AN ORDINANCE

03- O -0681

BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE A CABLE AND TELECOMMUNICATIONS OVERSIGHT AND PLANNING COMMITTEE AND TO PROVIDE DUTIES THEREFORE; AND FOR OTHER PURPOSES.

WHEREAS, on January 1, 1995, a Cable Franchise was granted to Southern Multimedia Communications, Inc. a predecessor of Media-One Group, Inc. d/b/a/ MediaOne of Colorado for the construction, reconstruction, operation and maintenance of a cable communications system within the City of Atlanta for a period of fifteen (15) years, expiring January 1, 2010; and

WHEREAS, on November 15, 1999, the City consented to the change of control of the Cable Franchisee from MediaOne to AT&T Corporation; and

WHEREAS, AT&T Corporation merged with Comcast Corporation, and on July 15, 2002, City Council approved the change of control of the Cable Franchisee from AT&T Corporation to AT&T Comcast Corporation; and

WHEREAS, contained within the AT&T Comcast Change of Control Agreement are General Terms and Conditions that were to be met by the Franchisee.

WHEREAS, additionally, the City of Atlanta needs constant, diverse, and in-depth strategic telecommunications planning to continue to be in the forefront of telecommunications convergence and be a city that constantly builds for the future.

WHEREAS, to ensure that the General Terms and Conditions contained within the Change of Control Agreement are being implemented, and to ensure that the citizens of Atlanta now have, and will continue to receive in the future, the best service, the most advanced telecommunications technology and the highest quality of programming, a Cable and Telecommunications Oversight and Planning Committee shall be established.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That Chapter 34, Cable Communications shall be amended so as to create a Cable and Telecommunications Oversight and Planning Committee, which shall consist of eight (8) members, shall be established as a "public board", and shall include the following:

DIVISION 1. CABLE AND TELECOMMUNICATIONS OVERSIGHT AND PLANNING COMMITTEE

Section 34-1. Establishment; appointment of members.

There is established a Cable and Telecommunications Oversight and Planning Committee of the City of Atlanta, referred to in this division as the committee. The committee shall consist of eight (8) members, all of which shall be confirmed by the City Council. The membership shall consist of the following:

(1) One (1) member from the public at large; appointed by the Mayor; who shall not be an employee of the City of Atlanta, any organization doing business with the City, nor be currently employed by any cable provider; who shall be a "lay" citizen with an understanding and/or knowledge of the cable industry or media.
(2) Four (4) members from the public at large; three (1) appointed by the paired Council districts and one (1) appointed by the council president; who shall not be an employee of the City of Atlanta, any organization doing business with the City, nor be currently employed by any cable provider; who shall be a "lay" person with an understanding and/or knowledge of the cable industry or media.
(3) One (l) member from the People TV Board; selected by their board
(4) One (l) member from the Atlanta Planning Advisory Board; selected by their board; who shall be a "lay" citizen with an understanding and/or knowledge of the cable industry or media.
(5) One (1) member from the Atlanta Regional Commission; selected by their board.

Section 34-2. Terms; vacancies; compensation.

(a) The eight (8) members of the Cable and Telecommunications Oversight and Planning Committee shall each serve for terms of three (3) years. Members of the committee may be appointed for consecutive terms consistent with general laws regulating service on City boards and commissions. All members shall serve without compensation. The committee shall select from its members a chairperson to serve for a one-year (l) term.
(b) The council shall appoint three (3) of the eight (8) members. The president of council shall appoint one (l) member. The council shall appoint three (3) members in the following manner:

(1) Districts 1, 2, 3 and 4 and At-large Post 1
(2) Districts 5, 6, 7 and 8 and At-large Post 2

(3) Districts 9, 10, 11, and 12 and At-large Post 3

(c) In the event that an appointment to fill vacancies by the mayor or council is not made within sixty (60) days of the mayor's or council's request, the president of council can proceed to nominate a person for the position, and the nomination shall be forwarded to the Committee on Council.

Section 34-3. Functions; powers; duties.

The Cable and Telecommunications Oversight and Planning Committee is charged with the following duties and responsibilities:

(1) To perform and maintain a review of the status of implementation of the General Terms and Conditions of the Change of Control Agreement whereby the City consented to the change of control of the Cable Franchisee from AT&T Corp. to AT&T Comcast Corporation.
(2) To provide general and ongoing oversight of the AT&T Comcast Corporation, including but not limited to monitoring the compliance of AT&T Comcast with its obligations under the Franchise Agreement and the Change of Control Agreement and holding public hearings as it deems necessary to receive comments from cable subscribers.
(3) To submit a written report twice yearly to the City Utilities Committee of the status of the Franchise Agreement and the compliance of AT&T Comcast Corporation with the Franchise Agreement, the Change of Control Agreement and applicable city, state and federal law.
(4) To create a regional intergovernmental cable service by working with Fulton and DeKalb County Governments and the Fulton and DeKalb County school systems.
(5) To submit findings of the review of the General Terms and Conditions of the Change of Control Agreement, comments from any and all public hearings, and the required semi-annual written reports, to full Council for their use during the five (5) year increment reviews as provided for within the Franchise Agreement with AT&T Comcast Corporation.
(6) To present one (1), three (3) and five (5) year strategic plans for the installation, development, and use of integrated, converged telecommunications systems for the City of Atlanta and, where applicable, regional planning for efficient and economical regional telecommunications convergence implementation and oversight.

SECTION 2: Upon this legislation becoming law, the Municipal Clerk shall immediately notify the officials and boards directed to select members of the Cable and Telecommunications Oversight and Planning Committee of the adoption of this legislation, and request the selection or designation of members within two weeks following such notification.

SECTION 3: Upon commencement of the Cable and Telecommunications Oversight and Planning Committee, an immediate review shall be performed by the committee of the

status of implementation of the General Terms and Conditions of the Change of Control Agreement whereby the City consented to the change of control of the Cable Franchise from AT&T Corporation to AT&T Comcast Corporation, and a written status report shall be provided to the City Utilities Committee within sixty (60) days of the first meeting of the committee.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed.