

## **BY-LAWS**

### **IOWA CITY TELECOMMUNICATIONS COMMISSION**

#### **ARTICLE I - THE COMMISSION**

##### Section 1

The name of the Commission is the Iowa City Telecommunications Commission, referred to in these by-laws as the Commission.

##### Section 2

The Commission is authorized by the City Council of the City of Iowa City pursuant to City Code Section 12-4-3.

#### **ARTICLE II - PURPOSE**

##### Section 1

The purpose of the Commission is to recommend policies to the City Council on the regulation, development, and operation of cable television, telecommunications, and communications systems in Iowa City. Additionally, the Commission will inform and educate citizens on cable television, telecommunications, and communications systems matters affecting consumers.

#### **ARTICLE III - MEMBERSHIP**

##### Section 1

The Commission shall consist of five citizens of the City of Iowa City appointed by the City Council for a term of three years.

##### Section 2

If a position/appointment becomes vacant by reason of resignation or otherwise and results in an unexpired term, the Council may choose to fill the unexpired term in such a manner that the appointee shall continue in the position not only through the unexpired term but also through the subsequent regular term.

##### Section 3

No Commissioner, without a reasonable explanation, may miss more than two regularly scheduled meetings within a twelve-month period. If more than two such meetings are missed, dismissal under this provision shall be recommended to the City Council only upon concurrence of the remaining Commissioners.

##### Section 4

Commissioners shall serve without compensation but shall be entitled to the necessary expenses, including travel, incurred in the discharge of their duties.

#### ARTICLE IV - OFFICERS

##### Section 1

The Commission shall elect a Chair and Vice-Chair from among its members who shall serve in such capacity for a period of one year. The election of officers shall be held yearly at the first regular Commission meeting in July, or as soon as possible, after City Council appointments are made to the Commission each July.

##### Section 2

The Secretary for the Commission shall be the City's Media Production Services Coordinator. It shall be the duty of the Secretary to keep a full record of the proceedings of the Commission.

#### ARTICLE V - MEETINGS

##### Section 1

The Commission shall meet on a regular basis at least once each month unless a majority of members agree otherwise at a time and place as shall be set by the Secretary of the Commission.

##### Section 2

The Chair or any two (2) Commissioners may call a special meeting by giving at least twenty-four (24) hours notice in advance to each Commissioner and to the news media. Only items included on the agenda for the special meeting may be considered.

##### Section 3

A quorum shall consist of three (3) Commissioners. A majority of present and voting members shall be necessary to pass a motion. The Chair shall vote as a member.

##### Section 4

All meetings of the Commission shall be open to the public pursuant to Chapter 28A of the Code of Iowa, except where 4/5 of the Commission votes to close a meeting to the public for the purpose of discussing business outlined in Chapter 21.5 of the Code of Iowa. All closed meetings shall be duly recorded pursuant to Chapter 21.5

#### ARTICLE VI - DUTIES

##### Section 1

The Commission shall consider any inquiry or proceeding requiring City Council action to be taken in regard to the cable television system(s) as provided in Title 12, Chapter 4 of the City Code.

##### Section 2

The Commission shall conduct evaluations of the system at least every three (3) years, with the grantee, and pursuant thereto, make recommendations to the Council concerning system improvements and amendments to this Ordinance or to any franchise agreement. One such review must take place within the twelve months prior to the expiration of any franchise.

### Section 3

The Commission, pursuant to City Code Section 12-4-3, shall resolve dispute or disagreements between subscribers, potential subscribers and any cable television system operator should such parties be unable first to resolve their dispute.

### Section 4

The Commission shall review and audit reports and correspondence submitted to the City concerning the operation of the cable television system(s) so as to insure that all reports are completed and fulfilled pursuant to City Code Section 12-4-3.

### Section 5

The Commission shall work with the public and the news media to assure that all records, rules, and charges pertinent to the cable television system(s) are made available for inspection at reasonable hours upon reasonable notice.

### Section 6

The Commission shall confer with the cable television system(s) operator(s) and advise on the interconnection of the City's cable system with other cable and communications systems.

### Section 7

The Commission shall solicit, review and provide recommendations to the City Council for selection of applicants for a franchise under provisions of Sections 12-4-9 and 12-4-10 of the City Code.

### Section 8

The Commission shall initiate inquiries, receive requests for review of regulated rates charged by any cable television system operator, and provide recommendations on such actions to the City Council.

### Section 9

The Commission shall establish and administer sanctions as authorized by the City Council to insure compliance with Title 12, Chapter 4 of the City Code.

### Section 10

The Commission shall make recommendations to the operator(s) of the cable television system(s) and to the educational and governmental users of the educational and governmental access channels.

### Section 11

The Commission shall ensure that any cable television operator makes the public access channel(s) available to all residents of the City on a nondiscriminatory basis.

#### Section 12

The Commission shall ensure that the operation of the public access channel(s) be free of program censorship and control.

#### Section 13

The Commission shall perform such other duties and functions in order to maximize the use of public access channels among the widest range of individuals, institutions, and other organizations within the City. This shall include recommendations to the City Council for utilization of the annual franchise payment.

#### Section 14

The Commission shall help identify public rights-of-way issues and concerns related to telecommunications that may be of importance to the City and its citizens.

#### Section 15

The Commission shall educate the City and its citizens regarding the power and authority granted the City (or lack thereof) in dealing with such telecommunications issues and concerns.

#### Section 16

The Commission shall provide citizens with referrals to the appropriate state and/or federal agencies which regulate such telecommunications activities in the event the City does not have jurisdiction.

#### Section 17

The Commission shall inform and educate citizens regarding such telecommunications matters affecting consumers, such as, but not limited to, consumer protection information

#### Section 18

The Commission shall make recommendations regarding development of the local communications infrastructure.

#### Section 19

The commission shall work with organizations such as the League of Cities to promote the interests of municipal governments and citizens before state legislative and administrative bodies regarding the cable television and telecommunications competition and related consumer protection procedures, practices and guidelines.

#### Section 20

The Commission shall, to the extent possible, ensure the public right-of-way regulation is consistent with the commission's interest in promoting competition among telecommunications providers and other communications companies.

## ARTICLE VII - CONDUCT OF BUSINESS

### Section 1

The Chair of the Commission shall set the agenda for meetings. Items submitted to the Chair by Commissioners at least ten days in advance of a regularly scheduled meeting shall be included. Each Commissioner and staff member shall be provided with an agenda prior to each meeting.

### Section 2

The Commission's Secretary shall be responsible for the drafting and distribution of minutes of all such meetings.

### Section 3

The Secretary shall be responsible for maintaining official files of all Commission reports, correspondence, minutes, and other materials. These records and reports shall be made available for public inspection and copying pursuant to Chapter 22 of the Iowa Code except where specifically exempted from public inspection by said Chapter.

### Section 4

The Commission shall prepare and transmit to the Mayor and City Council from time to time, but not less than once each year, reports describing its proceedings, evaluations, investigations, hearings conducted and the outcome thereof, decisions rendered, and any other work performed by the Commission.

### Section 5

The Commission shall adopt, pursuant to the Iowa City Administrative Code, such rules, regulations, and procedures as are necessary to carry out its duties and responsibilities.

### Section 6

The Commission shall be governed in all cases by the rules in the current edition of Robert's Rules of Order Newly Revised except where they are not consistent with these by-laws and/or any special rules the commission may adopt.

## ARTICLE VIII - APPOINTMENT OF SUBCOMMITTEES

### Section 1

Subcommittees will be authorized by a majority vote of the Commission. The Chair will appoint Commission members to the subcommittees.

## ARTICLE IX – RATIFICATION AND AMENDMENTS

Section 1

These by-laws can be amended at any regular Commission meeting provided that 4/5 of all Commissioners vote in favor of the amendment and provided that the amendment has been submitted in writing prior to the meeting at which it is to be acted upon and such amendment is not in conflict with Title 12, Chapter 4 of the City Code.