

AN ORDINANCE No. 2-21

To amend Chapter 2, Administration, Article II – Boards, Commissions and Authorities, Division 5, Cable Television and Telecommunications Commission, to include clarification of roles and responsibilities of the County staff representative, reduce the number of required meetings, amend the quorum requirements, add broadband services to the responsibilities of the commission, and change the name of the commission from Cable Television and Telecommunications Commission to Broadband, Telecommunications and Cable Commission.

PUBLIC HEARING: October 13, 2020

WHEREAS, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated October 13, 2020; and

WHEREAS, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on September 22, 2020 and September 29, 2020, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the general welfare is served by approval of the code amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That sections of Chapter 2, Administration, Article II – Boards, Commissions and Authorities, Division 5, Cable Television and Telecommunications Commission, be and is hereby **amended and re-ordained** as follows:

DIVISION 5. - BROADBAND, TELECOMMUNICATIONS AND CABLE COMMISSION ^[6]

Footnotes:

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Editor’s note— Ord. No. 2-13, adopted June 27, 2000, changed the title of Div. 5 from “Cable Television Commission” to “Cable Television and Telecommunications Commission” as set out herein. Ord. No. 2-21, adopted October 21, 2020, changed the title of Div. 5 from “Cable Television and Telecommunications Commission” to “Broadband, Telecommunications and Cable Commission” as set out herein.

Cross reference— Cable television systems, Ch. 6.

Sec. 2-101. - Definition.

- (a) As used in this division, the term “commission” shall mean the broadband, telecommunications, and cable commission created by section 2-102.
- (b) ”PEG”, as used in this division, is an acronym for “public, educational and governmental” access facilities relating to:
 - (1) Channel capacity designated for public, educational, or governmental use; and

(2) Facilities and equipment for the use of such channel equipment.

(Ord. No. 2-13, 6-27-00; Ord No. 2-21, 10-13-20)

Sec. 2-102. - Created.

There is hereby created, in and for the county, a commission to be known as the broadband, telecommunications and cable commission.

(Code of Virginia, § 15.2-1411, § 15.2-101(A); Code 1980, § 20.1-1; Ord. of 7-28-87(3); Ord. No. 2-13, 6-27-00; Ord No. 2-21, 10-13-20)

Sec. 2-103. - Composition; qualification of members.

The broadband, telecommunications and cable commission shall consist of seven (7) voting members and five (5) non-voting members as follows:

- (a) The seven (7) voting members shall be appointed by the board of supervisors and shall consist of one (1) resident of the county recommended by a member of the Board of Supervisors from each election district.
- (b) The five (5) non-voting members shall consist of the following:
 - (1) The county administrator ex officio, or his or her designee;
 - (2) The school superintendent ex officio, or his or her designee;
 - (3) The director of the Central Rappahannock Regional Library ex officio, or his or her designee;
 - (4) The director of information services for Germanna Community College ex officio, or his or her designee; and
 - (5) The director of information services for Spotsylvania County, ex officio.

(Code of Virginia, § 15.2-1411, § 15.2-101(A); Code 1980, § 20.1-3(A); Ords. of 7-28-87(3); 5-9-89(1); Ord. No. 2-1, 3-27-90; Ord. No. 2-13, 6-27-00; Ord No. 2-21, 10-13-20)

Sec. 2-104. - Terms of members.

- (a) Each of the seven (7) voting members appointed by the board of supervisors shall be appointed to terms that run concurrently with the appointing board member.
- (b) The five (5) non-voting members shall be permanent commission members.

(Code of Virginia, § 15.2-1411, § 15.2-101(A); Code 1980, § 20.1-3(C), (D); Ords. of 7-28-87(3); 5-9-89(1); Ord. No. 2-1, 3-27-90; Ord. No. 2-13, 6-27-00; Ord No. 2-21, 10-13-20)

Sec. 2-105. - Officers.

- (a) The chairperson of the commission shall be selected from the seven (7) voting members.

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(b) Staff Representative: the director of information services for Spotsylvania County shall serve as the staff representative. He or she shall assist the commission, coordinate efforts on its behalf, and shall be the official medium between the commission and county staff.

(Code of Virginia, § 15.2-101(A); Code 1980, § 20.1-3(B); Ords. of 7-28-87(3); 5-9-89(1); Ord. No. 2-1, 3-27-90; Ord No. 2-21, 10-13-20)

Sec. 2-106. - Purposes and duties.

The purposes and duties for which the commission has been established are as follows:

- (1) Review and consider subscriber complaints regarding grantee services and operations; assist in resolving disputes regarding the conduct and performance of the grantee in accordance with the Spotsylvania County Cable Television Systems Ordinance and franchise;
- (2) Make an annual report on the status of local broadband, cable television and telecommunications operations in the county and the activities of the commission. This report shall also include the status and activities of any regional operations group in which the commission may participate as a result of the broadband or cable service provider's interconnected PEG channel network;
- (3) Advise and assist the board of supervisors by reviewing, recommending and coordinating the deployment and use of advancing broadband, cable television and telecommunications technologies; informing the board of potential opportunities to improve the technical capabilities of local and regional broadband, cable television and telecommunications systems; assist the board of supervisors by providing the oversight function for the operation of the local PEG channel network and providing such representatives as may be required to serve on a regional operations group for the larger community network;
- (4) Develop ways and means for promoting and utilizing the broadband and cable television systems to further the objective of increased public participation and awareness of local government activities and events of regional significance; identify and recommend public and private funding sources to create, provide, expand and improve broadband, cable television and telecommunications content and services in the public interest;
- (5) Advise and assist the board of supervisors in the consideration of the purchase of broadband, cable and related telecommunications equipment to achieve the stated objectives;
- (6) Formulate recommendations to increase in-house governmental communications via the broadband and cable system;
- (7) Advise the board of supervisors with regards to proposed rate changes for broadband and cable services;
- (8) Monitor the activities and operation of the grantee to ascertain compliance with the requirements of the franchise; meet with representatives of the grantee as necessary to

resolve problems and facilitate broadband and cable operations consistent with the franchise requirements;

- (9) Keep the board of supervisors apprised of changes in FCC regulations and other statutes affecting the Spotsylvania County Cable Television Systems Ordinance and system;
- (10) Encourage the use of public access channels among a broad range of individuals, groups and institutions within the county; make recommendations of general policy to grantee relating to the use of public access channels;
- (11) Assist the board of supervisors in the overall process of cable franchisement, as required by the board of supervisors;
- (12) Conduct periodic informal hearings to solicit and evaluate subscriber views of broadband and cable service.

(Code of Virginia, § 15.2-1411, § 15.2-2108.20, § 15.2-101(A); Code 1980, § 20.1-2; Ord. of 7-28-87(3); Ord. No. 2-13, 6-27-00; Ord No. 2-21, 10-13-20)

Sec. 2-107. - Meetings.

- (a) The commission shall meet at least four (4) times per year. Additional meetings may be held, as required, and shall be called by the chairperson upon a minimum of ten (10) days notice to all members. Such notice may be waived upon the presence and consent of all members at any meeting called by the chairperson.
- (b) All meetings shall be open to the public in accordance with the Virginia Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.).
- (c) Quorum and method of voting.
 - (1) Current members of the commission are referred to as “active” members. A “quorum” is defined as the minimum number of officers and members of a constituted body who must be present for the valid transaction of business. The number necessary to represent a quorum for the commission is the majority of active members which must also include a majority of active voting members.
 - (2) If a voting member misses three meetings within a twelve (12) month period, he shall become an inactive member. The board of supervisors may either reinstate the member to active status or replace him with a successor.

(Code of Virginia, § 15.2-1411, § 15.2-101(A); Code 1980, § 20.1-3; Ords. of 7-28-87(3); 5-9-89(1); Ord. No. 2-1, 3-27-90; Ord. No. Ord. No. 2-13, 6-27-00; Ord No. 2-21, 10-13-20)

Secs. 2-108—2-125. - Reserved.

§ 2. This ordinance shall be in force and effect upon adoption.