

ORDINANCE NO. 2017 -70_____

AN ORDINANCE AMENDING ORDINANCE NO. 2008-80
ESTABLISHING THE CABLE TELEVISION FRANCHISE
PRESENTLY KNOWN AS CHAPTER A730 OF THE
VINELAND CITY CODE.

WHEREAS, on November 25, 2008, City Council adopted Ordinance No. 2008-80 entitled “AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF SOUTH JERSEY L.L.C. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN VINELAND.”, presently known as Chapter A730 of the Vineland City Code; and

WHEREAS, it is considered in the best interest of the City of Vineland to amend said ordinance to make the cable advisory committee optional rather than mandatory.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Vineland that Ordinance No. 2008-80 entitled “AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF SOUTH JERSEY L.L.C. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN VINELAND.”, presently known as Chapter A730, Cable Television Franchise of the Vineland City Code, be and the same, is hereby amended as follows:

Revise §A730-16 to read:

§A730-16. Advisory committee.

The Council of the City of Vineland may, in its discretion, appoint an advisory committee (herein, the “committee”), consisting of five (5) members, one (1) member to be appointed by each Council person. The committee may also appoint one (1) alternate member. The committee shall meet periodically at Vineland City Hall, unless the committee unanimously agrees to meet elsewhere, and shall:

1. Monitor compliance of the city and the company with regard to the conditions of the franchise.
2. Discuss and recommend solutions to problems concerning the operation of the cable system.
3. Attempt to resolve any problems which may result from implementation of this ordinance.
4. Recommend to the city, on a timely basis, any changes in this franchise which in the future could be permitted under federal or state law changes, amendments and judicial interpretations hereafter promulgated. Such changes are subject to the formal amendment process, which shall include acceptance from the company and approval from the Board of Regulatory Commissioners pursuant to existing law.
5. Develop rules for the use the EG channel and provide the company with a copy of said rules.

BE IT FURTHER ORDAINED, that any ordinance or provision thereof inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon publication and passage in the manner provided by law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

September 22, 2017

TO: Mayor and Members of City Council

RE: Cable Advisory Committee

The City of Vineland operates cable Channel 9 on the Comcast lineup. The most recently negotiated cable franchise is incorporated in Ordinance No. 2008-80, which was adopted by City Council on November 25, 2008. There is one section of the ordinance as follows that we request Council considers to amend:

§ A730-16 - Advisory committee.

- A. *The Council of the City of Vineland shall appoint an ongoing advisory committee (herein, the "committee"), consisting of five members, one member to be appointed by each Council person. The committee may also appoint one alternate member. The committee shall meet periodically and shall:*
- 1. Monitor compliance of the City and the company with regard to the conditions of the franchise;*
 - 2. Discuss and recommend solutions to ongoing problems concerning the operation of the cable system;*
 - 3. Attempt to resolve any problems which may result from implementation of this ordinance; and*
 - 4. Recommend to the City, on a timely basis, any changes in this franchise which in the future could be permitted under federal or state law changes, amendments and judicial interpretations hereafter promulgated. Such changes are subject to the formal amendment process, which shall include acceptance from the company and approval from the Board of Regulatory Commissioners pursuant to existing law.*
 - 5. Develop rules for the use the EG channel within 60 days of the effective date of this ordinance and will provide the company with a copy of said rules.*
- B. *All meetings of the committee will be held at City Hall, unless the committee unanimously agrees to meet elsewhere. The company shall receive written notice of all such meetings and shall, upon the company's request, be entitled to address the committee.*

When the cable franchise and channel were created, the Cable Advisory Committee played a valuable role in forming rules and regulations, purchasing equipment and monitoring the channel and franchise. Since the channel has been on the air for 20 years, we have found that many of the committee functions are no longer as relevant as to when the committee was first established. It has been difficult to maintain a full and ongoing committee due to the simple fact that there's not much subject matter to discuss, and members have gradually become disinterested in serving.

Therefore, making the Cable Advisory Committee optional rather than mandatory will give Council the flexibility to resume a committee at any time without having to make subsequent ordinance changes. This could be useful when issues arise and especially during refranchise talks.

Sincerely,

Cable Coordinator