

Tompkins County
Intermunicipal Cable
Television Commission

2405 N. Triphammer Rd.
Ithaca, NY 14850

Intermunicipal Cable

Mr. Austic entertained a motion, moved by Mr. Curtis, seconded by Mr. Reitz the following resolution:

WHEREAS, issues pertaining to cable television and service are growing ever more complex because of changes in regulations, technology and available choices; and

WHEREAS, the Town of Ulysses has previously recognized the value of its constituents of intermunicipal cooperation in the regulation of cable television by agreeing to participate in the Tompkins County Intermunicipal Cable Television Commission (TCICTC), an advisory body to the Town of Ulysses, and approving a representative to same; and


WHEREAS, this Commission has formulated, endorsed and forwarded a CHARTER AND BYLAWS dated October 12, 1994 governing its actions to the Town of Ulysses for its review, consideration and approval; be it therefore

RESOLVED, that the Town of Ulysses authorizes the Supervisor to affix his signature to said document affirming the approval by this board of the CHARTER AND BYLAWS of the TCICTC.

I hereby certify that the forgoing resolution was adopted by the Town Board of the Town of Ulysses at its Regular Town Board Meeting held on December 13th, 1994.

Witness my hand and seal of said Town
this twenty-second day of December
Nineteen Hundred and Ninety four.


Marsha L. Georgia
Ulysses Town Clerk


Douglas Austic
Supervisor

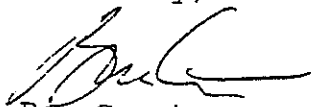
September 13. The NYS Cable Commission has won a decision in a similar case and will support us in this case if necessary.

As we become better informed, I suspect there will be more issues such as these with which we may be able to assist our members, in addition to franchise negotiations, rates, line extension, access policy and other issues raised in the course of our discussions.

We request that each member bring a copy of their franchise agreement to our next meeting on January 24, 1995 along with some concrete ideas of what the Commission should be doing in the coming year. We will try to develop a work plan for 1995 at the January meeting. The meeting will be at 7:00 P.M. in the Old Jail conference room.

Please return the resolution as soon as you can. Let me know if there is anything I can do to help.

Sincerely,



Ben Curtis
Chairman

SAMPLE RESOLUTION:

Approving the CHARTER AND BYLAWS
for the Tompkins County Intermunicipal
Cable Television Commission

WHEREAS, issues pertaining to cable television and service are growing ever more complex because of changes in regulations, technology and available choices; and

WHEREAS, the (Town) (Village) (City) (County) of _____ has previously recognized the value of its constituents of intermunicipal cooperation in the regulation of cable television by agreeing to participate in the Tompkins County Intermunicipal Cable Television Commission (TCICTC), an advisory body to the (Town) (Village) (City) (County) of _____, and approving a representative to same; and

WHEREAS, this Commission has formulated, endorsed and forwarded a CHARTER AND BYLAWS dated October 12, 1994 governing its actions to the (Town) (Village) (City) (County) of _____ for its review, consideration and approval; be it therefore

RESOLVED, that the (Town) (Village) (City) (County) of _____ authorizes the (Mayor) (Supervisor) (Chairman) to affix his/her signature to said document affirming the approval by this board of the CHARTER AND BYLAWS of the TCICTC.

This Document is the

CHARTER and ByLAWS for:

TOMPKINS COUNTY INTERMUNICIPAL
CABLE TELEVISION COMMISSION

Organized: July 28, 1994
Adopted: October 12, 1994

AGREEMENT OF MUNICIPAL COOPERATION:
TOMPKINS COUNTY INTERMUNICIPAL CABLE TELEVISION
COMMISSION

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AGREEMENT OF MUNICIPAL COOPERATION:
TOMPKINS COUNTY INTERMUNICIPAL CABLE TELEVISION
COMMISSION

THE PARTIES hereto, recognizing the advantages of inter-municipal cooperation in the regulation of cable television, do agree as follows:

1. Purpose

Pursuant to Article 5-G of the New York General Municipal Law, the parties hereto agree to establish a Cable Television Commission to advise them on matters pertaining to cable television franchising and service, and to hold public hearings when and where appropriate, all in order to promote the provision of good cable television service at reasonable rates to the residents of Tompkins County. The Commission shall analyze financial, technical, and legal issues related to cable television regulation to enable the parties hereto to reach sound judgments in exercising their regulatory authority with regard to such matters as cable television rates, franchise fees, and nature and quality of service. It is the intention that the term "cable television" shall be expansive in definition so as to include present and future related technologies, to the end that the commission may advise municipalities and inform the public relative to franchising and advancing telecommunications technologies. The commission may also provide oversight for access television.

2. Name and Definitions

The Commission shall be named "Tompkins County Intermunicipal Cable Television Commission." For purposes of this agreement, the term "Commission" shall refer to the Tompkins County Intermunicipal Cable Television Commission, and the term "participating municipality" shall refer to any party to this agreement. A "majority vote of the governing body" of a municipality shall refer to a majority of the aggregate number of votes which all members of the municipal governing body are entitled to cast.

3. Composition of Commission

- A. The Commission shall consist of one representative from each participating municipality ("municipal representatives"), and up to three at-large representatives. Each municipal representative shall be selected by the governing body of his or her municipality, and shall serve at the pleasure of such governing body. At-large representatives shall be selected by majority vote of the municipal representatives at such times as the Commission deems appropriate. At-large representatives may be removed or replaced by majority vote of the municipal representatives. For purposes of this agreement, the term "Commission members" shall refer to both municipal representatives and at-large representatives. The municipal representatives may also appoint such additional non-voting associate representatives, and for such terms, as they deem appropriate.
- B. The Commission shall have an Executive Committee, with responsibilities as specified in Section 5 of this agreement, and such other committees as provided for in Section 6 of this agreement.

4. Officers

- A. At the first meeting of the Commission held pursuant to this agreement and annually thereafter, a chair and vice-chair shall be elected from among the municipal representatives by majority vote of the municipal representatives. A secretary and a treasurer who may but need not be members of the Commission shall be appointed by a majority vote of the municipal representatives. All officers shall serve at the pleasure of the Commission. After the first meeting of the Commission, selection or removal of officers shall be by majority vote of all municipal representatives.
- B. The chair shall preside at all meetings of the Commission, and shall discharge other responsibilities as specified in this agreement. The treasurer shall be the fiscal officer of one of the participating municipalities.

5. Executive Committee

The Executive Committee shall consist of the chair, vice-chair, and three additional members to be elected by the Commission. The Executive Committee shall be responsible for planning the agenda of each Commission meeting, for planning any public hearings to be conducted by the Commission, for overseeing the finances of the Commission, and for ensuring that representatives are promptly replaced upon resignation or removal. The Executive Committee shall also be responsible for presenting to the Commission the names of any persons whose knowledge or expertise in the field of cable television or related technical areas might commend them for consideration as at-large members, or associate members, whenever the Commission deems it advisable to fill such vacancies, or make such appointments.

6. Committees

- A. The primary function of the Commission shall be to review questions relating to such matters as cable television rates, franchise fees, and nature and quality of service, and to make appropriate recommendations to participating municipalities. To this end, the Commission shall appoint such Committees, as it deems advisable, whose members shall include Commission members and such other persons with knowledge or expertise in such fields as cable television, communications, finance, law, and business practice, as it deems appropriate. Persons shall serve on the Committees at the pleasure of the Commission.
- B. The Commission may refer questions to Committees including, but not limited to the following:
1. Whether a proposed change in rates or other terms of franchise agreements is advisable;
 2. Whether a cable television franchisee is meeting its legal obligations;
 3. Whether requests for franchise renewal should be granted, and what conditions (if any) should be attached to a renewal;
 4. Whether provision of additional service to subscribers, or termination of existing service, or

the extension of new service to areas not presently served is justified.

- C. When a question is referred to Committee by the Commission, the Committee shall undertake a careful and thorough analysis of the question. The Committee may engage consultants (e.g., accountants, lawyers, etc.) in appropriate cases to assist in its investigations, provided that the Commission approves in advance such arrangement in each case, along with any expenditures required therefor.
- D. Upon completing its analysis of any question submitted by the Commission, the Committee shall submit its findings in writing to the Commission.
- E. In addition to the responsibilities under Sections 6(C) and 6(D) of this agreement, the Committees may be assigned any of the following additional responsibilities by the Commission:
 - 1. To monitor financial information and data pertaining to cable television companies serving participating municipalities;
 - 2. To monitor developments in the law governing cable television relating to service in participating municipalities;
 - 3. To monitor such technical developments in the cable television industry as may affect service to participating municipalities;
 - 4. To recommend to the Commission any such action as may be necessary or useful in improving cable television service in participating municipalities, and in rendering such service more economical;
 - 5. To recommend to the Commission matters involving the operation of public access television.

7. Handling of Proposed Franchise Changes

- A. To help municipalities reach sound judgments when they consider changes in their franchises, the Commission will need time to research, engage consultants where necessary, and conduct public hearings.
- B. To that end, each participating municipality shall submit

any proposal to change its cable television franchise to the Commission, and shall allow a reasonable time for Commission review of the proposed change before acting thereon. For purposes of this section, a "reasonable time" shall include such time as may be necessary for study of the proposed change by the appropriate Committee, where the Commission deems such study desirable. The Commission shall proceed expeditiously.

- C. No sooner than sixty days after a participating municipality has submitted a proposed change to the Commission pursuant to this section, the municipality may request that a recommendation be provided by the Commission. If such a recommendation is not provided in writing within sixty days of the request, the municipality may act without such report.

8. Public Hearings

- A. Where the Commission is considering the recommendation of franchise changes to participating municipality(s), or the recommendation of franchise renewal, the Commission shall hold a public hearing on the proposed recommendation. The hearing shall be preceded by reasonable notice to any cable company(s) serving the participating municipalities, to the governing bodies of those municipalities, and to the citizens of those municipalities. The notice of hearing shall conform to all relevant state and local laws and ordinances, and shall include a description of the proposal(s) to be considered at the public hearing. The chair or vice-chair of the Commission shall preside at the hearing. A representative of every cable company that serves one or more of the participating municipalities shall be invited to appear at the hearing. All persons shall be given full opportunity to participate in the hearing and to ask questions of any participant in the hearing but the presiding officer of the Commission may establish reasonable time limits and may restrict repetitive statements or questions.
- B. A hearing conducted by the Commission pursuant to Section 8 (A) of this agreement shall be deemed a hearing by the governing body of each participating municipality represented at the hearing, sufficient to meet such

municipality's public hearing obligations under applicable state and federal law. Nothing in this agreement shall preclude any participating municipality from holding its own public hearing in addition to the one conducted by the Commission.

- C. In addition to hearings required under Sections 8 (A) and 8 (B) of this agreement, the Commission or its Committees may hold hearings at any other times on matters relevant to their general purposes.

9. Commission Findings and Recommendations

- A. Upon receipt of findings from any Committee pursuant to Section 6 of this agreement, and after the completing of any hearings as required by Section 8 of this agreement, the Commission shall formulate and transmit to participating municipalities in writing such recommendations as it deems appropriate.
- B. Any findings and recommendations by the Commission shall be purely advisory in nature, and shall have no binding force upon participating municipalities. However, the participating municipalities agree to give serious consideration to any findings or recommendations submitted to them by the Commission.

10. Meetings

- A. The Commission shall hold quarterly meetings and such additional meetings as the chair, in his or her discretion, may convene. The exact dates, times and locations of such meetings shall be designated at least twenty-one days in advance by the chair, in consultation with the Executive Committee. Additional meetings shall be convened upon request to the chair by at least one-fourth of the members of the Commission. Where practicable, the Executive Committee shall provide members of the Commission with a meeting agenda at least one week before every meeting.
- B. A quorum of the Commission shall consist of two-thirds of its voting members. All decisions of the Commission shall be by majority vote of those voting members present, except when otherwise specifically provided for under this agreement.

- C. The secretary shall prepare minutes for each meeting and make copies available to Commission members.

11. Office and Staff

The Commission shall establish an office for the Commission to act as a place for receipt of mail and outside communications. The office shall be located in a public building owned by one of the participating municipalities. The Commission may retain such staff support as it deems necessary, and shall designate one of the participating municipalities as the employer. Where staff support is required on a temporary basis, the Executive Committee may contract for such staff upon advance approval by the Commission.

12. Financing

- A. Expenses of the Commission shall be apportioned among the participating municipalities in proportion to the number of cable subscribers in each municipality on March 30th or such other closest date during the college academic year for which subscriber figures are available.
- B. To assist municipalities in planning their budgets, the Commission will prepare a tentative budget for the coming calendar year during the summer of the then current year. The treasurer will base the estimate on the most recent subscriber figures available and report it to the head of that municipality.
- C. A final budget and a final levy for the coming year for each municipality will be determined in the fourth quarter of the then current year, the levy to be apportioned based on the most recent subscriber figures available pursuant to Section 12 (A).
- D. Such budget, levy and any amendments to either must be approved by a majority vote of the total number of municipal representatives. No vote on the proposed budget, levy or amendment may take place without one month's prior notice to all municipal representatives.
- E. The treasurer, in his or her capacity as fiscal officer, shall be given custody of all funds contributed by participating municipalities, and shall maintain records of all receipts and disbursements in accordance with appropriate accounting procedures. Disbursement from funds

- contributed shall be made by the treasurer only for such purposes as have been approved by the Commission. In his or her capacity as treasurer of the Commission, the treasurer shall possess the same powers, duties, immunities and privileges as possessed in his or her capacity as fiscal officer of his or her municipality.
- F. During the first year of operation, the Commission levy shall be ten cents (\$0.10) per subscriber, with a minimum levy of twenty-five dollars (\$25.00) and a maximum levy of seven hundred fifty dollars (\$750.00), except Tompkins County whose levy shall be \$.01 per total subscribers in the County. For purposes of apportioning expenses the first year, the number of subscribers shall be those supplied by the cable service provider to the New York State Cable TV Commission for March 30, 1994, as shown in the document appended to this charter.

13. Additional Parties

After the effective date of this agreement, any municipality may become a party to this agreement if the Commission so approves, and if the municipality approves this agreement by majority vote of its governing body. Upon approval by the Commission and the municipal governing body, the municipality shall sign this agreement through an authorized representative, and shall appoint a municipal representative to the Commission pursuant to Section 3 of this agreement. The Commission may require that a municipality make a reasonable contribution to the expenses of the Commission as a prerequisite to becoming a party to this agreement.

14. Withdrawal from Agreement

Any participating municipality may withdraw from this agreement upon one year's notice. A municipality shall be responsible for its pro rata contribution, pursuant to Section 12 of this agreement, for any expenditures approved by the Commission prior to the effective date of the municipality's withdrawal from the agreement, including expenditures approved during the one year notice period.

15. Amendments

Amendments to this agreement may be proposed by majority vote of the municipal representatives, and shall become part of this agreement if approved by the governing boards of three-fourths of the participating municipalities.

16. Illegality of Part

A determination by any court or administrative authority that a part of this agreement is contrary to law shall not affect the force and effect of any other part of this agreement.

17. Effective Date: Duration

- A. This agreement shall take effect forty-five days after it is approved by majority vote of the governing bodies of at least two municipalities in Tompkins County, and signed by authorized representatives of those municipalities. Prior to the effective date, any municipality in Tompkins County may become a party to this agreement upon approval by majority vote of its governing body, and signing of the agreement through an authorized representative. After the effective date of this agreement, a municipality may become a party to this agreement only pursuant to the provisions of Section 13 of this agreement.
- B. Signatures shall be notarized on the original copy of this agreement, which copy shall be kept on file in the Tompkins County Clerk's Office.
- C. This agreement shall remain in force as long as two or more municipalities remain parties thereto.

THE PARTIES below named hereby affirm that they are authorized representatives of the municipalities indicated, and that the governing bodies of the municipalities which they represent have approved this agreement by majority vote:

County of Tompkins

Town of Caroline

Town of Danby

Village of Dryden

Village of Freeville

Village of Groton

Town of Ithaca

Village of Lansing

Village of Trumansburg

Village of Cayuga Heights

Town of Dryden

Town of Enfield

Town of Groton

City of Ithaca

Town of Lansing

Town of Newfield

Town of Ulysses

Supplemental Information Request Form - 1

Schedule A

Docket No.: RR94-116
 System: American Community Cable-Dryden
 Date: 5/10/94
 (DOIR): 5/16/94

Municipality		TVC	(a) Subscribers as of DOIR 5/16/94	(b) Subscribers as of 3/30/94	(c) Subscribers of 9/30/92
1	Caroline	T	552	560	546
2	Cayuga Heights	V	1081	1168	1176
3	Covert	T	54	55	58
4	Danby	T	517	518	502
5	Dryden	T	2706	2721	2597
6	Dryden	V	701	718	676
7	Freeville	V	186	181	193
8	Groton	V	865	862	832
9	Groton	T	193	193	195
10	Ithaca	C	6465	6387	6029
11	Ithaca	T	3124	4680	3939
12	Lansing	T	1785	1810	1730
13	Lansing	V	1374	1428	1378
14	Newfield	T	1173	1184	1152
15	Trumansburg	V	579	580	552
16	Ulysses	T	568	564	570
Total Subs:			22923	25609	24122

Instructions: Company must fill in column (a) in every case. Complete column (b) only if you are submitting an FCC Form 393 that includes benchmark calculations made as of a date other than the DOIR. Complete column (c) only if you are submitting an FCC Form 393 with benchmark calculations made on the basis of Worksheet 2, Part II.