioners who are also the city's members of the Champaign-Urbana Cable and Telecommunications Commission shall be governed by the provisions of section 24-100 of this Code.~~

~~The provisions in this subsection (b) govern the five (5) UPTV commissioners who are not also the city's members of the Champaign-Urbana Cable and Telecommunications Commission.~~

~~(4)~~ 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.

(3c) 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.

(4d) 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.

(5e) 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 _____ day of _____, 2015.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2015.

Laurel Lunt Prussing, Mayor