

By-Laws

Public, Education & Government Access Oversight Board (PEGAOB)- amended 3/11/20

ARTICLE 1 – THE BOARD

Section 1 – Name of Board

The name of the Board shall be the “PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD (PEGAOB).”

Section 2 – Office of the Board

The offices of the Agency shall be located at 24 Eagle Street, Albany NY 12207, or any such place located within the City of Albany that the Board may from time to time designate by resolution. All books and records of the Board shall be kept at the office herein above designated, unless otherwise provided by Board resolution.

Section 3 – Organization

Pursuant to the provisions of section 42-373 of the City of Albany Laws etc, the Board is a board created to oversee implementation of PEG access, the cable television public access studio and to promote public awareness of public access in the City.

Section 4 – Powers, Functions and Duties

The Board shall act in accordance with the purposes specified in section 42-375 of the City of Albany Laws and the laws of New York State. The Board shall have all the powers and duties now and hereafter conferred on it by Chapter 42, part 38 of the City of Albany Laws.

ARTICLE 2 – MISSION STATEMENT

The Mayor and the Common Council find and declare that it is in the public interest of the citizens of the City of Albany to establish a board to oversee implementation of PEG Access, the cable television public-access facility/studio in the City of Albany, and to promote public awareness of public access in the city.

The City of Albany negotiated a certain franchise agreement with Time Warner Cable. Pursuant to section 10 of the agreement, TWC shall provide the City with access channels designated for noncommercial public, education and governmental use (otherwise known as PEG access), as required by part 895.4 of the New York State Public Service Commission (PSC) rules on cable television, and

provide to the City funding for equipment as described in Appendix A of the agreement. This equipment will be used exclusively for the production of PEG access programming or in connection with course work or other training intended to provide students with editing, programming, multimedia or similar skills which may be used in PEG Programming production.

ARTICLE 3 – MEMBERSHIP

Section 1 –Members

The Board shall consist of 11 members; four of whom are appointed by the Common Council and three of whom shall be appointed by the mayor (one of them restricted as per below). The remaining members of the board shall consist of: one representative from the City School District of Albany, one representative from The College of Saint Rose, one representative from the Albany Community Development Agency, one representative from the Albany Public Library and one current or former member of the local radio or television broadcast community who shall be appointed by the Mayor upon consultation with the PEGAOB Chairperson.

A minimum of four of the six members appointed by the Common Council and the Mayor shall be residents of the City of Albany and possess knowledge and interest in promoting public access cable television in the City of Albany. One Common Council appointment and one Mayoral appointment may reside outside of the City of Albany if said appointee provides a unique and desired expertise and commitment to the cause of public access television in Albany.

Section 2 – Terms of Appointment

The term of each member shall be three years. Members shall continue to serve on the Board until their successors have been appointed. All members are required to ensure Oaths of Office are taken and duly filed subject to compliance with the requirements of New York State Law. Any vacancy occasioned by resignation, death or removal of a member shall be filled promptly in the same manner as the predecessor to fill the unexpired term.

ARTICLE 4 – OFFICERS

The Board shall annually elect among its members the following executive officers: a chairperson, a vice-chairperson, a treasurer and a secretary. The Board shall create such other Executive Officer positions as it deems necessary to effectuate the purposes of the Board.

Section 1 – Chairman

The Chairman shall preside at all meetings of the Board. The Chairman shall preside over meetings of the Commission; shall have the power to appoint all committees as approved by the Board; and shall be an Ex Officio member of all committees; shall prepare any and all reports for the Board.

Section 2 – Vice-Chairman

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

Section 3 –Secretary

The Secretary shall record all votes and keep a record of the proceedings of the Board.

Section 4 –Treasurer

The Treasurer shall keep a record of financials of the PEG AOB to monitor and oversee any financial transactions of the PEG studio.

Section 5 – Fiscal Officers

The Chairman and the Treasurer shall be the fiscal officers of the Board and shall have full responsibility and authority to manage all necessary financial matters which the Board is authorized to undertake. However, where a Federal, State or Local law or administrative regulation requires such action, authorization to act must be obtained pursuant to a resolution adopted by a duly constituted quorum of the voting members of the Board.

ARTICLE 5 – COMMITTEES

Ad hoc (special purpose) committees may be created by majority vote at any regular or special meeting of the Board. Ad hoc committees shall be formed to fulfill a specific function that can be completed in a finite period of time. Each Ad Hoc Committee shall present a final report when the function is completed and the Committee shall be considered dissolved at that point unless a majority of the Board votes to continue its activities.

Ad Hoc Committees shall be chaired by members of the Board. The Chair of the Board shall appoint the Chair of each Ad Hoc Committee. The Chair of the Ad Hoc Committee is responsible for setting the date, time and place for Committee meetings, preparing agendas, presiding over Committee meetings, and reporting on the progress of the Committee at regular meetings of the Board.

Ad Hoc Committees have only the authority deemed necessary to complete their activities unless otherwise provided by a majority vote of the Board at a regular or special meeting.

ARTICLE 6 – MEETINGS AND PROCEDURES

Section 1 – Meetings

The Board shall meet no less than once per quarter and shall hold other meetings as deemed necessary. Meetings of the Committee shall be public and comply with provisions of the Open Meetings Law. Special meetings may be called by the Chairman or by any four members of the Board.

Section 2 – Quorum

Six members of the Board shall constitute a quorum.

Section 3 – Manner of Voting

Six votes shall be required to carry any motions before the Board. At meetings where only six members of the Board are present, a unanimous vote shall be necessary to constitute a vote of approval on any motions placed before the Board.

Section 4 – Attendance

Recognizing that members will occasionally have scheduling conflicts and last minute obligations that require them to be absent from a meeting, members who cannot attend a meeting must place a call to the Chairman prior to 5:00 pm on the day of the meeting to be considered an excused absence. The Chairman will keep a record of all excused absences and report the same to the Secretary.

If a member does not notify the Chairman prior to the scheduled meeting, their absence will be considered unexcused. Three absences by a member will be considered cause for the Chair to ask for the resignation of that member from the Board. The Chairperson, in his/her discretion, may make a formal request in writing to the Mayor or the Common Council for resignation of that member.

ARTICLE 7 – REPORTS

The Board shall report annually on or before February 1 to the Common Council regarding its activities and performance, including recommendations, if any, to the Mayor and the Common Council.

ARTICLE 8 – AMENDMENTS TO BY-LAWS

The by-laws of the Board shall be amended only with the approval of at least six (6) of the members at a meeting of the Board, provided, however, that no amendment shall be adopted unless at least five (5) days written notice reciting the substance of the proposed amendment has been given to each member of the Board.