

Motion to Postpone 8/7
10/4/00 Sabbath
Final Action 4-4
11/15/00

ORDINANCE 00-41

4-4(Diekhoff, Mayer, Pizzo,
Gaal) Banach absent

**TO AMEND CHAPTER 2.12 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "BOARDS, COMMISSIONS, AND COUNCILS"
(Amending Section 2.12.060 by Revising the Name, Purpose, and Powers and Duties of the
Telecommunications Council)**

WHEREAS, in July, 2000 the Telecommunications Council proposed changes in their enabling ordinance as found in Section 2.12.060 of the Bloomington Municipal Code; and

WHEREAS, these changes are intended to help the City provide for its citizens the best telecommunications services that are available;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The title and Part (1) of Section 2.12.060 of the Bloomington Municipal Code entitled "Telecommunications Council" shall be amended to read as follows:

2.12.060 Bloomington Telecommunications Council

- (1) Purpose. The Bloomington Telecommunications Council shall:
 - (a) Review and evaluate the performance of city telecommunications franchisees;
 - (b) Provide a public forum for information exchange among the citizens of the community and telecommunications service providers;
 - (c) Study and make recommendations to the Mayor and Common Council on issues relating to telecommunications and technology, including such issues as cable television access, technology access, regulatory issues within the City's authority regarding wired and wireless communications systems and such telecommunication public policy issues that come before the City.
 - (d) Conduct hearings and workshops upon, and make written recommendations regarding, telecommunications and technology issues as referred above, and report its findings and recommendations to the Mayor and Common Council.

SECTION 2. Part (3) of Section 2.12.060 entitled "Powers and Responsibilities" shall be amended to read as follows:

- (3) Powers and Responsibilities. The powers and responsibilities of this council shall be as follows:
 - (a) To evaluate the quality of subscriber service by city telecommunications franchise companies;
 - (b) To evaluate whether telecommunications franchisees are operating in satisfaction of the terms of any applicable franchise agreement and/or state and federal rules and regulations;
 - (c) To study the telecommunication needs of the Bloomington community and explore ways of using telecommunication service providers to meet those needs;
 - (d) To promote the availability of opportunities provided to citizens by leased and community access television and other telecommunications services;
 - (e) To seek out and retain the services of other persons, organizations and companies for purposes of satisfying the responsibilities laid upon the Bloomington Telecommunications Council by this ordinance;
 - (f) To report at least once a year to the Mayor, the Common Council, and the Board of Public Works, and other appropriate city officials in writing on the Bloomington Telecommunications Council's activities and expenditures, such report to include the evaluations provided for in subsections (b) and (c) of this section, and such report further being made available to the public through posting on the City's website, and upon request; and
 - (g) To pursue the preceding responsibilities in the best public interest of the citizens of Bloomington.

SECTION 3. Part (4) of Section 2.12.060 shall be amended to read as follows:

(4) Procedure.

(a) The Bloomington Telecommunications Council shall establish its rules of operating procedures, which may be amended from time to time by a majority vote.

(b) It is the object of this ordinance that the Bloomington Telecommunications Council will be supported from the receipt of cable television franchise fees, subject to the approval of the Mayor and Common Council.

SECTION 4. The Table of Contents for Chapter 2.12 shall be amended to delete the words "Telecommunications Council" after the words "Section 2.12.060" and replace them with "Bloomington Telecommunications Council".

SECTION 5. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 4TH day of OCTOBER, 2000.


TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2000.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2000.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

The City's Telecommunications Council is bringing this ordinance forward. It amends their enabling legislation in order to broaden their mission to include the review of local telecommunications services as well as cable television services, and to change their name to the Bloomington Telecommunications Council.

Note: While it was being introduced on September 27th the Council approved a request from the Council Administrator/Attorney to revise the ordinance by removing a "0" from the reference to BMC 12.12.060.