

Ordinance No. 1 20 19

ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF NORWOOD AND THE PACE TELECOMMUNICATION CENTER BOARD (PTCB), A NON-PROFIT CORPORATION, IN THE CITY OF NORWOOD. AND DECLARING AN EMERGENCY. (as amended)

WHEREAS, the City of Norwood and Pace Telecommunication Center Board ("PTCB") share an interest in continuing to provide high-quality Public, Education, and Local Government programming and citizen access to cable television and other video production assets to residents, students, businesses, and non-profit entities within the City of Norwood; and

WHEREAS, payment of a portion of each cable television and internet access bill is collected and sent to the City of Norwood for public and local community production and access services; and that, due to limited resources, neither the City, nor PTCB has the capacity to provide such services on its own; and

WHEREAS, the City seeks to invest these funds from the cable television and other service providers, to continue to receive the excellent professional services which it has received over at least the last 23 years, from PTCB to better inform, educate and entertain cable television viewers, through public access programming, and to enable better use of access programming equipment, and, pursuant to the City's interests, to enter into a new agreement with PTCB;

NOW THEREFORE,

BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

SECTION 1. That the Director of Public Service-Safety is hereby authorized to execute an agreement with PTCB ("Agreement"), a copy of which Agreement is attached hereto and made part hereof by reference (Exhibit A).

SECTION 2. That the City Auditor is hereby authorized to draw, and the City Treasurer to pay, warrants pursuant to the Agreement out of **FUND 16 - THE PACE TELECOMMUNICATIONS FUND**.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall take effect and be in force immediately upon its passage. The reason for said emergency is to provide a high level of Public, Education, and Government access on cable television throughout the City of Norwood

PASSED

January 22, 2019
Date

Donna M. Laake
Donna M. Laake
President of Council

ATTEST:

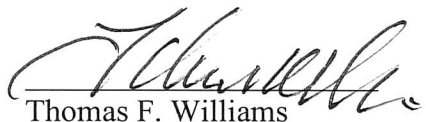
Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the 22nd day of January, 2019 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 23 day of January, 2019.



Joseph S. Geers
Clerk of Council

APPROVED 1/23/19

Date



Thomas F. Williams
Mayor

CERTIFICATION OF PUBLICATION:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this Ordinance was published in the Enquirer on 2/6/19 and 2/13/19.
(Name of Newspaper) (date) (date)



Joseph S. Geers
Clerk of Council

ORDINANCE READINGS

1st Reading ~~1/22/19~~

Date

2nd Reading _____
Date

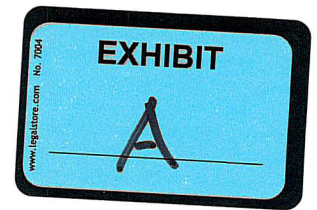
3rd Reading _____
Date

All 3 Readings 1/22/19

Date

Tabled _____
Date

Vetoed _____
Date



AGREEMENT

THIS AGREEMENT entered into by and among the City of Norwood (hereinafter referred to as "City"), and the Pace Telecommunication Center Board (hereinafter referred to as "PTCB") an Ohio non-profit corporation, in the City of Norwood on the ____ day of _____.

WHEREAS PTCB has provided high-quality government, education, and public access television and video services to the City of Norwood, the Norwood City Schools, and the public at large for many years; and

WHEREAS, the original arrangement to create and fund PTCB operations was reliant on cable franchise fees from a single cable/video service provider, and the original agreements named only that single provider (see Ordinance 11-1994 and agreements dated April 21, 1994, and July 25, 1995); and

WHEREAS, cable/video services are now provided by multiple providers, each of which pays cable/video service franchise fees; and

WHEREAS, the City of Norwood and PTCB wish to clarify their relationship in light of changed circumstances and to account for multiple sources of cable/video service franchise fees; and

NOW, THEREFORE, the parties hereby agree as follows:

1. MEMBERSHIP OF PTCB:

PTCB shall consist of five persons: one appointed by the School District, one appointed by the City, and three at-large members appointed by the members of PTCB.

2. ADVISORS TO PTCB:

The School District and the City, or their designees, shall act in an advisory capacity regarding policy for programming and services which fall under their jurisdiction.

3. DUTIES OF PTCB:

A) PTCB will administer and operate the Pace Telecommunication Center (hereinafter referred to as "Center") for the purposes of providing Public, Education, and Government (hereinafter referred to as "PEG") Access services to the residents of Norwood, Ohio. PEG Access services include the filming, production, and electronic distribution (via cablecast, internet streaming, and other possible outlets) to the general public of City of Norwood functions and other video productions on request as personnel and equipment are available, which functions include, but are not limited to, City Inauguration ceremonies, Council Meetings, Committee meetings, Planning Commission meetings, Town Hall meetings, the Norwood Day Parade and Norwood Day at Coney Island. Other video productions include, but are not limited to, talk shows, informational videos, and election programming. PEG Access also includes similar services for the Norwood City Schools.

B) PTCB will be responsible for providing employees whose function shall be to staff the Center, to produce and schedule PEG programming, to manage the day-to-day operations and provide routine maintenance of the Center, to provide access equipment training and check-out of equipment to Norwood residents, to keep the PTCB aware of matters concerning PEG Access, and to serve as a liaison to the members of the PTCB.

4. CABLE FRANCHISE FEES:

The City currently receives cable/video service provider franchise fees from video service providers doing business inside the city limits. The City hereby agrees to provide 100% of that fee to PTCB for the personnel and other costs required to operate and maintain the Center to continue to provide Government, Educational, and Public Access.

5. TERM OF AGREEMENT:

This Agreement shall continue until December 31, 2029, or until terminated by either party. This Agreement may be terminated by either party by providing written notice 90 days before termination becomes effective.

IN WITNESS WHEREOF, the parties, through their duly designated representatives, hereby affix their signatures.

The City of Norwood, Ohio

By _____, its _____

Pace Telecommunications Center Board,
an Ohio non-profit corporation

By _____, its _____