

Order 116-08/09

Passage: 12/1/08 8-0 (Leeman absent)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE
BROADBAND TELECOMMUNICATIONS NETWORK (SEC. 27-10)
RE: CABLE TELEVISION COMMITTEE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 27-10 of the Portland City Code is hereby amended to read as follows:*

Sec. 27-10. Cable Television Committee

(a) *Established.* There is hereby established a broadband telecommunications regulatory board hereinafter referred to as the "CATV committee" or "committee."

(b) *Composition.* The committee shall be composed of one (1) member of the city council, appointed by the mayor for a one-year term, who shall be chair; one (1) member of the school committee to be appointed by the chair of the school committee for a one-year term; and three (3) members from the public at large to be appointed for three-year terms by the city council. Such members shall serve until a successor is appointed, but for no longer than the terms provided in this code at Chapter 2, Article III, Sec. 2-32 et. seq. The committee shall meet as needed, upon call of the chair.

(c) *Duties.* The duties of the committee shall be:

- (1) Reviewing appeals taken pursuant to section 27-9. Its decisions and findings shall be binding on all parties; however, nothing herein shall prohibit any party from appealing such findings or decisions to the appropriate court or agency.
- (2) Reviewing and auditing reports submitted to the city as required in section 27-4, and such other

correspondence as may be submitted to the city concerning the operation of the broadband telecommunications regulatory network so as to insure that the necessary reports are completed and fulfilled pursuant to the terms of the ordinance;

- (3) Work with the public and the media to assure that all records, rules and charges pertinent to the broadband telecommunications network in the city are made available for inspection at reasonable hours upon reasonable notice;
- (4) Confer with the grantee and advise on the interconnection of the city's network with networks serving other governmental entities;
- (5) Solicit, review and provide recommendations to the council for selection of applicants for franchise;
- (6) Initiate inquiry on requests for review of rates charged by the grantee to the extent permitted by law;
- (7) Undertake such other duties as the council may assign from time to time;
- (8) Make recommendations to the grantee concerning educational and local interest programming;
- (9) Coordinate and advise the educational, governmental and public users of the broadband telecommunications network access channels in their programming efforts;
- (10) Monitor the procedural aspects and operation of the public access channel;
- (11) Review all rules and guidelines for the operation of the public access channels, which rules or guidelines may provide for limited local commercial programming and/or commercial sponsorship of local programming and shall be subject to the board's approval;

(12) Perform such duties and functions relative to coordination with boards of similar networks to assure the mutually satisfactory interchange of programs between networks;

(13) If requested by council, prepare and present an annual budget to the council for the administration and operation of the committee;

(14) The committee shall have the authority to conduct public hearings in the performance of its duties.

(Ord. No. 518-86, § 2, 4-28-86; Ord. No. 97-93, 9-20-93; Ord. No. 213-98, § 2, 2-18-98)