

ADOPTED

JUN 13 2006

ORDINANCE NO. 141A-12

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, CABLE COMMUNICATIONS ADMINISTRATOR AND CITIZENS COMMITTEE, SECTION 5-8, CABLE COMMUNICATIONS COMMITTEE'S POWERS AND RESPONSIBILITIES; AND ARTICLE VII, SYSTEM OPERATIONS, SECTION 5-20, SYSTEM DESCRIPTION AND SERVICE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5, Cable Communications, is hereby amended and reordained by amending Section 5-8, Cable communications committee's powers and responsibilities; and Section 5-20, System description and service.

Chapter 5. Cable Communications

Article IV. Cable Communications Administrator and Citizens Committee

Sec. 5-8. Cable communications committee's powers and responsibilities.

(a) There shall be established a citizen's board entitled the "James City County Cable Communications Committee." The committee shall consist of seven members. Members shall be appointed and serve at the pleasure of the board for terms of four years. No member shall be appointed as a member of the committee for more than two consecutive terms. Terms for committee

members shall be staggered so that beginning in April 2005, four members shall be **appointed** and in April 2007, three members shall be appointed. A like number shall be appointed to serve every four years thereafter. **Appointments** to fill vacancies shall be only for the unexpired portion of a term, which shall not constitute a term for the two consecutive term limit. A member whose term expires shall continue to serve until his successor is appointed. The administration shall provide staff support to the committee.

(b) The committee shall adopt bylaws governing its procedures and actions on matters coming before it which shall include provisions for selection and tenure of the committee chairman.

(c) Responsibilities of the committee shall include, but not be limited to, the following:

- (1) The committee shall adopt regulations governing the operation *and use* of the public access and educational access channels of cable television and any institutional networks that may be developed.
- (2) Enforce its public access ~~regulation~~ *guidelines and procedures*, if and from the time the franchise certificate vests management of a grantee's public access channel(s) in the committee.
- (3) Develop policies and procedures ~~relating to~~ *regulating use, services, and programming of* the public access channel.
- (4) Review with the administrator required system performance evaluations every three years.

- (5) Advise the board of objectives to be obtained in the county's system based upon its continued evaluation of a franchise and continued assessment of cable technology.
- (6) Review the annual report to the board prepared by the administrator and make recommendations to the administrator as may be appropriate.
- (7) Work with staff to perform research, conduct surveys, and make recommendations on all aspects of the county's system which shall be reported to the board through the administrator's report.
- (8) Serve as a liaison between the county, the grantee(s) and the community.
- (9) Cooperate with the county and grantee(s) in fulfilling its responsibilities herein.

Article VII. System Operations

Sec. 5-20. System description and service.

(a) Application for a franchise may include proposals for the provision of public, education, local government, and leased access channels limited not only to video but also including audio, FM and data channels. Such proposals by a grantee may be incorporated into the franchise certificate granted and, to the extent so incorporated, shall subject the grantee to the following minimum requirements.

~~(1) Unless otherwise provided in any applicable franchise certificate or amendment thereto, a grantee shall have available a studio and equipment located within the county for use in the production and presentation of public access programs. This studio and equipment shall be operational no later than six months after the first~~

~~subscribers begin receiving cable casting. A grantee shall not enter into any contract, arrangement or lease for use of its cable cast equipment in said studio which prevents or inhibits the use of such equipment for public access programming;~~

(21) ~~Unless otherwise provided in any applicable franchise certificate or amendment thereto, a~~ A grantee shall have no control over the content of access cable cast programs; however, this limitation shall not prevent taking appropriate steps to ensure compliance with the operating rules described herein.

(32) The public access channel(s) shall be made available to ~~provide programming of a local, regional, or national nature to county residents as determined by the cable communications committee.~~ residents of the county on a nondiscriminatory basis, free of charge. Charges for equipment, personnel and production of public access programming shall be reasonable and consistent with the goal of affording users a low cost means of television access. No charges shall be made for the production of live public access programs not exceeding five minutes in length or for the replay of user-supplied tapes which are in a form compatible with the grantee's playback facilities. The grantee shall adopt operating rules for the public access channel(s), to be filed with the cable communications administrator prior to the activation of the channel(s), designed to prohibit the presentation of any advertising material designed to provide the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and defamatory, obscene or indecent matter, ~~as well as rules requiring nondiscriminatory access, and rules~~

permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two years. If the franchise certificate vests management of a grantee's public access channel(s) in the committee, at the time the committee assumes such management, the grantee shall have no further responsibility for public access operating rules.

(43) The education access channel(s) shall be made available for the use of local public educational authorities and private nonprofit educational telecommunication entities free of charge. A grantee shall adopt operating rules for the education access channel(s), to be filed with the administrator prior to activation of the channel(s), designed to prohibit the presentation of any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information and defamatory, obscene or indecent matter as well as a rule permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two years.

(54) The local government access channel(s) shall be made available for the use of local government authorities free of charge.

(65) The leased access channel(s) shall be made available to leased users. Priority shall be given part-time users on at least one channel. A grantee shall adopt operating rules, which are consistent with federal law, for the channel(s) to be filed with the administrator prior to activation of the channel(s), designed to prohibit the