

**Ordinance amending the Code of ordinances, City of Corpus Christi,
Chapter 2 and Chapter 55 regarding disbanding of the Cable
Communications Commission**

Whereas, the City of Corpus Christi was previously authorized to issue municipal franchises to cable companies with requirements as to rates, buildout of facilities and customer service among other issues;

Whereas, the Corpus Christi Cable Communications Commission was established by Ordinance Number 017123 on July 14, 1982;

Whereas, the Corpus Christi Cable Communication was previously charged with regulation of the municipal cable franchises;

Whereas, due to changes in Federal and State laws, City authority to require franchise and regulate rates has been eliminated; the Public Utilities Commission of Texas has sole authority to issue certificates to allow cable companies to operate in a municipality;

Whereas, the Cable Communications Commission's main function under current ordinance is to regulate public access channel rules and procedures;

Whereas, it has been difficult to locate citizens to serve on the Cable Communications Commission, with vacancies occurring frequently;

Whereas, the Cable Communications Commission recommends that regulation of the public access rules and procedures be handled administratively by City staff;

Whereas, the Cable Communications Commission has reviewed this ordinance at its meeting on January 19, 2015, and recommends that the Cable Communications Commission be disbanded;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That City Code of Ordinances, Chapter 2, Article IV Miscellaneous Boards, Commissions and Committees, Division 17, regarding Cable Communications Commission, be repealed in its entirety, and Cable Communications Commission is hereby disbanded.

~~**DIVISION 17. CABLE COMMUNICATIONS COMMISSION**~~ ^{H71}

~~[Sec. 2-180. Establishment.](#)~~

~~[Sec. 2-181. Membership and organization.](#)~~

~~[Sec. 2-182. Duties.](#)~~

~~[Sec. 2-183. Access user groups.](#)~~

~~[Secs. 2-184—2-203. Reserved.](#)~~

Sec. 2-180. Establishment.

~~There is hereby created a Cable Communications Commission for the city. The Cable Communications Commission shall consist of five (5) residents of the city appointed by the city council. No person or employee with ownership interest in a cable communications franchise granted by the city council shall be eligible for membership on the commission. Each commission member is encouraged to have access to local cable communications system programming.~~

~~(Ord. No. 029704, § 3, 12-18-2012)~~

Sec. 2-181. Membership and organization.

- ~~(a) All members of the Cable Communications Commission shall serve for three-year terms or until their successors are appointed and qualified. Terms shall expire July 27 each year.~~
- ~~(b) Immediately upon organization of the Cable Communications Commission, the commission shall select from its membership a chairperson and vice-chairperson whose terms shall be one (1) year. Such chairperson and vice-chairperson may be reappointed and re-elected. The commission shall meet in regular monthly meetings, to include four (4) evening meetings, at the call of the chairperson, and at such other times as may be provided by its rules. The majority of members shall constitute a quorum, provided that the majority vote of such quorum shall be necessary for the adoption or approval of any matters before the commission. All meetings of the Cable Communications Commission shall be public except for matters which qualify for a closed session in accordance with state law. The minutes of said Cable Communications Commission shall be available for examination in the office of the city secretary during regular business hours. The members of the commission shall serve without compensation.~~

~~(Ord. No. 029704, § 3, 12-18-2012)~~

Sec. 2-182. Duties.

~~The Cable Communications Commission shall have the following powers and duties:~~

- ~~(1) To encourage, develop and promote the use of access channels to cable communications and to assure that access channels offer a diversity of programming and services to subscribers.~~
- ~~(2) To work with access user groups to develop rules and regulations.~~
- ~~(3) To develop sources of funding, including but not limited to private foundation or federal or state grants, to further community programming.~~
- ~~(4) Report annually to the city council in writing giving a comprehensive and current view of the cable communications in the city and recommending any appropriate actions including amendments to the ordinance.~~
- ~~(5) To acquaint itself with technological and service developments in the cable communications industry and determine with the franchisee what system enhancements should be pursued in maximizing benefits to be derived for the community.~~
- ~~(6) To certify access user groups, and reporting such certification to the city secretary.~~
- ~~(7) To ensure that public access producers comply with the Rules and Procedures for Public Access Cablecasting established in the Master Cable Services Regulatory Ordinance approved by city council in 2002, as amended.~~

- ~~(8) To resolve disputes concerning program content, allocation of access funding, channel space, and channel time.~~
 - ~~(9) To coordinate access activities of access users and user groups.~~
- ~~(Ord. No. 029704, § 3, 12-18-2012)~~

~~Sec. 2-183. Access user groups.~~

- ~~(a) One (1) access user group may be established for governmental channel access or educational channel access. Each public access channel, must establish an access user group. All user groups, by application to the Cable Communications Commission and the city secretary, must be certified by the Cable Communications Commission. Upon certification, an access user group shall have the following duties and responsibilities:~~
 - ~~(1) To follow guidelines, rules and regulations for the use of applicable access channels, subject to approval by the Cable Communications Commission. Public access producers must establish an access user group for each public access channel and follow the Rules and Procedures for Public Access Cablecasting as established in the Master Cable Services Regulatory Ordinance approved by city council in 2002, as amended.~~
 - ~~(2) To coordinate allocation of channel time and channel space for programming produced by users.~~
 - ~~(3) To coordinate training of individual access users in television production methods and techniques.~~
 - ~~(4) To report to the Cable Communications Commission on the utilization of access channel space and access channel programming.~~
 - ~~(5) To promote public awareness, use, and viewership of access television programming and actively seek additional membership from among individuals or groups in the access user group's area of interest.~~
 - ~~(6) To administer guidelines, rules and regulations for use of the appropriate access channels.~~
 - ~~(7) To review program content to ensure compliance with established laws, rules and regulations.~~
 - ~~(8) To establish its own bylaws concerning organization and decision making within the access user group. A copy of such bylaws shall be submitted with the access user group's application for certification. Changes to such bylaws shall be filed with the chairman of the Cable Communications Commission and the city secretary within thirty (30) days after any change occurs.~~
- ~~(b) Membership on the access user groups may be composed of any individuals who are residents of Corpus Christi as well as representatives of various community, public interest or neighborhood groups which are located in Corpus Christi. Membership may also include, as appropriate, representatives of: (i) city departments; (ii) governmental entities; (iii) public institutions of higher learning; (iv) public independent school districts; or (v) religious organizations, all as more particularly described in subsection (c). All meetings of access user groups shall be publicly posted on the public notices bulletin board of city hall and filed with the city secretary. Furthermore, all meetings of access user groups will be open to the public.~~
- ~~(c) The access user groups should include, but not be limited to, the following:~~
 - ~~(1) Governmental access group. Membership may include interested city department heads, or their designated representatives, and representatives of any governmental entity whose boundaries lie within the city limits.~~
 - ~~(2) Higher educational access group. Membership may include representatives of all public institutions of higher learning conducting classes within the city limits.~~

- (3) ~~Other educational access group. Membership may include representatives of all public independent school districts located in whole or in part within the city limits.~~
- (4) ~~Reserved.~~
- (5) ~~Public access group. Membership may include any individuals who are residents of Corpus Christi as well as representatives of community, public interest, or neighborhood groups which are located in Corpus Christi. Notwithstanding any other provision of this section, representatives of franchised cable operators may be members of the public access group.~~
- (d) ~~Access user groups are organized separately and independently from the city and are not boards, commissions, committees or any other subdivision of the city.~~
- ~~(Ord. No. 029704, § 3, 12-18-2012)~~

Secs. 2-184—2-203. Reserved.

SECTION 2. That City Code of Ordinances, Article Chapter 55, Article XVIII Cable Communications Services, Division 1, regarding Public Access Rules and Procedures be amended, with deletions shown as struck-through text, and new text shown as underlined text, as follows:

DIVISION 1. MISCELLANEOUS PROVISIONS REGARDING PUBLIC ACCESS CHANNEL RULES AND PROCEDURES

Sec. 55-443. Rules and procedures for public access cablecasting.

Sec. 55-444. Rules for participation.

Sec. 55-445. Technical standards and production requirements.

Sec. 55-446. How programs are scheduled and cablecast.

Sec. 55-447. Defined terms.

Sec. 55-448. Amendments to rules and procedures for public access cablecasting.

Sec. 55-449. Violation of rules.

Sec. 55-443. Rules and procedures for public access cablecasting.

Channel space on public access channels is available to any adult resident of the City of Corpus Christi in accordance with the following rules and procedures, as adopted by the City Council of the City of Corpus Christi. Submitted programs on accepted media, as defined in section 55-447, will be cablecast by all state-franchised cable operators as provided by state law. Requests for live feeds may be made in accordance with rules guidelines adopted by ~~the Cable Communications Commission, with the consent of the city director of public communications department~~the City Director of Communications Department. To assist with diversity of programming, the number of public access programs originating from programming conducted by one organization is limited to six unless scheduling allows.

~~These rules may be amended by City Council following recommendation from the Cable Communications Commission.~~

(Ord. No. 029704, §§ 1 and 2, 12-18-2012)

Sec. 55-444. Rules for participation.

Producers must complete and sign an application for public access cablecasting. By signing the application, the producer states and agrees that the following rules will be observed:

- (a) All programs must be produced by a producer as defined in section 55-447.
- (b) No program shall be of a commercial nature as defined in section 55-447.
- (c) No program shall be transmitted that requests contributions unless the solicitation is on behalf of an organization that has received tax exempt status under 501(c)(3) of the Internal Revenue Code or non-profit status in the State of Texas. Maximum time to request contributions in a program is five (5) minutes.
- (d) No program shall be transmitted that contains copyrighted material for which proper written clearance or authorization has not been obtained prior to being submitted for broadcast.
- (e) No program shall be transmitted that portrays any criminal act as being acceptable or condoned behavior.
- (f) No program shall be transmitted which contains obscene or indecent material.
- (g) All programs must include proper program identification as defined in section 55-447.
- (h) All programs must be locally produced. In order to be classified as a locally produced program, the program must contain at least twenty-five (25) per cent locally produced original content.
- (i) Producer must maintain current home and mailing address with PAUG and notify PAUG of change within ten (10) working days of move.

Except as otherwise permitted by applicable law, neither the PAUG, ~~nor the~~ cable operators, nor the City will restrict the content of any program.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012)

Sec. 55-445. Technical standards and production requirements.

- (a) *Conformance.* Programs submitted for cablecast must conform to the technical standards and production requirements established for cablecast by the FCC and City of Corpus Christi Public Access Rules. The programs shall not be out of compliance with any applicable FCC Technical Standards.
- (b) *Quality.* Programs must deliver, in good quality, clear audio and video throughout the entire length of the program.
- (c) *Format.*
 - (1) Producers must transfer all programming to accepted media as defined by subsection 55-447(a).
 - (2) As technology changes and formats become more common in the consumer markets, formats may be changed to reflect current market use. The decision to add or delete formats will be made by the ~~Cable Communications Commission~~ City Director of Communication department.
- (d) *Labeling.* All producers must clearly label their media as follows:
 - (1) On face of the accepted media:
 - a. Title of the program as it appears on the application.
 - b. Production date.
 - (2) On case or sleeve of accepted media:
 - a. Name of individual producer as it appears on the application.

- b. Producer's telephone number and/or e-mail address.
 - c. Length of program.
 - d. Title of the program as it appears on the producer's application.
 - (e) *Identification.*
 - (1) Programs must include the program identification as defined in section 55-447.
 - (f) *Length.*
 - (1) All one-hour programs must be sixty (60) minutes in length, including the program identification.
 - (2) All half-hour programs must be thirty (30) minutes in length, including the program identification.
 - (3) Occasional programming beyond sixty (60) minutes (such as high school sporting events) may be included pursuant to rules established by the ~~Cable Communications Commission~~ City Director of the Communication Department.
 - (4) Only one (1) program may be recorded on each media submitted.
 - (g) *Deadline.* Programs on accepted media must be delivered to and picked up from the ~~City public Communications Department~~ City public Director of Communications Department before 11:30 a.m. on the Wednesday prior to the cablecast schedule that begins the following Sunday. Holidays may require deadline adjustments.
 - (h) *Weekly log required.* A weekly log of the schedule list that indicates delivery of media by the producers will be provided to the ~~City public Director of Communications Department~~ City public Director of Communications Department each week when the media is delivered to the ~~City public Communications Department~~ City public Director of Communications Department.
- (Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030077, § 1, 2-11-2014)

Sec. 55-446. How programs are scheduled and cablecast.

- (a) The ~~City public Communications Department~~ City public Director of Communications Department shall arrange for playback of public access programming according to the schedule provided by the PAUG. A PAUG schedule change may be requested on the first and third week of the month resulting in a maximum of two schedule changes per month. In addition, one-hour programming cannot be scheduled to begin during 11:30 p.m. through 12:30 a.m.
 During ~~initial transition from cable operator to city and any subsequent~~ initial transition from cable operator to city and any subsequent equipment upgrades ~~or planned outages~~, with notice to the PAUG presidents, the ~~public City Communications Department~~ City public Director of Communications Department may exercise option to replay previous week of programming instead of new programming for that week.
- (b) The PAUG receives and schedules programming submitted by series and occasional producers. The PAUG must provide schedules to ~~City public Communications Department, and to the Cable Communications Commission whenever changes are made.~~ City public Director of Communications Department.
- (c) *Public access for series producers.* The PAUG for each channel conducts a biannual public access time slot lottery according to the rules and procedures, and uses those results to develop a public access schedule for that channel. ~~Schedules may be modified as necessary.~~
- (d) *Time slots.* Series programs are given a regular weekly or monthly time slot. Time slots are awarded during the semi-annual time slot lottery.
- (e) Each producer may have only one (1) series.
- (f) Only programs created by producers, as defined in section 55-447, are eligible to participate in the semi-annual lotteries and to be transmitted as a public access program.
- (g) *Application.* No later than the time of the bi-annual time slot lottery each producer must submit a completed public access cablecasting application form approved by the ~~Cable Communications Commission~~ City Director of the Communication Department to their respective PAUG Board of

Directors. If either home or mailing address should change for any reason, producer shall update within ten (10) working days of change in address, with the correct home and mailing address. Failure to comply can be grounds for removal from the public access channels ~~by the Cable Communications Commission~~ for the remainder of the lottery period or sixty (60) days, whichever is longer.

- (h) The PAUG Board of Directors will provide copies of applications to the ~~Ceity public Ceommunications D~~department no later than two (2) weeks after the time slot lottery is conducted.
- (i) Access Channels (10 or 18) ~~—(Note: An individual producer must select one (1) channel for cablecasting of both first-run and repeat showings. The same programs cannot be run on both channels during the same lottery period.~~
- (j) *Lotteries and schedules.* There are two (2) lottery periods. The spring lottery period begins the first Sunday in June through the day preceding the first Sunday in December. The fall lottery period begins the first Sunday in December through the day preceding the first Sunday in June.
- (k) Producers or the producer's authorized representative will attend the time slot lottery as noted in subsections (1) and (2) below. ~~Two (2) cable communications commissioners who are not producers for the PAUG conducting the lottery will attend each lottery.~~ "Producer's authorized representative" means the person that has been authorized in writing signed by the producer to represent the producer at the lottery for purposes of drawing timeslots. Lotteries are open to the public and will be conducted as follows:
 - (1) The spring lottery is conducted in the last fourteen (14) days of April with the new time slots actually beginning on the first Sunday in June. The PAUG Board of Directors shall determine the day, ~~and~~ time and place of the lottery.
 - (2) The fall lottery is conducted in the last fourteen (14) days of October with the new time slots actually beginning on the first Sunday in December. The PAUG Board of Directors shall determine the day, ~~and~~ time and place of the lottery.
 - (3) The public access time schedule will be broken into thirty-minute intervals.
 - (4) Each producer (or the producer's authorized representative) will randomly draw a lottery number.
 - (5) The lowest number will have the first choice of time slots and continuing until all numbers drawn have picked their first time slot.
 - (6) (A) After all producers (or their authorized representative) have selected time slots for their first run shows, producers of weekly programs requesting a repeat showing will then select their time slots for one (1) repeat cablecast in same or reverse order as the initial time slots were selected. If there are any available time slots after the repeat schedule is established, then the PAUG Board of Directors shall select programming from a rotation list that is based on the primary lottery results, starting with the lowest number, for a third time slot, but only to the extent time slots are available. However, new programming submitted after the lottery shall have precedence over third time slots.
 - (B) A program may be cablecast as an original and repeated once in the same lottery period in the producer's allotted time slot, but not in consecutive weeks or months (back to back). A program may be cablecast as an original and repeated once in subsequent lottery periods.
 - (7) Producers of monthly programs will have one (1) original cablecast to be repeated each week in the same allotted time slot for the remainder of the month.
 - (8) One (1) spring and one (1) fall lottery will be executed for Channel 10 by the Channel 10 PAUG and one (1) lottery executed for Channel 18 by the Channel 18 PAUG.
 - (9) A person may serve as an authorized representative for up to four(4) producers.
- (l) *Public access for occasional producers.* Single time slots of lengths as noted above in section 55-445, length, will be available for occasional producers on a first-come, first-served basis. Occasional

producers must complete a public access cablecasting application prior to the desired cablecasting date and comply with all rules set forth herein.

- (m) First-come, first-served is determined upon receipt of completed application by member of PAUG Board of Directors.
- (n) No programs will be scheduled during holidays, unless automated programming allows as determined by City Director of public eCommunications Department or designee.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030077, § 1, 2-11-2014)

Sec. 55-447. Defined terms.

Accepted media. A recorded program on accepted media produced by a public access producer and submitted for cablecasting on public access channels. The term "accepted media" refers to: (1) Audio video CD MPEG-2 (with playback standard screen size 720 x 480 and 60 fields per second, audio level 3). (2) DVD + R MPEG-2 (with playback standard screen size 720 x 480 and 60 fields per second, audio level 3).

~~*Cable Communications Commission.* The Cable Communications Commission consists of five (5) residents of the city appointed by the city council. The Cable Communications Commission administers the process for complaints regarding the Rules and Procedures for Public Access Cablecasting. The Cable Communications Commission mediates any disputes brought to it by the PAUG.~~

Commercial programming.

- (1) Any programming which is cablecast for remuneration of any kind, whether directly or indirectly, or programming which includes, in whole or in part, content whether audio, video or text intended, directly or indirectly to promote any commercial business, service or product is prohibited; or
- (2) Any programming which includes commercial advertising of any kind or that contains lottery or sweepstakes information. ~~The Cable Communications Commission has approved a memo that establishes guidelines concerning the advertisement of commercial products or services in a public access program. The City Director of Communication Department may develop guidelines concerning advertisement on public access programs.~~

Complaints. Communication to the ~~Cable Communications Commission~~ City Director of Communication Department regarding violation of Rules and Procedures for Public Access Cablecasting.

Holidays. Official City holidays including Martin Luther King, Jr. Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas, and New Year's Day.

Locally produced programming. Programming created in the Corpus Christi region, or pertaining to locally specific issues, or pertaining to local residents.

Producer. Any resident of Corpus Christi, eighteen (18) years of age or older, who has proof of residency which must include a local street residence address, a local contact telephone number and valid identification (such as a driver's license). A producer must pay any fees required by the PAUG and must execute an approved application form. A producer, by way of definition, is an individual who meets the above stated requirements and participates in or is responsible for the creation of a local, noncommercial program for the public access channels. If the local, noncommercial program is created by a local organization, such as a church, one (1) person who meets the above requirements must be designated as the producer and will represent the organization with the PAUG. For identification purposes, this person's name will appear on program identification, in video, and printed on labels.

Program identification. The tag at the beginning of the program must bear the producer name, and title of program as it appears on the producer application and the production date. The tag must appear for at least ten (10) seconds, in the video at the beginning of each program, or within the first thirty (30) seconds. A tag at the end of the program is optional.

Public access channel (sometimes herein "channel"). This is the cable television channel or channels on which public access programs are cablecast.

Public access time allocated schedule. The block of time slots allocated to each public access channel that are available and allocated by lottery during the semi-annual time slot renewal period. The block of time will be determined by each PAUG by calculating the number of producers and programming hours for all shows including repeats. The intent is to develop a block of time slots that provide for consecutive programming, without gaps in the programming schedule.

Public Access User Group (PAUG). ~~As set forth in the City Code of Ordinances, section 2-183,~~ Membership of the PAUG may be composed of any individual who is a resident of the city as well as representatives of community, public interest, or neighborhood groups. Notwithstanding any other provision, representatives of the cable operator may be members of the PAUG. PAUGs are organized separately and independently from the city and are not boards, commissions, committees or any other subdivision of the city. Each public access channel must establish a PAUG. All PAUGs, by application to the ~~Cable Communications Commission and~~ the city secretary, must be certified by the ~~Cable Communications Commission, City Director of Communication Department.~~ Producers organize themselves according to by-laws, electing among themselves officers and a board of directors. Each producer present is entitled to vote on all matters pertaining to establishment of PAUG by-laws and election of officers. All membership meetings of the Public Access User Group shall be publicly posted on the public notices bulletin board of City Hall and filed with the City Secretary at least 72 hours in advance of any meeting. Upon certification, a public access user group shall have the following duties and responsibilities:

- (1) To follow guidelines, rules and regulations for the use of applicable access channels. Public access producers must establish an access user group for each public access channel and follow the Rules and Procedures for Public Access Cablecasting as established in the Master Cable Services Regulatory Ordinance approved by city council in 2002, as amended.
- (2) To coordinate allocation of channel time and channel space for programming produced by users.
- (3) To coordinate training of individual access users in television production methods and techniques.
- (4) To report ~~monthly~~ to the City ~~Director of Ceomunications~~ Department on the utilization of access channel space and access channel programming.
- (5) To promote public awareness, use, and viewership of access television programming and actively seek additional membership from among individuals or groups in the access user group's area of interest.
- (6) To administer guidelines, rules and regulations for use of the appropriate access channels.
- (7) To review program content to ensure compliance with established laws, rules and regulations.
- (8) To establish its own bylaws concerning organization and decision making within the access user group. A copy of such bylaws shall be submitted with the access user group's application for certification. Changes to such bylaws shall be filed with the ~~director of the City~~ Director of ~~Ceomunications~~ Department within thirty (30) days after any change occurs.

Repeat program. A program which was previously aired on any public access channel during the same lottery period.

Series. A locally produced public access show from a single producer. A series can be either weekly or monthly.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030077, § 1, 2-11-2014)

Sec. 55-448. Amendments to rules and procedures for public access cablecasting.

These rules may be amended by city council at any time following recommendation ~~from the Cable Communications Commission from the City Director of Communication Department.~~

(Ord. No. 029704, §§ 1 and 2, 12-18-2012)

Sec. 55-449. Violation of rules.

(a) *[Generally.]* Producers must follow all Rules and Procedures for Public Access Cablecasting.

- (1) If a producer and series has been removed for violations that producer and series may not air as an occasional user during the removal period.
- (2) A producer may appeal decisions of the City Director of Communication Department ~~Cable Communications Commission~~ to the city council Assistant City Manager by submitting a sworn written notice of appeal to the City Secretary within thirty (30) days of the rendition of the ~~commission~~ decision. The decision of the Assistant City Manager shall be final.

(b) *Violations of section 55-444*

- (1) No program will be permitted to air over the public access channels if a producer or program has violated one (1) or more of the rules identified in section 55-444
- (2) It shall be the responsibility of the PAUG Board of Directors to periodically monitor the programs that are aired on public access television and to report any and all section 55-444 violations that are observed, to the ~~Cable Communications Commission~~ City Director of Communication Department, using the appropriate form and procedures set forth herein.
- (3) Complaints about violations of section 55-444 rules must be submitted ~~to the Cable Communications Commission. Complaints must be submitted to the commission~~ in writing to the City Secretary's office or through an online form at www.cctexas.com/ccc/complaint. The complaint will be forwarded to the City Director of Communication Department for resolution.
- (4) Producers will receive written notice of the complaint, ~~dates of the next two (2) commission meetings,~~ and a statement that failure to ~~attend, send a representative, or~~ provide a written statement of explanation within fourteen calendar days will result in forfeiture of their time slots and the use of the public access channels for sixty (60) days.
- (5) The City Director of Communication Department will review the complaint and the response and determine whether a violation has occurred. The producer will receive written response of the determination.

~~(5)~~ Producers will be informed in writing that three (3) section 55-444 violations within a six-month period will result in forfeiture of their time slots and the use of the public access channels for sixty (60) days.

- (6) If a section 55-444 violation is evident, that program media will be removed from airing and from repeat showing, and the media will be turned over to the ~~Cable Communications Commission~~ City Director of Communication Department by the PAUG Board of Directors for review and discussion with the producer ~~at one (1) of the next two (2) scheduled commission meetings.~~ Producers must take corrective action on any programs with rule violations before they can be submitted as a second original or repeat.

(c) *Forfeit of use of public access channels.*

- (1) At the lottery, PAUGs will establish a designated location for producers to deliver weekly and monthly media.

- (A) Media for the first program in a lottery period must be delivered to the designated location before 10:00 a.m. on the Wednesday before the first Sunday in the new lottery period.
 - (B) Following the first media delivery of the lottery period, cut-off time for delivery of media for weekly programs is 10:00 a.m. on Wednesdays each week.
 - (C) Cut-off time for delivery of media for monthly programs is 10:00 a.m. on the Wednesday before the first Sunday of each month.
- (2) PAUGs will maintain a schedule list that indicates delivery of media by producers. A monthly log of this schedule will be submitted to the ~~Cable Communications Commission~~ City Director of Communication Department within the first seven (7) days of each month. ~~Included with the list will be a cover letter that lists the producers of weekly programs that failed to supply media for airing for four (4) consecutive weeks and producers of monthly programs that failed to supply media for airing for two (2) consecutive months. City staff will then send written notification to the producers who forfeit the use of the public access channels for failure to submit media. This notification will include the date of the next scheduled Cable Communications Commission meeting, at which time the producer may appeal the commission's decision. The producer, or a designated representative, must appear at the next commission meeting or provide a written statement of explanation for their appeal to be reviewed. The Cable Communications Commission will review the monthly delivery logs at each Cable Communications Commission meeting and decide whether or not to remove producers who failed to submit media as required.~~
- (3) If a series producer fails to supply media on time for a weekly or monthly program, that program will not be aired that week or month. No late media will be accepted. Individual producers shall not deliver media to the ~~eCity~~ City ~~Director of public Communications~~ Director of Communication Department.
- (4) If a weekly series producer fails to supply media by the established time for four (4) consecutive weeks, that producer and series will forfeit his/her time slots and the use of the public access channels for sixty (60) days or until the end of lottery period whichever is longer. If a monthly series producer fails to supply media on time for two (2) consecutive months, that producer and series will forfeit his/her time slots and the use of the public access channels for six (6) months. Turning in blank media that will not play correctly is the same as not turning in media.
- (d) *Violations of section 55-446* Complaints for violations of section 55-446 may be submitted to the ~~Cable Communications Commission~~ City Director of Communication Department. The ~~commission~~ director will notify the appropriate PAUG of any complaints and schedule a discussion with the PAUG president and the complaining party ~~at the next scheduled commission meeting. The determination of the City Director of Communication Department shall be subject to review by the Assistant City Manager. The determination of the Assistant City Manager shall be final.~~
- (Ord. No. 029704, §§ 1 and 2, 12-18-2012)

SECTION 3. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

SECTION 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the _____ day of _____, _____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor