

City of Fayetteville Staff Review Form

2019-0070

Legistar File ID

2/5/2019

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Doug Bankston

1/18/2019

MEDIA SERVICES (060)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

To Amend Article IX Telecommunications Board in Chapter 33 Departments, Boards, Commissions, And Authorities of the City Code to Change the Name to PEG Advisory Board, Reduce the Number of Members, and Refocus the Purpose and Intent of the Board to Advising the City Council on Issues Related to the City's Public Access, Educational, and Government Channels

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>NA</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF FEBRUARY 5, 2019

TO: Mayor and City Council

THRU: Susan Norton, Communications Director
Don Marr, Chief of Staff

FROM: Doug Bankston, Media Services Director

DATE: January 17, 2019

SUBJECT: To Amend Article IX Telecommunications Board in Chapter 33 Departments, Boards, Commissions, And Authorities of the City Code to Change the Name to PEG Advisory Board, Reduce the Number of Members, and Refocus the Purpose and Intent of the Board to Advising the City Council on Issues Related to the City's Public Access, Educational, and Government Channels

RECOMMENDATION:

Because the State of Arkansas has oversight of cable franchising, staff recommends changing the purpose and intent and the name of the Telecommunications Board to the PEG Advisory Board to better serve its purpose of advising City Council on issues related to local access channels usage for the City.

BACKGROUND:

Though the City had voiced its opposition, in 2013, the State of Arkansas passed state oversight of cable franchising, which when placed into effect in June 2015, removed that oversight from the hands of local municipalities. As a result, this act removed some of the primary duties of the Telecommunications Board.

DISCUSSION:

Nearly all responsibility laid out in the current Telecommunications Board Article IX relates to matters concerning PEG—the access channels of public access, education and government—issues and operation. Since local cable franchising and associated rights-of-way oversight was removed by the State, the Telecommunications Board in its current form has had little to do concerning actual telecommunications and associated rights-of-way issues. The only recent telecommunications rights-of-way issue that has been contemplated was the City Council passage of the Ordinance for Siting Small Cell Facilities. Siting small cells is purely an administrative function and any oversight by a third-party board would prevent the purpose of the ordinance, which is for streamlining the process. Without a role to play in the realm of telecommunications rights-of-way, and with the new emphasis for PEG access channel growth, especially in the use of the new Education Channel, the Telecommunications Board will become known as the PEG Advisory Board. Board membership

will be reduced from seven to five members. Article IX will be restructured for the PEG Advisory Board to serve the needs of the PEG local access operation in an advisory capacity on a quarterly basis.

BUDGET/STAFF IMPACT:

No budget or staff impact.

Attachments:

SRF, PEG Advisory Board Article IX

**ARTICLE IX
PEG ADVISORY BOARD**

33.205 Purpose And Intent

It is the purpose and intent of the City Council of the City of Fayetteville to define the scope of the PEG Advisory Board to advise the City Council on issues related to public access, educational, and government (PEG) television use in the City of Fayetteville.

(A) *Definitions.* For the purposes of the Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Public Access Channels.* Public access channels telecast non-commercial programming that is provided by private individuals or nonprofit organizations. The channel operator exercises no control over the content of the programming, provided the programming is not in violation of the law.

(2) *Education Channels.* Education channels telecast non-commercial programming that is educational and informational, with an emphasis on locally produced programming. Programs may also be instructional, with learning potential for all audiences.

(3) *Government Channels.* Government channels telecast non-commercial programming that is information about the City and other governmental entities, government services, and community life. Government channels support the City's communications initiatives by providing television coverage of public meetings, government programs, and government activities.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.205; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.206 Composition

The Fayetteville PEG Advisory Board shall consist of five members appointed by the City Council. Members should have experience in one or more of the following areas: television; television content development; television network infrastructure management and public policy development; or other appropriate expertise. All members shall serve staggered four-year terms.

~~No employee of a nonprofit organization providing Community Access operations may serve on the Board.~~

~~No employee of a company that offers television services or its subsidiaries or affiliates may serve on the Board.~~

~~No member who has been removed from the Board for cause may be re-appointed.~~

(Ord. No. 3549, 5-21-91; Ord. No. 3986, §1, 7-16-96; Ord. No. 4219, 2-1-00; Code 1991, §33.206; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.207 Officers

The PEG Advisory Board shall elect from its members a chairperson, who shall serve a one-year term and shall be eligible for re-election to a subsequent term or terms. Further, the PEG Advisory Board may elect such additional officers and establish any committees as It deems necessary for the proper performance of its duties.

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(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.207; Ord 4504, 07-15-03; Ord. 5478, 1-17-12)

33.208 Staff Support

The Mayor may designate city employees to assist the PEG Advisory Board in performing its duties and carrying out its responsibilities under this ordinance.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.208; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.209 Procedures

(A) The PEG Advisory Board shall meet at least once every quarter and may meet more frequently if necessary to carry out its duties. Three members shall constitute a quorum.

(B) The PEG Advisory Board may establish rules and regulations governing its procedures.

(C) The PEG Advisory Board's meetings and records shall be subject to the provisions of the Arkansas Freedom of Information Act, A.C.A. § 25-19-101 etseq.

(D) The PEG Advisory Board shall provide the City Council an annual report briefly summarizing its previous year's activities and outlining its goals for the next year.

(Ord. No. 3549, 5-21-91; Code 1991, §33.209; Ord. No. 4219, 2-1-00; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.210 Duties

(A) The PEG Advisory Board shall advise the City Council and City Administration on issues related to the local access (PEG)

channels, including but not limited to the following:

- (1) Use of cable TV channels designated for public access, educational, and governmental (PEG) use;
- (2) Use of the City's television production and telecasting facility, as it is used for producing or telecasting public access, educational, or government programming;
- (4) Any reports submitted to the City by a PEG channel operator;
- (5) Funding for public access, educational, and government television operations;

(B) The PEG Advisory Board shall have the following duties and responsibilities:

- (1) Review the administration of the City's television production and telecasting facility;
- (2) Review the administration of any cable television channels or other facilities designated for public access, educational, or government television use, unless the City Council enters into a contract with another entity or institution for such administration. If the City enters into a contract with another entity for administration of a PEG channel, the PEG Advisory Board shall ensure contract compliance. Whether administered by the City or contracted, the PEG Advisory Board shall advise City staff on policies regarding programming content selection, viewer and facility user complaint/feedback practices, and other such policies regarding the use of the channels.

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(3) Ensure that PEG channel operators are providing effective and timely customer service;

(4) Promote public awareness, use, and viewership of PEG channels;

(C) The PEG Advisory Board shall have authority to establish and disseminate such guidelines and regulations for itself as are necessary to carry out the duties and responsibilities set forth in this section.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, § 33.210; Ord. 4504, 7-15-03; Ord. 5478, 1-17-12)

33.211-33.225 Reserved

(Ord. No. 3549, 5-21-91; Code 1991, §33.212; Ord. No. 4219, 2-1-00)