

Atlantic Broadband Advisory Council By-Laws

Article I Organization

A. Name

The name of this organization shall be **Atlantic Broadband Advisory Council**.

B. Authority

The Advisory Council is established under the authority of the Connecticut Public Utilities Regulatory Agency (PURA) found in CT State Law Sec. 16-331 and PURA Regulation 16-333-24.

Article II Object/Purpose

A. Purpose

The Advisory Council is the agent for Community Interests in communications with the Cable company about policies, products, & services in accordance with PURA Regulation 16-333-30, an active partner supporting the designated Community Access Provider programming and operations, and will carry forth the work set in Connecticut law as an extension of the PURA.

B. Responsibilities

1. The Advisory Council recommends to PURA the most qualified organization to operate community access programming and annually reviews the organization's rules, regulations, policies and procedures governing the provision of community access programming. Sec. 16-331a(b)
2. The Advisory Council shall review all community access programming which has been subject of a complaint. Sec. 16-331a(j)
3. The Advisory Council may give advice to the management of the franchise holder upon such matters affecting the public, as it deems necessary. PURA Regulation 16-330-30
4. The PURA shall designate the Advisory Council as an intervenor in any contested case before the PURA involving the franchise holder. Such franchise holder shall provide to the Chair a copy of any report, notice or other document it files with the PURA. Sec. 16-331c(1)
5. If the franchise holder fails or refuses to furnish adequate service to any customer, the Advisory Council may file a written petition with PURA alleging the failure or refusal. PURA shall hold a hearing on such petition and, not later than one hundred fifty days after receiving the petition, shall issue a written decision on the petition. The franchise holder shall thereafter furnish service to the customer in accordance with the conditions prescribed under PURA's decision. Sec. 16-331c(1)
6. The Advisory Council shall assist the franchise holder with the establishment of specific goals for community access and with a periodic assessment of the achievement of those goals. The franchise holder will incorporate into its annual report to PURA, the Advisory Council's comments on the effectiveness of the community access program and the achievement of the program's goals. Sec. 16-331a-11
7. The Advisory Council shall annually on a date not later than January 31, file a written report with PURA concerning its activities for the preceding twelve month period ending December 31. PURA Regulation 16-330-30

8. The Advisory Council shall annually, no later than January 31, provide PURA with an accounting of any funding or services received. Sec. 16-331c
9. Upon the request of the Advisory Council, and for good cause shown, PURA shall require the organization responsible for community access operations to have an independent audit conducted at the expense of the organization. Sec. 16-331a(h)
10. The Advisory Council, in conjunction with the franchise holder, shall notify subscribers of the time and place of any upcoming Advisory Council meeting, of any vacancies that may exist on the Advisory Council and of the name of the council Chair and address of the Advisory Council. Notifications are published on the Community Access Channel, on the Advisory Council's web site, and newspapers with general circulation within the franchise area. Sec. 16-333l(b)
11. The Advisory Council shall administer an attendance policy consistent with PURA Regulation 16-333-26.
12. The Advisory Council shall, when the seat is vacant, elect a member to serve on the State-wide Video Advisory Council to represent customers of the state-wide video providers. The Chair of the Atlantic Broadband Advisory Council shall promptly notify the Chair of the State-wide Video Advisory Council of this appointment. Sec. 16-331i

Article III Membership

- A. The members of the Advisory Council shall be appointed as follows:
 1. The chief elected official of each town in the franchise area shall appoint one or more members who are residents of said town in accordance with the population of said town as determined by the most recent United States Census. Each of the three towns in the franchise area is entitled to four appointments. Insofar as is possible, said appointments should reflect and be representative of the cultural, educational, ethnic, and economic makeup of the population inhabiting said towns. PURA Regulation 16-333-25a
 2. The board of education in each town in the franchise area shall appoint one member of the Advisory Council. Such member shall reside in said town, or be a member of said board of education, PURA Regulation 16-333-25b or be employed by said board of education.
 3. One member shall be appointed to the Advisory Council to represent all of the libraries of general public use located in the towns within the franchise. In the town having the largest population therein, as determined by the most recent United States Census, the public library board charged with oversight and management of the town's public library shall appoint the Advisory Council member. The appointed member shall be an inhabitant of a town within the franchise area, who is a library board member or a professional library staff employee of either a public library or private library of general public use in a town within the franchise area. If the town with the largest population fails to appoint the library representative within seven months, the Advisory Council will request, at its discretion, an appointment from one of the other towns. PURA Regulation 16-333-25c
 4. Each franchise holder shall appoint one member, who shall possess some expertise in the field of cable television and who shall serve without vote on the Advisory Council. PURA Regulation 16-333-25d
 5. Appointment of Advisory Council members shall be subject to the following limitations: PURA Regulation 16-333-25d.
 - a. No paid employee of a nonprofit organization providing community access operations may serve on the Advisory Council.

- b. No employee of a CATV company, its subsidiaries or affiliates, may serve on the Advisory Council except in the position of the franchise holder representative. An employee includes any person working full or part time or performing any subcontracting or consulting services for the franchise holder. Sec. 16-331d
- c. At least one seat, but no more than 25 percent of the total seats to which appointments may be made to an Advisory Council, may be filled by persons who also are members of a board of directors of a nonprofit organization providing community access operations.
- d. Members of the Advisory council that also serve as a member of a board of directors of a nonprofit organization providing community access operations shall recuse themselves from voting on any financial matters related to their access organization.

B. Term of Members

Each member of the Advisory Council shall serve for a term of two years from the first day of July in the year such member is appointed. At the end of the two-year term, a member may remain on the Advisory Council until reappointed or replaced. PURA Regulation 16-333-26.

If an Advisory Council member has three consecutive unexcused absences or does not attend 50 percent of meetings duly noticed and held within a twelve month period, then the member will be deemed to have resigned from the Advisory Council. PURA Regulation 16-333-26.

C. Vacancies

The chief elected official from the town in which a vacant seat exists shall appoint a member to fill such vacancy if any other appointing authority fails to make an appointment within six months of the time in which a vacancy occurs. Sec. 16-331d

D. Compensation

Members of the Advisory Council shall serve without compensation. PURA Regulation 16-333-28. Compensation shall include the receipt of any free or discounted cable television service, either basic or premium. Sec. 16-331b

E. Duties of Members

1. It shall be the duty of all members of the Advisory Council to attend all regularly scheduled meetings.
2. Members may be excused from attending a meeting only on the grounds of sickness, absence from town, or business conflict. In order to qualify for an excused absence, a member must notify an officer of the Advisory Council prior to the meeting in question.
3. Each Advisory Council member, upon vacating his or her seat on the Advisory Council, shall make available to his or her replacement all documents and correspondence deemed relevant by mutual accord with the replacement member.

Article IV Officers of the Advisory Council

A. Election of Officers

The Advisory Council shall elect its own Chair, Vice-Chair, Secretary, and Treasurer at the May regularly scheduled meeting. PURA Regulation 16-333-29.

1. At the January meeting, the Chair shall appoint a committee for nominations consisting of three members. The committee shall solicit interest for positions and submit a slate of candidates to the Advisory Council at the meeting designated for such purpose. The nominating committee is charged with selecting the best candidates for each position.
2. Nominations for officers shall be accepted from the floor prior to the casting of ballots.
3. The election of officers shall be by secret ballot at the end of the May meeting. The candidate receiving the majority of votes cast shall be selected. In the event no candidate has a majority, subsequent ballots shall be taken with the candidate receiving the fewest votes being eliminated after each subsequent ballot until a candidate receives a majority of the votes cast for selection. In the event the lowest vote-getter is tied, a special ballot will be cast between the two tied parties, and the candidate receiving the majority on this special ballot shall remain in the running, and all others shall be eliminated.
4. If present, the franchise holder's representative will tabulate the ballots and report the election results. Otherwise, the Secretary will do so.

B. Term of Officers

Each officer shall serve a term of two years from the end of the election meeting to the end of next year's election meeting.

C. Duties of Officers

1. Chair
 - a. For each meeting, shall compose the agenda with input from Advisory Council officers and members. Most agenda items for the next meeting will be determined during the current meeting. An agenda item may be requested by a member via written communication no later than two weeks before a scheduled meeting.
 - b. The Agenda must be available at least 24 hours prior to the meeting or in accordance with FOIA regulations.
 - c. Following consultation with the Advisory Council, may make appointment recommendations, if necessary, to the chief elected official or board of education in the town or towns planning to fill a vacancy
 - d. During regular meetings, shall appoint members of standing or select committees.
 - e. If the Advisory Council fails to do so, shall assign a date and location for meetings.
 - f. Shall represent the Advisory Council's agreed-upon positions in all issues brought before PURA, or shall appoint a representative to do so.
 - g. Shall, if it is necessary to vacate the Chair, appoint a Chair Pro Tem. The first adjournment puts an end to the appointment.
 - h. Shall prepare an Annual Report in accordance with the current PURA order to be presented at the January meeting for Advisory Council approval. Upon approval, the Chair shall ensure that the annual report is uploaded to the PURA web site as instructed by the PURA annual report order. The Chair may delegate the responsibility for uploading the report.

- i. May hold a caucus of all non-franchise holder members of the Advisory Council before or after the regular meeting of the Advisory Council to facilitate the discussion of issues or actions which may affect the franchise holder.
 - j. The Chair shall cosign checks made to the Treasurer.
2. Vice-Chair
- a. Shall administer the Advisory Council attendance policy and take roll call.
 - b. Shall maintain a roster of members as follows:
 - i. Determine the number of representatives appropriate for the population of each Town
 - ii. Determine the email address and phone number for each named representative
 - iii. Mark vacant positions.
 - iv. Mark Attendance, Excused Absence or Un-excused Absence for each member at each meeting
 - c. Shall conduct correspondence regarding town representative appointments.
 - d. Shall record the appointment or resignation of members on the roster maintaining phone numbers and email addresses.
 - e. Shall email updated rosters to the Advisory Council members.
 - f. Shall, in the absence of the Chair call meetings to order and preside over the meeting, as would the Chair.
3. Secretary
- a. Shall act as the recording officer of the Advisory Council and the custodian of its records, except when specifically assigned to others.
 - b. Shall maintain records including the agendas, minutes of all regular and special meetings, and member attendance as recorded by the Vice-Chair.
 - c. Shall publish all public records (By-Laws, Agenda, Minutes, Member Names, reports, regulations, etc.) to the Advisory Council web site including the names of Advisory Council members. The roster of members posted to the web will not contain email addresses or phone numbers. No correspondence with personal, identifiable information shall be published to the web site.
 - d. Shall publish the annual meeting schedule and special meeting schedules using local newspapers, community access events notices, and the Advisory Council web site.
 - e. Minutes must be published within 7 days of the meeting.
 - f. Shall notify all officers and committees of their appointments.
 - g. Shall deliver to advisory council members and chief elected officials all documents referred to them.
 - h. Shall assure proper notices of all public meetings.
 - i. Standing and select committee members shall be recorded in meeting minutes.
 - j. Shall endorse on all correspondence, reports or regulations received by the Advisory Council their date of reception, and what action is taken. They should then be preserved in the Advisory Council records.
 - k. The Secretary may appoint an assistant to carry out some of the above duties of the office including web site maintenance.
 - l. Shall, in the absence of the Chair and Vice-Chair, call meetings to order and preside until the election of a Chair Pro Tem takes place.
4. Treasurer
- a. Shall act as the Advisory Council's banker, holding the funds deposited to the Advisory Council and paying out on the order of the Advisory Council.

- b. Shall issue and sign all checks on the treasury authorized by Advisory Council. The Chair shall cosign checks made to the Treasurer.
- c. Shall present a report as directed by Advisory Council vote or by the Chair. Reports should consist of any information regarding the receipts and disbursements previously authorized by the Advisory Council and should include vouchers.
- d. Shall present an annual fiscal report at the January meeting. The report shall consist of any information regarding the receipts and disbursements made during the Advisory Council's operating year.
- e. Shall, in the absence of the Chair, Vice-Chair, and Secretary, call meetings to order and preside until a Chair Pro Tem is elected.

D. Removal of Officers

An officer of the Advisory Council may be removed for abuse of authority or misconduct in office. Removal from office requires a two-thirds vote of the membership, provided that the charge against the officer has been made in writing and a copy has been filed with the Secretary or the Chair at least two weeks before such vote is taken. The Secretary shall notify all members of the pending action at least one week prior to the meeting. Should an officer be removed, a special election to fill the vacancy shall be held at the next regularly scheduled meeting. The Secretary shall send a special notice to all Advisory Council members at least one week before the special election. Removal from office does not affect one's membership status.

E. Resignation of Officers

Upon resignation of an officer, an election to fill the vacant position shall be held at the next scheduled Advisory Council meeting after the minutes of the prior meeting have been approved. Should the Chair resign, the Vice Chair will act as the Chair Pro Tem until an election is held at the next scheduled meeting. The term of office of the replacement officer shall be the same as the term for the officer that resigned. Nominations for the replacement officer will be made from the floor at the election meeting.

Article V Meetings

A. Regular Meetings

- 1. Shall be held bimonthly on dates to be determined by vote of the Advisory Council.
- 2. The dates of Regular Meetings shall be determined at the November meeting. A document shall be prepared for distribution to Advisory Council members and City/Town Clerks that shows the next year's Regular Meeting dates and the annual events (Approve Annual Report, Select Nominating Committee, Officer Election, Annual Public Access Review, Annual Franchise Holder Customer Service Review, etc.) that will occur at each meeting as well as the location. The meeting schedule will be posted annually in accordance with FOIA regulations.
- 3. The annually published meeting schedule may not be changed except in accordance with FOIA regulations (http://www.cga.ct.gov/current/pub/chap_014.htm#sec_1-225).
- 4. Shall be open to the public and held in publicly accessible locations according to the published schedule. Changes to the meeting schedule must be made in accordance with FOIA regulations.
- 5. Shall require the attendance of the active members.
- 6. Shall adhere to the agenda and be adjourned by a majority vote.

B. Special Meetings

1. May be called by Advisory Council vote, by the Chair or by the majority of the members upon due notice to all members of the Advisory Council. PURA Regulation 16-333-29 in accordance with FOIA regulations (http://www.cga.ct.gov/current/pub/chap_014.htm#sec_1-225).
2. Shall be conducted, as are the regular meetings
3. Per FOIA, the special meeting announcement and agenda must be published no later than 24 hours before the scheduled time (weekends and holidays excluded).

C. Voting

1. Robert's Rules of Order shall govern debate and voting procedure.
2. No member shall vote on a motion or amendment if not present except where agreed to as stated in Article XI.
3. No member shall be elected or appointed if not present.
4. Motions shall be passed by a majority vote of those present.
5. Motions are tabled for further consideration by a majority vote of those present.
6. No motion shall be passed if it conflicts with a rule of higher order, i.e. State or Federal law.

Article VI Committees

Committees standing or special shall be appointed by the chairperson as the Council shall deem necessary to carry on the work of the council.

Article VII Quorum

A quorum for conducting business shall consist of 25% of the actual membership of the Council.

Article VIII Voting

All motions may be carried by a simple majority vote.

Article IX Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Advisory Council in all cases to which they are applicable and in which they are not inconsistent with these by-laws and or special rules of order the Advisory Council may adopt. They must not be inconsistent with PURA rules and directives or any higher authority.

Article X Amendment of By-Laws

All amendments of these by-laws shall be proposed in writing at a regular Advisory Council meeting. The proposed amendment may be acted upon at the next Regular Meeting and must be approved by two-

thirds of the membership eligible to vote. Members not present may vote by granting their proxy to another member or by submitting a vote to the secretary via electronic mail or any other written means.

Article XI Use of Electronic Services

A. Electronic Voting

If agreed at a Regular Meeting, a specific issue may be discussed and voted upon via electronic mail. Elections may only be held at an in-person meeting, members elected must be present, and voting is by members present only.

B. Electronic Publishing

The Advisory Council web site shall contain the agenda, the meeting minutes, the meeting schedule, by-laws, a public roster showing vacancies, public correspondence, annual reports, and other public documents as required.

C. Electronic Communications

Electronic Mail shall be deemed equivalent to Postal Mail for delivery of meeting minutes, agendas and any other materials distributed to Advisory Council members or for submission of information or requests to Advisory Council officers or other members.

Article XII Funding

Each regional CATV franchise holder shall annually contribute to the Advisory Council as required by PURA. The Advisory Council may, at its option, receive any or all of its funding through in-kind services of the CATV franchise holder. Sec. 16-331c

Revised: November 19, 2008

Revised: September 17, 2014

Revised: November 19, 2015 – Change MetroCast to Atlantic Broadband.

Annual Advisory Council Events Calendar

January

Chair appoints nomination committee (Odd Years)
Chair presents Annual Report including Treasurers Report for Advisory Council approval
Chair Submit Annual Report including Treasurers Report to PURA - Due January 31

March

Nominating Committee submits candidate names (Odd Years)

May

Annual election of Advisory Council officers (Odd Years)

July

First meeting with newly elected Advisory Council Officers (Odd Years)
Advisory Council member two-year terms begin (Odd Years)
Annual franchise holder Customer Service Review

September

Annual Community Access Review and Goal Setting

November

Propose and Approve the dates of next year's meetings and annual events