

COUNCIL OF THE DISTRICT OF COLUMBIA

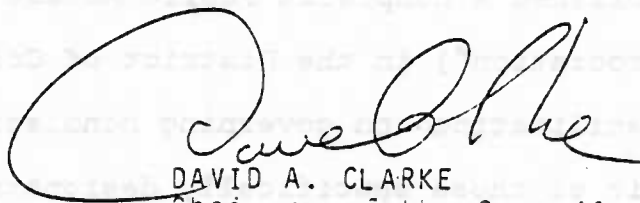
NOTICE

D.C. LAW 5-195

"Cable Television Public Access Corporation
Facilitation Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-514 on first and second readings, December 4, 1984 and December 18, 1984, respectively. This legislation was deemed approved without the signature of the Mayor on January 11, 1985, pursuant to Section 404(e) of "the Act", and was assigned Act No. 5-262, published in the February 22, 1985 edition of the D.C. Register, (Vol. 32 page 1022) and transmitted to Congress January 24, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-195, effective March 16, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13,14,15

D.C. LAW 5 - 195

AN ACT

~~EFFECTIVE~~ MAR 16 1985

D.C. ACT 5 - 262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 11 1985

To amend the Cable Television Communications Act of 1981 to facilitate the establishment of a Public Access Corporation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Cable Television Public Access Corporation Facilitation Act of 1984".

Sec. 2. Section 30 of the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code, sec. 43-1829), is amended to read as follows:

"Sec. 30. Establishment of a Public Access Corporation.

D.C. Code sec. 43-1 Note, D.C. Code sec. 29-5 (1985 sup

"(a) Within 120 days of the effective date of the act granting a cable television franchise, there shall be established a nonprofit Public Access Corporation ("Corporation") in the District of Columbia for the purpose of facilitating and governing nondiscriminatory use by the public of those specifically designated and reserved noncommercial public access channels of the franchised cable telecommunication system.

"(b)(1) The Corporation shall be established pursuant to the requirements of this act and in accordance with the

District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code, sec. 29-501 et seq.).

"(2) The Corporation shall have no less than three categories of members, which categories shall include members constituting a seven-member Board of Directors; members constituting a 15-member Board of Overseers; and associate members.

"(3)(A) Within 30 days of the effective date of the act granting a cable television franchise, the Mayor shall submit to the Council for its confirmation the names of four District of Columbia residents to serve as chairperson and members of the Board of Directors of the Corporation.

"(B) Within 30 days of the effective date of the act granting a cable television franchise, the chairperson of the Council committee having jurisdiction over cable television shall submit to the Council for its confirmation the names of three District of Columbia residents to serve as members of the Board of Directors of the Corporation.

"(C) Any person the Mayor or a councilmember nominates shall not be an employee of the District of Columbia government, an employee of the cable franchise or any of its contractors, or an investor in the Corporation granted the cable franchise.

"(D) Any person nominated shall, to the extent possible, have knowledge of areas which include, but

are not limited to, telecommunications law, telecommunications programming, corporate or foundation management, public relations, fund raising, and career development training.

"(E) The Board of Directors shall be the governing body of the Corporation, and the initial appointments to the Board of Directors shall be for a term of two years, after which term the chairperson and five members of the Board of Directors shall be elected in accordance with the bylaws of the Corporation. The bylaws of the Corporation shall provide that one member of the seven-member Board of Directors shall always be a person nominated by the Mayor and confirmed by the Council, and that one member of the seven-member Board of Directors shall always be a person nominated by the chairperson of the Council committee having jurisdiction over cable television and confirmed by the Council.

"(4)(A) Within 30 days of the effective date of the act granting a cable television franchise, each member of the Council and the Chairman of the Council shall designate one person to serve as a member of the Board of Overseers of the Corporation, and the Mayor shall designate two persons to serve as members of the Board of Overseers of the Corporation.

"(B) Each member of the Board of Overseers shall be a resident of the District of Columbia.

"(C) No member of the Board of Overseers may be an employee of the franchisee or any of its contractors,

or an investor in the corporation granted the cable franchise.

"(D) The Board of Overseers shall advise the Board of Directors and shall have that authority or responsibilities the bylaws of the Corporation confer and as the Board of Directors may from time to time determine.

"(E) The initial Board of Overseers shall serve for a term of two years, after which term the Board of Overseers shall be elected in accordance with the bylaws of the Corporation.

"(F) To the extent possible, the membership of the Board of Overseers shall include representatives of public interest organizations, civil rights groups, the health and arts communities, labor organizations, business groups, consumers, educators, religious leaders, minorities, women, gays and lesbians, handicapped persons, and child advocates.

"(5) Neither members of the Board of Directors nor members of the Board of Overseers shall be compensated for performance of their duties as members of these boards, except that they may be reimbursed for expenses incurred in the performance of their duties as the Corporation shall determine.

"(c)(1) Within 15 days of confirmation by the Council, the chairperson of the Board of Directors of the Corporation shall convene a meeting of the Board of Directors and the Board of Overseers of the Public Access Corporation.

"(2) Within 60 days of the initial meeting of the

Public Access Corporation, the Board of Directors shall have prepared and shall submit to the Board of Overseers for its review the articles of incorporation and bylaws of the Public Access Corporation.

"(3) Within 90 days of the initial meeting of the Public Access Corporation, the Board of Directors shall submit articles of incorporation and bylaws of the Public Access Corporation to the Council for its review, and the articles of incorporation and bylaws shall not be filed pursuant to the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code, sec. 29-501 et seq.), until 30 days after the date on which the articles of incorporation and bylaws have been submitted to the Council for review.

"(d)(1) The articles of incorporation and bylaws of the Public Access Corporation shall reflect and ensure that the statutory mandates and legislative intent of the Council will be protected and promoted by the Corporation in respect to the issuance of regulations guaranteeing nondiscriminatory use of the franchised cable television system channels reserved for public access, and in respect to the development of opportunities within the community-at-large for training and experience in the field of telecommunications.

"(2) The articles of incorporation and bylaws shall permit any resident of the District of Columbia qualified to use the public access facilities to become a member of the Public Access Corporation, with voting rights

equal to those of other members, and shall provide for these members to elect the future members of the governing board of the Corporation, except that one member of the Board of Directors shall be nominated by the Mayor and confirmed by the Council and one member shall be nominated by the chairperson of the Council committee having jurisdiction over cable television and confirmed by the Council as directed in this act.

"(3) The bylaws of the Public Access Corporation shall include a requirement that an annual report of all corporation activities, including a financial audit, be submitted to the Council for its information within 60 days of the end of each fiscal year of the Corporation.

"(4) The bylaws of the Public Access Corporation shall include rules for procurement and personnel policies.

"(5) The Public Access Corporation shall establish its bank account in a District of Columbia financial institution.

"(e) The Corporation's management and use of those channels reserved for public access shall not duplicate programming or services the District may provide on the channels reserved for municipal use. The public access channels are separate and distinct from those channels reserved for the District's exclusive use.

"(f)(1) The Corporation may solicit any monies, equipment, and services provided under and in accordance with the terms of an agreement ratified by the District as a part of a grant of franchise for a District cable television

system.

"(2) The Corporation may receive monies, equipment, and services from other sources, including but not limited to, grants from the District, the federal government, private foundations, businesses, organizations and individuals, membership dues, and donations.

"(3) Any monies, equipment, and services received pursuant to this subsection shall be utilized in accordance with the bylaws of the Corporation and in a manner consistent with the purposes and limitations of this act.

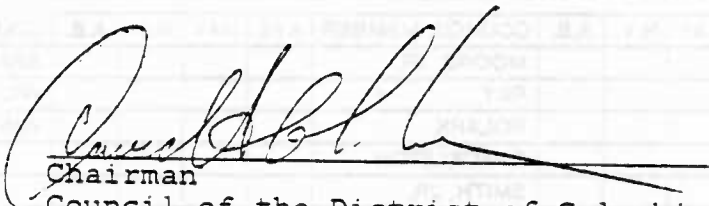
"(g)(1) All assets of the Corporation, including, but not limited to, all facilities and monies dedicated to public access use by the District and the cable television franchise agreement, shall be deemed assets held by the Corporation in trust for the benefit of the citizens of the District of Columbia for the purpose of developing and implementing the use and programming of those channels reserved on the cable system for public access.

"(2) In the event of voluntary or involuntary dissolution of the Corporation all assets of the Corporation shall revert to the District.

"(h) In addition to all other lawful grounds, the Corporation may be dissolved involuntarily by a decree of the court in an action instituted by the Mayor in the name of the District of Columbia when it is made to appear to the court that the Corporation has continued to exceed or abuse the powers or purposes set forth in its articles, has continued to exceed or abuse its bylaws, or has breached and

continues to breach its fiduciary obligations to the citizens of the District of Columbia. Any involuntary dissolution shall be undertaken pursuant to the notice and remedy provisions of section 53 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 286; D.C. Code, sec. 29-554)."

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT
MAYORAL ACTION UPON THE
EXPIRATION OF 10-DAY REVIEW PERIOD

Mayor
District of Columbia

APPROVED: January 11, 1985