

**CITY OF DETROIT CHARTER REVISION COMMISSION**  
**Proposed Charter Language and Commentary on Cable Television Channel Commission**  
**With Relevant Language from Consent Judgment in Lawsuit Between Executive and**  
**Legislative Branches of Government**

**For Consideration at Thursday, April 21, 2011 Commission Meeting**  
**(Revised Version)**

**ARTICLE 7, CH. 6 THE EXECUTIVE BRANCH: PROGRAMS, SERVICES AND ACTIVITIES**

**CHAPTER 6. TELEVISION CHANNEL COMMISSION**

**Sec. 7-601. Television Channel Commission.**

There is hereby created a Television Channel Commission with oversight and management of all Government, Education and other television channels controlled or operated by the City of Detroit. These cable television channels are public assets that shall be operated for the benefit of citizens of the City of Detroit.

Nothing in this Chapter shall prevent or preclude the City from providing for an alternative method of administering the oversight, operation and management of television channels, through ordinance, upon the repeal of any state law regulating relevant video franchising activity or a judicial finding that such a law is invalid. However, section 7-605. (*Dedication of Channels.*) shall be incorporated into any and all alternative methods of administering the oversight, operation and management of television channels owned or operated by the City of Detroit.

**Sec. 7-602. Composition, Qualifications and Term of Appointment.**

The Television Channel Commission shall be composed of seven (7) Commissioners, three (3) of whom shall be appointed by the Mayor and three (3) of whom shall be appointed by the Mayor from a list of four (4) names submitted by the City Council. One member shall be jointly appointed by the Mayor and City Council. Commissioners shall serve staggered three-year terms and shall serve at the pleasure of the Mayor.

The Mayor and City Council shall make every effort to appoint the majority of the Commissioners from media related industries, including film, commercial and public broadcasting and print media. No Commissioner shall hold a City of Detroit office or employment with the City of Detroit.

Initially, three (3) Commissioners appointed by the Mayor shall be appointed to three-year terms, ~~two (2)~~ three (3) Commissioners appointed by City Council shall be appointed to two-year terms

and the jointly appointed Commissioner ~~two (2)~~ shall be appointed to a one-year term. Persons who are appointed to vacancies on the Commission shall serve only for the remainder of the term of which the vacancy occurs. Such person may, however, be re-appointed.

If a Commissioner appointed directly by the Mayor leaves the Commission, the Mayor shall appoint a Commissioner to fill the vacancy. If a Commissioner appointed by the Mayor from the list submitted by the City Council leaves the Commission, the Mayor shall appoint as a Commissioner to fill the vacancy the person suggested to him by the City Council. If the jointly appointed Commissioner's seat becomes vacant it shall be filled by joint appointment.

The City Council may provide by ordinance for compensation of Commissioners.

### **Sec. 7-603. Director and Deputy Director.**

The Mayor shall designate, subject to approval of the City Council, an Executive Director and may designate a Deputy Director also subject to approval by the City Council. The Executive Director and Deputy Director shall serve at the pleasure of the Mayor. The Commission may also appoint staff as necessary, subject to the budget approval process in this charter and relevant ordinances.

The Executive Director shall be responsible for the day-to-day operation and management of the Television Channel Commission.

### **Sec. 7-604. Powers and Duties.**

The powers and duties of the Television Channel Commission, to be codified in ordinance, shall include, but not be limited to:

1. The development and approval of all policies and procedures for the operation of television channels owned or operated by the City of Detroit;
2. The development and approval of all programming for television channels owned or operated by the City of Detroit, including the development of all standards for quality programming;
3. Recommend a budget to the Mayor;
4. Prepare an annual report to the Mayor and City Council, and such additional reports as may be requested by either branch;
5. Assure continuity in service;
6. Monitor regulatory and legislative actions at the state and federal level and assure compliance with applicable laws and ordinances;

7. Coordinate the activities of the Citizen Advisory Committees created under this section;
8. Develop funding proposals and administer grant funds obtained by the City for ongoing development and maintenance of the television channels;
9. Assist in evaluating uses of access channels;
10. Make recommendations to the Mayor and City Council regarding the apparent or likely need for upgrading the equipment and assets necessary to operate and meet the current state-of-the-art;
11. Perform other duties assigned under this charter or legislation hereafter enacted by the City Council or such other duties as the Mayor may assign;
12. May enter into, with the approval of City Council, cooperative agreements with other public or private institutions for production, broadcast, programming or management of the channels. In no event shall the City enter into any agreement which relinquishes City control and ownership, subject to 7-607.

#### **Sec. 7-605. Dedication of Channels.**

At least one channel (Government Channel) shall be dedicated to the broadcast of the official affairs, programs and projects of the branches and units of City government, including the Legislative branch, Executive branch and Office of City Clerk. All official meetings of the City Council shall be broadcast in their entirety. Broadcast time shall be allotted for the broadcast of some meetings of various City of Detroit Commissions and Boards, including, but not limited to, the Board of Police Commissioners, Board of Water and Sewerage and City Planning Commission in a manner to be determined by the Commission. Nothing in this section or ordinance shall prevent the broadcast of programming of a governmental nature which is not directly related to the City of Detroit.

At least one channel shall be dedicated to educational, cultural and arts programming, which shall include programming received from the K-12 public school systems within the jurisdiction of the City of Detroit and may include programming from not-for profit organizations and public universities, community colleges or other institutions of higher learning, public or private. Priority shall be given to programming that is from and beneficial to K-12 public school systems in the City of Detroit.

#### **Sec. 7-606. Television Channel Communication Citizen Advisory Committees.**

City Council may provide by ordinance for Citizen Advisory Committees, whose duties and responsibilities shall include:

Advise the Commission regarding the operation and use of community, municipal and educational communications channels, otherwise known as public, educational and government (PEG) access, with a view toward maximizing the diversity of programs and services to subscribers and users;

Encourage the use of community, educational and municipal communications channels among the widest range of institutions, groups and individuals within the city;

Make quarterly reports or reports as necessary to the Commission, the Commission's Executive Director, the Mayor and City Council, which shall include, but not be limited to, a summary report on the utilization of community, municipal and educational communications channels, and a summary report of the committee's deliberation throughout the year;

Report to the Commission and the Commission staff on matters which may constitute PEG violations as set forth by ordinance; and other television channel matters;

Request comments and encourage suggestions from the public regarding PEG access or other television matters;

Perform such other advisory functions as the Commission may direct;

Perform other duties and responsibilities as may be determined by ordinance.

#### **Sec. 7-607. Limitation on Sale of Assets.**

The following limitations shall apply relative to television channels:

1. The City of Detroit shall not sell or in any way dispose of any property needed to continue the operation of any television channel, unless approved by a majority of city voters voting on the question at a regular or special election.
2. The City of Detroit shall not grant any franchise for its television channels which is not subject to revocation at the will of the City Council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.
3. All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the City of Detroit.

#### **Sec. 7-608. Funding.**

In addition to general fund support that may be provided, any and all funding specifically related to the operation, ownership or use of City own television channels, including, but not limited to, PEG fees, revenue generated through the operation of the channels and grant funds, shall be used

exclusively for the support and operation of the channels. Such funds shall be kept in a separate account designated for the support and operation of the television channels.

**COMMENTARY:** The City of Detroit own and operates a Governmental Access and Educational Access channels. These powerful forms of communication are public assets intended for the beneficial use of the citizens of Detroit.

Transparency in government and the need to increase public participation in, and knowledge of, the operations of government is an essential ingredient of a thriving community. These goals are best achieved by appropriating public assets towards these ends and the Government Access Channel is best suited to assist in achieving these ends.

The value of public education and the role of the arts and cultural activities in revitalizing and sustaining a community are unquestionable. The Education Access Channel provides an opportunity for the City of Detroit to support and encourage these significant and foundational activities.

In order to assure the continuation and development of these important public assets, and manage their operations for the beneficial use of citizens, this Charter creates a Television Channel Commission to replace the disbanded Cable Commission that was created by ordinance to administer the local cable franchise process and cable franchise agreement with Comcast, which have been rendered obsolete with passage of the Uniform Video Services Local Franchise Act, Public Act 480 of 2006.

### **SUBSTANTIVE PORTIONS OF CONSENT JUDGMENT**

“• [sic] The Mayor will utilize Channel 10 for his programming on what will be internally re-designated as the “education” channel of the three Public, Education, Government access channels. However [sic] the Mayor will not publically brand or promote channel 10 as the “Education Access Channel” or the “Education Channel” or anything similar to those labels.”

“1) The City Council will have exclusive programming rights for channel 22 which will be internally re-designed as the “government” channel of the three Public, Education, Government access channels. However, City Council will not publically brand or promote channel 22 as the “Government Access Channel” or the “Government Channel” or utilize the word “Government” in its branding. City Council shall be authorized to publically brand or promote channel 22 as “Your Detroit City Council” or “Your Detroit Legislative Body at work” or anything similar to those labels.”

“2) The government access channel currently on AT&T U-verse will operate as the City Council channel and AT&T will provide a separate feed for a channel for the Mayor’s programming.”

“3) The Mayor and City Council will cross promote on their designated channels for a period of six months that the City Council can be located on channel 22 and that the Mayor can be located on channel 10. In addition, cross promotion by both parties will include promotional ads produced by City Council and the Mayor to be aired prior to and after the airing of programs during the prime hours of viewing. Nothing shall preclude either entity from mutually agreeing to show programming produced by the other entity.”

“4) “The current budget dedicated to the Cable Commission shall be distributed on a ratio of 35/65 to the City Council and Mayor respectively, for programming and/or administrative expenses. Future budgetary allocations for cable operations for both branches of government will be handled through the normal budgetary process as set forth in the Charter and City ordinance.”

“5) “The Cable Commission will be disbanded and the administrative duties of the Cable Commission will be transferred to the Mayor for implementation.”

“6) The City Council will utilize Council’s media operations for Live (recorded) programming for direct feed and through the Executive Branch’s distribution system. If City Council is unable to utilize direct feed as a method to air programming the Parties agree that City Council shall be responsible for providing a videotape (or programming in another mutually agreeable format), which is ready for airing to the Executive Branch by a time specified, unless prior arrangements were made.”

“7) The Parties are in agreement that the referenced to the Cable Commission in the ordinance shall be repealed and the ordinance shall be amended to reflect the terms stated in the settlement agreement where applicable.”