

Minutes
Missoula Civic Television Advisory Commission
June 17, 2013
2:00 pm – 3:00 pm
Mayor's Conference Room
City Hall

Commission Members in Attendance: Ed Childers, John Firehammer
John Van Dyke, Jean Curtiss, Cynthia Wolken, Ginny Merriam, Lisa Mecklenberg Jackson,
and Jen Sauer

Commission Members Absent: John Rettenmayer and Lesli Brassfield

Others in Attendance: Kay Rabil (MCAT Liaison), Joel Baird (MCAT)

1. Introductions
2. Review and approve minutes of May 20, 2013 – Approved as corrected
3. Public Comment – None.
4. Old/Continuing Business
 - a. Identify events for MCAT to record/televises
 - Last Best Solstice – Joel already interviewed some people
 - Meetings on Subdivision Regulations – Updates to Building for Lease or Rent
 - Interviews on the Hybrid/Poplar project at the Wastewater Treatment Plant – forester's perspective
 - KBGA Family Fair – July 28th at the UM Oval from 11-5pm
 - Fair Board Meetings as we get closer to the fair in August (meeting of Fairgrounds Advisory Committee and Fair Advisory Committee)
 - County Budget Meetings – hearings in July
 - b. Continue discussing proposed bylaw amendments
 - Continuing discussion and updates to the commission bylaws (see attached changes made at the meeting)
 - c. Discuss the implications of the sale of Optimum to Charter Communications
 - Held over for July meeting.
5. New Business
6. MCAT Board Comment - None
Set agenda for next meeting

Held Items

- MCAT Contract Renewal

Mayor's Conference Room
Date of next meeting:

BYLAWS

Missoula Civic Television Advisory Commission

ARTICLE I

Purpose

The purpose of the Missoula Civic Television Advisory Commission (MCTAC) is to provide advisory guidance and assistance to operators and administrators of public access government channels established and operated pursuant to the City of Missoula cable television franchise. The Missoula Civic Television Advisory Commission will advise and make recommendations to the operators and administrators of the public access government channel.

Mission Statement:

Provide guidance and assistance to government/civic channel staff to increase the breadth and depth of programming to a broad Missoula area audience and enhance citizen involvement in civic and government activities.

ARTICLE II

Definitions

1. "City Council" -shall mean the duly elected members of the City of Missoula legislative body as described in the Missoula City Charter, Article II entitled "The City Council."
2. "Employee(s) or Staff" shall mean those employees that assist the Commission in its work.
3. "Chairperson" means the elected Chairperson of the Missoula Civic Television Advisory Commission, or in ~~his/her~~ **the Chairperson's** absence, the Vice Chairperson.
4. "Consultants or Contracted Services" shall mean any services contracted to assist the Commission in its work. Any contractors hired will be selected by the Commission in accordance with City of Missoula policies and procedures.
5. Missoula Civic Television Advisory Commission shall mean the Missoula commission authorized by 5.84.020 MMC.
6. ~~"Missoula Civic Television Advisory Commission (the Commission) Members" shall mean those ten members appointed to the Missoula Civic Television Advisory Commission by the City Council or the Mayor in accordance with 5.84.020 MMC.~~
7. "Mayor" shall mean the duly elected official of the City of Missoula executive branch as described in the Missoula City Charter, Article III, entitled "The Mayor."
8. "Missoula City" or "the City" shall mean the official incorporated limits of the City of Missoula.

Formatted: Highlight

Formatted: Strikethrough

Comment [Ed Childe1]: Perhaps we should delete "ten"

Formatted: Strikethrough

Formatted: Strikethrough

Comment [HB2]: Lisa Mecklenberg Jackson made a motion to strike #6 and Ginny Merriam seconded the motion. The vote was unanimous to strike as of 6/17/2013.

Formatted: Strikethrough

9. "Principal Office" shall be City Hall, 435 Ryman, Missoula, MT 59802.

ARTICLE III

Authority, General Powers and Duties

Section 1: Authority. The Missoula Civic Television Advisory Commission is created by Title 5, Chapter 84 Missoula Municipal Code.

Section 2: General Powers and Duties.

A. ~~MCTAC generally meets the third Tuesday of the month at 3:00 pm in the Jack Reidy Conference Room. Special meetings may be called by the chairperson or by a majority of the commission members.~~

Comment [HB3]: All of Article 3 will be kept since the language comes right out of the ordinance the governs MCTAC as of 6/17/2013.

~~A.B.~~ The Missoula Civic Television Advisory Commission shall:

1. Make suggestions to the public access channel administrators and/or the City Council, at least on an annual basis, regarding the administration and operation of the government and public access channels;
2. Review the construction plans and schedule updates as set forth in the franchise, and monitor the construction of the system upgrade and report to the City Council on the same;
3. Review all reports and materials submitted by the cable television franchise grantee to the City as required under the franchise;
4. Review complaints of subscribers which have not been timely and/or adequately satisfied by the grantee;
5. ~~On or before November 1st of each year,~~ Submit an annual report to the City Council summarizing the commission's review of reports and materials submitted by the grantee as provided above, and any subscriber complaints;
6. Conduct any other review as allowed by the City Council pursuant to applicable laws; and
7. Upon request of City Council, provide input on issues relevant to any periodic evaluation or renegotiation sessions. (Ord. 3289 §3, 2005)

Comment [Ed Childe4]: Left over from the Great Upgrade

Comment [Ed Childe5]: Perhaps we ought to do this

Comment [Ed Childe6]: And this

Comment [Ed Childe7]: Not quite sure what this refers to

ARTICLE IV

Membership

Section 1: Formation. The Government Channel Cable Advisory Commission was established by City Council Ordinance 3289 In April 2005 and amended by Ordinance 3302 in November 2005 to change the composition and appointment of commission to provide ten members on the commission rather than seven. It was further amended in March 2009 by Ordinance 3396 to change the name from Government Channel Cable Advisory Commission to the Missoula Civic Television Advisory Commission.

Section 2: Membership. Membership is ten people: four residents of the city; two members of the City Council; one City employee designated by the Mayor; one member appointed by ~~of~~ the Missoula Board of County Commissioners; one member appointed by the Missoula Public Schools District; and one member representing the University of Montana. Of the four resident appointments, two of the appointments shall be made by the mayor with the advice, consent and approval of the City Council, and two appointments shall be made by the City Council. ~~Initially [the terms shall include two- and three-year appointments. Two of the residents shall serve for two years, and two of the residents shall serve for three years. Thereafter, the terms shall be three years.]~~

Section 3: Conflicts of Interest. Members are required to fully disclose any business or professional activity which could form or have the appearance of forming the basis for a conflict of interest to their position on MCTAC prior to voting.

Section 4: Terms. ~~A m~~Members of MCTAC shall serve beginning on the day ~~the member is he or she is~~they are is officially appointed or confirmed by the City Council and shall continue serving until ~~his or her~~the member's successor is appointed to fill ~~the member's~~their position or until ~~the member he or she~~they resigns.

Section 5: Notice of Absence. If a member is unable to attend a regular or special MCTAC ~~commissionboard~~ meeting, ~~he or she~~the member they shall call or e-mail the Mayor's Office prior to the meeting to notify them. ~~that he or she will not be able to attend the meeting.~~ A member shall notify the Mayor's Office by phone or email prior to the meeting if the member is unable to attend a regular or special MCTAC meeting.

Section 6: Determination of vacancy. An appointed MCTAC member's position becomes vacant if any of the following events occurs before the expiration of ~~the member's their term:~~the term of the incumbent:

1. ~~The member's their~~ death ~~of the incumbent;~~
2. ~~his or her~~The member's resignation, submitted in writing in writing to each member of the MCTAC to the Mayor's Office and/or the City Clerk;
3. ~~his or her~~The member's removal from office by a majority vote of the City Council for one or more of the following causes:

Comment [HB8]: New highlighted portion from 6/17/13 meeting.

Comment [HB9]: There was a motion to refer this portion of Section 2 to council in order to clarify the term language. Jean Curtiss made the motion and Lisa Mecklenberg Jackson seconded. The vote was unanimous as of 7/17/13.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Comment [HB10]: New highlighted portion from 6/17/13 mtg.

Comment [Ed Childe11]: Decision to make

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Comment [HB12]: 6/17/13 mtg. Jean Curtiss made the motion to add this language to Section 5 replacing the previous language. John Van Dyke Seconded the motion. The vote was unanimous as of 6/17/13.

Formatted: Highlight

Formatted: Highlight

Comment [HB13]: Jean Curtiss made a motion to change all the they/theirs and he/she's to "member." John Van Dyke seconded the motion. The vote was unanimous as of 6/17/13. Later it was suggested that "board" be changed to "commission."

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

a. ~~his or her~~ **the member's** open neglect or refusal to discharge ~~his or her the~~ **member's** duties;
 b-a. ~~his or her~~ **the member's** ~~unnoticed~~ absence from three consecutive regular MCTAC meetings except when prevented by ~~illness~~.

- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Comment [HB14]: Jon Van Dyke made the motion to strike and add language to b. and John Firehammer seconded the motion. The vote was unanimous as of 6/17/13.
- Comment [Ed Childe15]: I think their absence would be noticed. Perhaps this could be "absence without notice."
- Formatted: Highlight
- Comment [HB16]: Lisa Mecklenberg Jackson made the motion to strike and change Section 7 and Cynthia Wolken seconded the motion. The vote was unanimous as of 6/17/13.
- Formatted: Highlight

Section 7: Vacancies. Vacancies will be filled by appointment of the Missoula City Council or the Mayor as prescribed in Missoula Municipal Code. **in accordance with the process outlined in Section 2, Membership.**

Section 8: Compensation. Members shall serve without compensation except for actual and necessary expenses incurred in their official capacity.

ARTICLE V

Advisory **Boards** and Committees

Section 1: Advisory **Boards** and Committees. The MCTAC may create advisory **boards** and committees and include on them persons who are not members of the ~~MCTAC~~.

- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Comment [HB17]: Do we want to change "board" to "commission" in this case?

ARTICLE VI

Officers and Duties

Section 1: Officers. The officers of the MCTAC shall consist of the Chairperson and Vice-Chairperson.

Section 2: Chairperson. The Chairperson shall be selected from the MCTAC members by a majority vote.

Section 3: Duties of the Chairperson.

1. The Chairperson shall preside at all MCTAC meetings and hearings and perform the duties normally conferred by parliamentary procedure, and such other duties as may be properly prescribed by MCTAC.
2. The Chairperson may call special meetings.
3. The Chairperson may enter, discuss and debate matters before the Commission.
4. The Chairperson may vote on all issues before the -Commission, subject to the provisions of the Conflict of Interest section of the bylaws.

Section 4: Vice Chairperson. The commission shall elect a Vice Chairperson from among its members. In the event the Chairperson is absent, the Vice Chairperson shall assume all duties and responsibilities of the Chairperson.

Section 5: Elections. Elections for MCTAC officers shall be held once per year in January. MCTAC members may submit any member's name for nomination, or members may nominate themselves ~~for an office~~. The nominee who receives a majority vote of commission members shall be elected.

Section 6: Term of Office. The Chairperson, Vice Chairperson and any other officers the MCTAC may determine shall hold office for one year.

Comment [Ed Childe18]: redundant
Comment [HB19]: John Firehammer made a motion to strike this language and Lisa Mecklenberg Jackson seconded. The vote was unanimous as of 6/17/13.

ARTICLE VII

Regular and Special Meetings

Section 1: Meetings. Meetings of MCTAC must be held upon the call of the ~~chairperson presiding officer~~ or a majority of the members. The ~~chairperson presiding officer~~ shall announce the date, time, and place of the meetings. City support staff shall prepare and distribute an agenda each ~~meeting~~.

Formatted: Highlight

Comment [HB20]: Jon Van Dyke made a motion to suspend the rules in order to vote on all changes to the bylaws at once. The vote carried unanimously 6/17/13.

Section 2: Regular Meetings. MCTAC meetings will be held a minimum of eight times a year. Notice of the regular meeting schedule and agenda, including the time, date and place of each meeting, shall be provided to each member and will be posted on the City's ~~Website page~~ and provided to the news media at least forty-eight hours prior to the meeting. ~~Missoulian and the Missoula Independent. At least two days prior to the meeting, the agenda shall be posted on the City's Web page and shall be provided to the Missoulian and the Missoula Independent and to any other local media representatives who have requested such notice.~~

Formatted: Highlight

Formatted: Highlight

Section 3: Special Meetings. ~~Special meetings may be called by the Chairperson or by a majority of MCTAC. Public notice will be posted on the City's Web page and provided to the Missoulian and the Missoula Independent and to any other local media representatives who have requested such notice at least at least two days prior to the meeting. The notice shall include date, time, location, and agenda.~~

Comment [Ed Childe21]: This is a repeat of Section 1, with the addition of the word "special."

Comment [HB22]: Next meeting in July start here.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Section 4: Quorum. A quorum is a simple majority of the ~~ten-filled~~ commission ~~members~~ seats.

Section 5: Voting. Upon determination of a quorum, motions must be approved by a majority of the members present and voting.

Comment [Ed Childe23]: A quorum must be present for voting. A motion will be approved if it receives a majority of votes from those present and voting.

Section 6: Open Meeting Law. All meetings shall be conducted in accordance with Montana State open meeting law as provided in Title 2, chapter 3, part 2. (M.C.A. 7-3-182).

Section 7: Minutes. MCTAC shall maintain a written record of its proceedings and its finances. This record is open to inspection ~~by a person~~ at the Mayor's Office during regular business hours.

Section 8: Public Comment. MCTAC shall provide a reasonable opportunity for public comment on matters of business before the commission before final decisions are made in accordance with the Montana Constitution and state law.

ARTICLE VIII.

Conduct of Business

Section 1: Order of Business. The order of business at a ~~regular~~ meeting of the MCTAC ~~and, so far as applicable at all other meetings,~~ shall be as follows:

1. Call to order and determination of a quorum
2. Approval of minutes
3. Public comment on items not on the agenda
4. New and Continuing Business
5. Announcements
6. Adjournment

Section 2: Rules of Order. Roberts Rules of Order shall apply in all parliamentary matters except where these bylaws may state otherwise.

ARTICLE IX

Amendments

Bylaw amendments may be introduced in writing by any member of the MCTAC at a regular or special meeting. At the next regularly scheduled meeting, the chair shall place the bylaw amendments on the agenda as an action item. Adoption of, or changes to, bylaws must be approved by a super majority (two-thirds) vote of the commission members.

Approved ~~May ??~~ June 16, 2013.

~~Antonio Guglielmo~~ John Firehammer

| [Carol Bellin Jon Van Dyke](#)

Ed Childers

Ginny Merriam

| [Jason Wiener Lisa Mecklenberg Jackson](#)

Jean Curtiss

John Rettenmayer

| [Lesli Brassfield Vacant](#)

| [Link Starbureiy Cynthia Wolken](#)

| [Rita Munzenrider Jen Sauer](#)

BYLAWS

Missoula Civic Television Advisory Commission

ARTICLE I

Purpose

The purpose of the Missoula Civic Television Advisory Commission (MCTAC) is to provide advisory guidance and assistance to operators and administrators of public access government channels established and operated pursuant to the City of Missoula cable television franchise. The Missoula Civic Television Advisory Commission will advise and make recommendations to the operators and administrators of the public access government channel.

Mission Statement:

Provide guidance and assistance to government/civic channel staff to increase the breadth and depth of programming to a broad Missoula area audience and enhance citizen involvement in civic and government activities.

ARTICLE II

Definitions

1. "City Council" shall mean the duly elected members of the City of Missoula legislative body as described in the Missoula City Charter, Article II entitled "The City Council."
2. "Employee(s) or Staff" shall mean those employees that assist the Commission in its work.
3. "Chairperson" means the elected Chairperson of the Missoula Civic Television Advisory Commission, or in **the Chairperson's** absence, the Vice Chairperson.
4. "Consultants or Contracted Services" shall mean any services contracted to assist the Commission in its work. Any contractors hired will be selected by the Commission in accordance with City of Missoula policies and procedures.
5. Missoula Civic Television Advisory Commission shall mean the Missoula commission authorized by 5.84.020 MMC.
6. "Mayor" shall mean the duly elected official of the City of Missoula executive branch as described in the Missoula City Charter, Article III, entitled "The Mayor."
7. "Missoula City" or "the City" shall mean the official incorporated limits of the City of Missoula.
8. "Principal Office" shall be City Hall, 435 Ryman, Missoula, MT 59802.

ARTICLE III

Authority, General Powers and Duties

Section 1: Authority. The Missoula Civic Television Advisory Commission is created by Title 5, Chapter 84 Missoula Municipal Code.

Section 2: General Powers and Duties.

A. The Missoula Civic Television Advisory Commission shall:

1. Make suggestions to the public access channel administrators and/or the City Council, at least on an annual basis, regarding the administration and operation of the government and public access channels;
2. Review the construction plans and schedule updates as set forth in the franchise, and monitor the construction of the system upgrade and report to the City Council on the same;
3. Review all reports and materials submitted by the cable television franchise grantee to the City as required under the franchise;
4. Review complaints of subscribers which have not been timely and/or adequately satisfied by the grantee;
5. Submit an annual report to the City Council summarizing the commission's review of reports and materials submitted by the grantee as provided above, and any subscriber complaints;
6. Conduct any other review as allowed by the City Council pursuant to applicable laws; and
7. Upon request of City Council, provide input on issues relevant to any periodic evaluation or renegotiation sessions. (Ord. 3289 §3, 2005)

ARTICLE IV

Membership

Section 1: Formation. The Government Channel Cable Advisory Commission was established by City Council Ordinance 3289 in April 2005 and amended by Ordinance 3302 in November 2005 to change the composition and appointment of commission to provide ten members on the commission rather than seven. It was further amended in

March 2009 by Ordinance 3396 to change the name from Government Channel Cable Advisory Commission to the Missoula Civic Television Advisory Commission.

Section 2: Membership. Membership is ten people: four residents of the city; two members of the City Council; one City employee designated by the Mayor; one member appointed by the Missoula Board of County Commissioners; one member appointed by the Missoula Public Schools District; and one member representing the University of Montana. Of the four resident appointments, two of the appointments shall be made by the mayor with the advice, consent and approval of the City Council, and two appointments shall be made by the City Council. Initially the terms shall include two and three year appointments. Thereafter, the terms shall be three years. [Lisa suggests we just change this to "The term of appointment is three years."]

Section 3: Conflicts of Interest. Members are required to fully disclose any business or professional activity which could form or have the appearance of forming the basis for a conflict of interest to their position on MCTAC prior to voting.

Section 4: Terms. Members of MCTAC shall serve beginning on the day the member is officially appointed or confirmed by the City Council and shall continue serving until the member's successor is appointed to fill the member's position or until the member resigns.

Section 5: Notice of Absence. A member shall notify the Mayor's Office by phone or email prior to the meeting if the member is unable to attend a regular or special MCTAC meeting.

Section 6: Determination of vacancy. An appointed MCTAC member's position becomes vacant if any of the following events occurs before the expiration of the member's term:

- a. the member's death;
- b. the member's resignation, submitted in writing to the Mayor's Office and/or the City Clerk;
- c. the member's removal from office by a majority vote of the City Council for one or more of the following causes:
- d. the member's open neglect or refusal to discharge the member's duties;
- e. the member's absence from three consecutive regular MCTAC meetings except when prevented by illness.

Section 7: Vacancies. Vacancies will be filled in accordance with the appointment process outlined in Section 2, Membership.

Section 8: Compensation. Members shall serve without compensation except for actual and necessary expenses incurred in their official capacity.

ARTICLE V

Advisory Boards and Committees

Section 1: Advisory Boards and Committees. The MCTAC may create advisory boards and committees and include on them **individuals** who are not members of the MCTAC. (are we changing “boards” to “commissions” here?)-[Lisa not sure]

ARTICLE VI

Officers and Duties

Section 1: Officers. The officers of the MCTAC shall consist of the Chairperson and Vice Chairperson.

Section 2: Chairperson. The Chairperson shall be selected from the MCTAC members by a majority vote.

Section 3: Duties of the Chairperson.

1. The Chairperson shall preside at all MCTAC meetings and hearings and perform the duties normally conferred by parliamentary procedure and such other duties as may be properly prescribed by MCTAC.
2. The Chairperson may call special meetings.
3. The Chairperson may enter, discuss, and debate matters before the Commission.
4. The Chairperson may vote on all issues before the Commission, subject to the provisions of the Conflict of Interest section of the bylaws.

Section 4: Vice Chairperson. The commission shall elect a Vice Chairperson from among its members. In the event the Chairperson is absent, the Vice Chairperson shall assume all duties and responsibilities of the Chairperson.

Section 5: Elections. Elections for MCTAC officers shall be held **annually** in January. MCTAC members may submit any member’s name for nomination or members may nominate themselves. The nominee who receives a majority vote of commission members shall be elected.

Section 6: Term of Office. The Chairperson **and** Vice Chairperson **and any other officers the MCTAC may determine** [delete? No authority given to create other officers] shall hold office for one year.

ARTICLE VII

Regular and Special Meetings

Section 1: Meetings. Meetings of MCTAC must be held upon the call of the **Chairperson** or a majority of the members. The Chairperson shall announce the date, time, and place of the meetings. City support staff shall prepare and distribute an agenda each meeting.

Section 2: Regular Meetings. MCTAC meetings will be held a minimum of eight times a year. Notice of the regular meeting schedule and agenda, including the time, date and place of each meeting, shall be provided to each member and will be posted on the City's **website** and provided to the **news media at least 48 hours prior to the meeting.**

Section 3: Special Meetings. Special meetings may be called by the Chairperson or by a majority of MCTAC. Public notice will be posted on the City's web page and provided to the media at least **48 hours** prior to the meeting. The notice shall include date, time, location, and agenda. **(start here at next meeting)**

Section 4: Quorum. A quorum is a simple majority of the filled commission seats.

Section 5: Voting. Upon determination of a quorum, motions must be approved by a majority of the members present and voting.

Section 6: Open Meeting Law. All meetings **of the Commission** shall be conducted in accordance with Montana State open meeting law as provided in Title 2, chapter 3, part 2. **(M.C.A. 7-3-182). [MCA reference could be deleted. Refers to open meeting of study commission].**

Section 7: Minutes. MCTAC shall maintain a written record of its proceedings and its finances. This record is open to inspection at the Mayor's Office during regular business hours.

Section 8: Public Comment. MCTAC shall provide a reasonable opportunity for public comment on matters of business before the Commission before final decisions are made in accordance with the Montana Constitution and state law.

ARTICLE VIII.

Conduct of Business

Section 1: Order of Business. The order of business at a meeting of the MCTAC shall be as follows:

1. Call to order and determination of a quorum
2. Approval of minutes
3. Public comment on items not on the agenda
4. New and Continuing Business
5. Announcements
6. Adjournment

Section 2: Rules of Order. Roberts Rules of Order shall apply in all parliamentary matters except where these bylaws may state otherwise.

ARTICLE IX

Amendments

Bylaw amendments may be introduced in writing by any member of the MCTAC at a regular or special meeting. At the next regularly scheduled meeting, the **Chairperson** shall place the bylaw amendments on the agenda as an action item. Adoption of, or changes to, bylaws must be approved by a super majority (two-thirds) vote of the Commission members.

Approved July ????, 2013.

John Firehammer

Jon Van Dyke

Ed Childers

Ginny Merriam

Lisa Mecklenberg Jackson

Jean Curtiss

John Rettenmayer

Carol White

Cynthia Wolken

Jen Sauer