

BY-LAWS OF THE
MURRAY CABLE COMMUNICATION COMMISSION

SECTION I DEFINITIONS

As used in this document, the following definitions shall apply:

1. Access channel shall mean those channels which shall be required to be kept available by the franchisee for partial or total dedication to public access, educational access by the Murray local school districts, local government access, or leased channel.

There shall also be a higher education channel which shall mean a channel in the basic package provided to Murray State University for its use.

2. Cable communication system, cable system, CATV or system shall mean a system of coaxial cables or other equipment used or to be used to originate or receive television or radio signals directly or indirectly off the air and to transmit them via cable to subscribers for a fixed or variable fee, including the origination, receipt, transmission, and distribution of voices, sound signals, pictures, visual images, digital signals, telemetry, or any other type of closed circuit transmission by means of electrical impulses, whether or not directed to originating signals or receiving signals off the air.
3. Chairman shall mean the presiding officer of the Murray Cable Communications Commission.
4. Channel means a band of frequencies in the electromagnetic spectrum, which is capable of carrying either one video signal, several audio signals, numerous digital signals, or some combination of such signals.
5. City shall mean the City of Murray, Kentucky, and all the territory within its presently existing or future territorial corporate entity and also include its officers, employees and duly authorized representatives.
6. City Council shall mean the official City Council of the City of Murray, Kentucky.

7. Commission shall mean the Murray Cable Communications Commission as established by the Murray City Council in Ordinance No. 756.
8. Councilmen, Council Members, Council Persons means the members of the City Council of the City of Murray, Kentucky.
9. Franchise shall include both the franchise granted and any franchise agreement entered into between the city and franchisee, and all rights, powers and privileges there under.
10. Franchisee shall mean and include all persons, natural or corporate, or any other entity having any rights, powers, privileges, duties, liabilities or obligations under this chapter and the franchise agreement (herein collectively called the "franchise"), and also all persons having or claiming any power or interest in or to the system, whether by reason of the franchise itself or any subcontract, transfer assignment, mortgage, pledge, hypothecation, security agreement, management agreement or operating agreement, or otherwise arising or created.
11. Franchise agreement means that separate agreement by which the franchise is granted to the franchisee as may be required by the City of Murray, Kentucky.
12. Mayor means the Mayor of the City of Murray, Kentucky.
13. Public agency shall mean an agency which is supported wholly or substantially by public funds.
14. Street and public ways means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever now or hereafter existing as such within the city.
15. Subscriber shall mean any person or organization whose premises are physically wired to receive any transmission from the system.
16. Subscriber service drop shall mean such extension wiring from the franchisee's distribution lines to a subscriber's building.
17. User denotes a person, persons, entity or entities utilizing cable television services in any form within the City of Murray, Kentucky.

SECTION II PURPOSE

1. The Murray Cable Communications Commission was established by the Murray Cable Television Ordinance No. 756 to serve as a legally constituted autonomous regulatory and

advisory body responsible to the Mayor and City Council of Murray, Kentucky, for the purpose of assisting the City in the selection of a franchisee and the negotiation of a franchise agreement which will provide the City of Murray with the best possible cable communication system and the further purpose of assuring that cable communications systems are operated in the public interest for the convenience and welfare of the citizens of Murray, Kentucky.

SECTION III RESPONSIBILITIES

The responsibilities and duties of the Murray Cable Communications Commission include:

1. Enacting, altering, amending or repealing these by-laws which by-laws shall govern the conduct, method, manner and frequency or commission meetings and commission business.
2. Advising the City Council on applications for Cable franchises.
3. Advising the City Council on matters which might constitute grounds for revocation of the franchise in accordance with the franchise agreement.
4. Hearing and making inquiries regarding disagreements, complaints or faults between any Franchisee and any public or private user of the system within the City of Murray, and further, to make recommendations to the Franchisee as well as the public or private user as a result of such hearing, and all of which should be in writing. Such decision of the Commission finally made in accord with its by-laws and provisions shall be reviewable by the City Council of Murray upon request or demand by either of the parties thereto provided the Mayor of the City of Murray, as he is his uncontrolled discretions, deems proper.
5. Coordinating the franchisee's consulting services to facilitate government, educations, community groups and individual use of the public channels.
6. Submitting a budget request to the Mayor to cover expenses incurred in respect of performance of functions provided by Ordinance No. 756. This request may include funds to be used for the development of the use of access channels including production grants to users and the purchase and maintenance of equipment not required to be provided by the franchisee, and funds to be used as per diem expenses and such salaries for the members as may be permitted and prescribed from time to time by separate ordinance.
7. Auditing all franchised records required by the franchise ordinance and, in the Commission's discretion, required the preparation and filing of information additional to that required herein.
8. Conducting a detailed evaluation of the system at least every five years and make recommendations to the City Council for amendments to Ordinance No. 756.

9. Employing, as necessary, services of a technical, accounting, legal and administrative nature.
10. Acting on behalf or as the designee of the City Council for purposes of proposing regulations and arbitration procedures as deemed necessary by the City Council and/or to provide any other service to the City Council that may be reasonably required by the City Council under the authority of Ordinance No. 756.
11. Providing all necessary function and regulations of provisions contained in Ordinance No. 756 and as may be amended or as other Ordinances may be enacted by the City Council of the City of Murray, Kentucky.

SECTION IV MEMBERSHIP

1. As required in Ordinance No. 756, the Commission shall consist of five (5) members, one (1) of whom shall be a member of the City Council. All members shall be residents of the City of Murray, Kentucky, and shall be appointed by the Mayor, subject to the approval of the City Council. Each member shall serve a term of four (4) years. In the appointment of the Cable Commission members, the membership should consist of a minimum of two (2) members from each cable provider. The members shall receive compensation in the amount of twenty-five (\$25.00) per meeting attended.
2. Any vacancy in the office shall be filled by appointment of the Mayor for the remainder of the term. No employee or person with any ownership interest in any cable television franchise shall be eligible for membership on the commission.

SECTION V MEETINGS

1. The Commission shall hold monthly or bi-monthly meetings as determined and approved by the Commission. The regular meetings of the Commission shall be conducted in the City Council Chambers at the Murray City Hall Building in Murray, Kentucky. Notification of all meetings and changes will be made to the local news media in such timely fashion as to assure public notice, in accordance with Kentucky's Open Meeting Law (KRS Chapter 61).
2. Special meetings may be called for any time or place on any subject on the request or concurrence of the Chairman or three (3) members of the Commission. The above stated requirements for public notice shall be met.

3. A "work session" in which the Commission meets apart from its regular schedule to explore topics in greater depth than may be possible during either a regular or special meeting, may be called upon the request of 1) three members of the Commission, or 2) staff with concurrence of the Chairman. Work sessions of the Commission shall be open to the public and shall require the same public notice as regular Commission meetings. No official or formal action shall be taken by the Commission at work sessions.

SECTION VI QUORUMS AND VOTING

A majority of three (3) members of the Commission shall constitute a quorum for the transaction of business, but a smaller number may convene from time to time, and may compel the attendance of absent members in such manner and under such penalties as the Commission may provide for in these by-laws. The affirmative vote of a majority of a quorum shall be necessary for the adoption of any motion, measure or resolution. Passage of any motion, measure or resolution may be by voice vote provided:

1. At the request of any member the ye and nay votes shall be recorded upon call of the roll.

SECTION VII OFFICERS AND DUTIES

1. The Commission shall within sixty (60) days after the appointment of its initial membership, and thereafter in January of each year, elect from its membership a Chairman and Vice Chairman. It may, in its discretion, employ legal counsel and other agents and employees to carry out its work and functions, and may from time to time prescribe and alter such rules and regulations as it may deem necessary.
2. A nominating committee is appointed to recommend officers. The officers will be elected by voice vote.
3. Duties of the Chairman shall include:
 - A. Calling and presiding at all regular, special meetings, and work sessions.
 - B. Formulating agenda in conjunction with staff.
 - C. Authorizing in advance all necessary expenses incurred in the performance of Commission functions in accordance with the approved budget.
 - D. Serving as an ex-officio member of all committees of the Commission.
 - E. Signing all necessary documents as may be required on behalf of the Commission.

- F. Being the public spokesman for the Commission establishing relations with the Mayor, City Council, news media, and others as may become necessary.
 - G. Any other duties assigned by either an affirmative vote of the Commission or elsewhere in these by-laws.
 - H. Coordinating, in conjunction with the staff, the work of all committees with that of the Commission's stated general and specific committee objectives.
4. Duties of the Vice-Chairman shall include:
- A. The Vice-Chairman shall perform the duties of the Chairman during the absence or disability of the Chairman. If a vacancy shall exist in the office of Chairman, the Vice-Chairman shall succeed to the office for the duration of the term.
 - B. The Vice-Chairman when serving as Chairman shall have all the duties, responsibilities, and powers of the office of Chairman.
5. Duties of the Members shall include:
- A. Initiating all official or formal action by a formal action.
 - B. Voting "Aye" or "Nay" when present on any question put to a vote unless the Commission, for special reason, excuses him or her from voting. An application to be excused from any agenda item must be made to the Commission prior to discussion of that item.
 - C. Attending all regular, special, and work meetings unless otherwise excused by the Chairman. Any member absent from four (4) consecutive meetings of the Commission, which absences are not excused by the Chairman, shall be terminated from the Commission as of the fourth consecutive absence.

SECTION VIII ORDER OF BUSINESS

- 1. For all regular meetings an agenda and any necessary supporting documents, shall be formulated by staff and mailed to the Commission members at least two (2) working days in advance of the meeting date. The agenda order may include:
 - A. Calling the roll.
 - B. Approval of the minutes of the last meeting.

C. Commission business by item.

D. Miscellaneous discussion.

Adjournment.

2. An item may be placed on the agenda by any Commission member or other person by submitting a request in writing with whatever supporting information as may be available and an indication of the kind of action being requested to the Office of the Murray Cable Communication Commission, City Hall Building, at least five (5) days before the meeting in which the item is to be considered.
3. A copy of the agenda shall be furnished to the Mayor concurrently with the mailing of the Commission members. Copies of requests to place an item on the agenda shall also be furnished to the Mayor.

SECTION IX RECORDS AND REPORTS

1. The City shall keep the Commission minutes, records, and accounts of all its business conducted in regular and special meetings. Annually, a City Council Report shall be submitted in writing to the Mayor and City Council for reception and filing.
2. Any reports which are the result of research in the field by the Commission shall be submitted as provided to the Murray City Council along with items as per Item 1 above.

SECTION X COMMITTEES

1. The Chairman, with Commission approval, may appoint committees as required to assist the Commission in its duties. Committees will be of two classes, Regular Committees and Negotiating Committees. Composition, the scope of the function, and the length of the term of all committees, will be submitted to the Commission for advice and consent. No committee shall have a term in excess of (1) year. The commission shall retain the power to deal with any matter without referral to a committee which might have subject matter jurisdiction.

SECTION XI AMENDMENTS

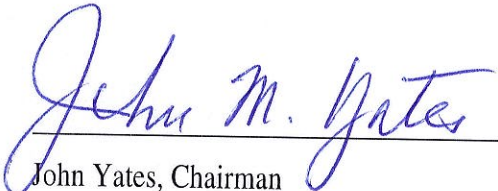
1. These by-laws may be amended at any regular or special meeting of the Commission by a majority vote of the members present and voting.

SECTION XII BY-LAWS- EFFECTIVE DATE

1. All by-laws, which are not internal administrative procedures, adopted by the Commission shall become effective immediately after their adoption by the Commission.

ADOPTED BY:

MURRAY CABLE COMMUNICATIONS
COMMISSION




John Yates, Chairman

3-27-2019

Date

APPROVED AND ACCEPTED BY:

THE CITY COUNCIL
MURRAY, KENTUCKY



Bob Rogers, Mayor

6-13-2019

Date