

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY**

Meeting Date: August 19, 2008

Department: Public Affairs
Submitted By: Channel 20

Advisory Board Name: Education and Government Programming Advisory Board

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

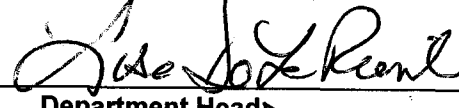
appointment of one (1) At-Large member to fill the Adult Education Seat 5 on the Education and Government Programming Advisory Board for a term of two (2) years.

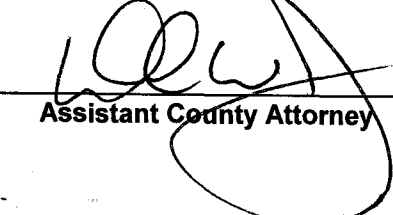
| <u>Nominee</u> | <u>Requirement</u> | <u>Seat</u> | <u>Nominated By</u> | <u>Term</u> |
|---------------------------------|--------------------|-------------|--|-------------------|
| Dr. Bernadette Mendonez Russell | Adult Education | 5 | Comm. Greene Comm. Koons Comm. Marcus Comm. McCarty Comm. Santamaria Comm. - Aaronson | 8/19/08 - 8/18/10 |

Summary: The Education and Government Programming Advisory Board was created by Resolution No. R-91-1489 and amended by Resolution No. R-92-388 on March 17, 1992. The Advisory Board consists of ten (10) (At-Large) members. Board members represent fields of expertise from the following categories: Broadcast General Manager; Engineer with experience in telecommunication systems; Marketing Director; Cable Industry; Adult Education; PBC Public School System; Member of the BCC; Municipal government representative; and two Citizens-at-Large. The members are appointed by the Board of County Commission and provide assistance in the operation of Channel 20. There is one (1) position on the Education and Government Programming Advisory Board that needs to be filled. The position to be filled is seat five (5) Adult Education. On July 3, 2008, a memo was sent to the Board of County Commissioners requesting nominations or appointments. Countywide (MJ)

Background and Justification: The Education and Government Programming Advisory Board consists of ten (10) members and was established by Resolution No. R-91-1489 on October 15, 1991. The Advisory Board was created to provide input and assistance in the operation of Palm Beach County Channel 20. Board members review various means to provide education and government programming to residents, provide input on marketing strategies, funding alternatives and technical recommendations.

- Attachments:**
- 1) Board Appointment Information Forms
 - 2) Memo to the BCC
 - 3) Current List of Advisory Board Members
 - 4) Resolution No. R-91-1489; Resolution No. R-92-388; Ordinance No. 92-4

Recommended by:  7/24/08
Department Head Date

Legal Sufficiency:  7/28/08
Assistant County Attorney Date


(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)




Memorandum

Date: July 2, 2008

To: Honorable Addie L. Greene, Chairperson and Members
Board of County Commissioners

Thru: Lisa De La Rionda, Director 
Public Affairs Department

From: Lester Williams, Station Manager 
Channel 20

Re: Ed. and Government Programming Advisory Board Appointment

Public Affairs Department
Channel 20
P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-4573
FAX: (561) 355-6685
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator
Robert Weisman

This memo is a request for a nomination and appointment to the Education and Government Programming Advisory Board. The Education and Government Programming Advisory Board currently has one (1) vacancy. Elsie Leviton resigned from the Adult Education Seat on the Advisory Board in February. The term for this seat expired February 28, 2008.

The person appointed to Advisory Board Seat Number Five, Adult Education, would serve a two (2) year term. The requirement for this seat is to be involved professionally in Adult Education.

Staff recommends the nomination and appointment of Dr. Bernadette Mendonez Russell from Palm Beach Community College. She has expressed interest in serving on the Education and Government Programming Advisory Board. Dr. Russell is the Provost of Palm Beach Community College's Boca Raton campus.

We have attached a completed Board Appointment information form for Dr. Russell should you elect to nominate her for the Advisory Board. We have also attached a blank Board Appointment information form for you to use if you have a nomination for this seat. Please fill out the form completely and return it to Public Affairs by Monday, July 21, 2008 so we may prepare an agenda item for your consideration on the Tuesday, August 19, 2008 agenda.

If you have any questions concerning the appointment or need additional information, you may contact me in the office at 561-355-2282. Thank you for your assistance.

Attachments

cc: Brad Merriman, Assistant County Administrator
Carey O'Donnell, Chair, Ed. and Gov't Programming Advisory Board
Members, Education and Government Programming Advisory Board

"An Equal Opportunity
Affirmative Action Employer"



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
EDUCATION AND GOVERNMENT PROGRAMMING ADVISORY BOARD**

I. AUTHORITY :

Ordinance No. 86-35; amended by Ordinance No. 91-42, amended by Ordinance No. 92-4, approved March 17, 1992; Resolution No. R91-1489, amended by Resolution No. R92-388 approved March 17, 1992.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Advisory Board shall consist of ten (10) members, with a representative from each of the following categories, and shall serve for the designated term: Broadcast General Manager (2 years); Engineer with experience in telecommunication systems (3 years); Marketing Director (2 years); cable industry (3 years); Adult Education (2 years); PBC Public School System (3 years); Member of the BCC (2 years); Municipal government representative (3 years); and two citizens-at-large (2 years).

IV. MEETINGS :

Meetings are held quarterly.

V. FUNCTIONS :

Review the various means available to provide educational and governmental programming for residents and for PBC's in-house training purposes; develop criteria for educational and government programs and review program line-ups; provide input on marketing strategies; explore funding alternatives; assist with technical recommendations; explore the implementation of a public access channel and make recommendations; and prepare, adopt and present to the BCC an annual report.

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Public Affairs

CONTACT PERSON

Lisa De La Rionda Director

ADDRESS

301 N Olive Ave Fl 11TH
West Palm Beach FL 33401
Phone # 561-355-2754



EDUCATION AND GOVERNMENT PROGRAMMING ADVISORY BOARD

| SEAT ID | CURRENT MEMBER | ROLE TYPE | RACE CODE | BUSINESS / HOME PHONE | SEAT REQUIREMENT | APPOINT DATE | RE-APPOINT DATE | EXPIRE DATE |
|--------------------------------|--|-----------|-----------|-----------------------|---------------------------|--------------|-----------------|-------------|
| Appointed By : AT Large | | | | | | | | |
| 1 | John Spinola 4119 W Blue Heron Blvd West Palm Beach FL 33404 | Member | EA | 561-845-2934 | Broadcast General Manager | 04/18/2006 | 04/18/2008 | 04/17/2010 |
| | NOMINATED BY : | | | | | | | |
| 2 | Keith Betts 1700 Palm Beach Lakes Blvd West Palm Beach FL 33407 | Member | EA | 561-358-1999 | Broadcast Engineer | 05/01/2006 | | 04/30/2009 |
| | NOMINATED BY : | | | | | | | |
| 3 | Carey O'Donnell 477 S Rosemary Ave 319 West Palm Beach FL 33401 | Member | EA | 561-832-3231 | Marketing Director | 04/18/2006 | 04/18/2008 | 04/17/2010 |
| | NOMINATED BY : | | | | | | | |
| 4 | Marta Casas-Celaya 1100 Northpoint Pky Ste 100 West Palm Beach FL 33407 | Member | EA | 561-227-3457 | Cable Industry | 02/27/2007 | | 04/17/2009 |
| | NOMINATED BY : | | | | | | | |

Appointed By : AT Large

| | | | | | | | | |
|---|--|--------|----|--------------|-----------------|------------|--|------------|
| 5 | Elsie Leviton 214 Wells Rd Palm Beach FL 33480 | Member | EA | 561-832-1139 | Adult Education | 03/01/2006 | | 02/28/2008 |
|---|--|--------|----|--------------|-----------------|------------|--|------------|

NOMINATED BY :

| | | | | | | | | |
|---|---|--------|----|--------------|------------------------|------------|--|------------|
| 6 | Deborah Stewart 3372 Forest Hill Blvd B 1 West Palm Beach FL 33406 | Member | AA | 561-434-8620 | School District Of Pbc | 05/01/2006 | | 04/30/2009 |
|---|---|--------|----|--------------|------------------------|------------|--|------------|

NOMINATED BY :

| | | | | | | | | |
|---|--|--------|----|--------------|---------------------|------------|--|--|
| 7 | Mary McCarty 301 N Olive Avenue 12th Fl 1: West Palm Beach FL 33401 | Member | EA | 561-355-2204 | County Commissioner | 12/08/2002 | | |
|---|--|--------|----|--------------|---------------------|------------|--|--|

NOMINATED BY :

| | | | | | | | | |
|---|---|--------|----|--------------|----------------------|------------|--|------------|
| 8 | Linda Hodgkins 340 Ocean Dr Juno Beach FL 33408 | Member | EA | 561-626-1122 | Municipal Government | 05/01/2006 | | 04/30/2009 |
|---|---|--------|----|--------------|----------------------|------------|--|------------|

NOMINATED BY :

| | | | | | | | | |
|---|---|--------|----|--------------|-------------------------------|------------|------------|------------|
| 9 | Sarah Alsofrom 777 S Flagler Dr Ste 500E West Palm Beach FL 33401 6194 | Member | EA | 561-804-4350 | Resident Of Palm Beach County | 07/11/2006 | 06/30/2008 | 06/29/2010 |
|---|---|--------|----|--------------|-------------------------------|------------|------------|------------|

NOMINATED BY :

Appointed By : AT Large

| | | | | | | | | |
|----|--|--------|----|--------------|-------------------------------|------------|------------|------------|
| 10 | Cheryl Carpenter 224 Datura St Ste 311 West Palm Beach FL 33401 | Member | EA | 561-655-7224 | Resident Of Palm Beach County | 06/01/2006 | 06/01/2008 | 05/31/2010 |
|----|--|--------|----|--------------|-------------------------------|------------|------------|------------|

NOMINATED BY :

RESOLUTION NO. R-91- 1489

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE EDUCATIONAL AND GOVERNMENT PROGRAMMING ADVISORY BOARD PURSUANT TO ORDINANCE NO. 86-35, AS AMENDED BY ORDINANCE NO. 91-42

WHEREAS, Ordinance No. 86-35, as amended by Ordinance No. 91- 42 _____, requires the establishment of an Educational and Government Programming Advisory Board by resolution; and

WHEREAS, an advisory board as such will greatly assist the Board of County Commissioners in the operation of its County Channel 20; and

WHEREAS, the continued success of County Channel 20 will further the interests of the residents and visitors of Palm Beach County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Creation.

An advisory board to be made known as the "Educational and Government Programming Advisory Board" is herein established.

Section 2. Membership.

The advisory board shall consist of nine (9) members, with a representative from each of the following categories, and shall serve for the designated term.

| | <u>TERM</u> |
|--|-------------|
| °Broadcast General Manager | 2 Years |
| °Engineer with experience in telecommunication systems | 3 Years |
| °Marketing Director | 2 Years |
| °Cable Industry | 3 Years |
| °Adult Education | 2 Years |
| °Palm Beach County Public School System | 3 Years |
| °Member of the Board of County Commissioners | 2 Years |
| °Municipal Government Representative | 3 Years |
| °Citizen-at-large | 2 Years |

Board members shall serve without compensation. All Board members must be residents of Palm Beach County at the time of appointment and while serving on the board.

Serving 3. Duties and Functions.

The advisory board shall have the following duties and functions:

- A. Review the various means available to provide educational and governmental programming for residents and for Palm Beach County's in-house training purposes.
- B. Develop criteria for educational and government programs and review program line-ups.
- C. Provide input on marketing strategies.
- D. Explore funding alternatives.
- E. Assist with technical recommendations.
- F. Explore the implementation of a public access channel and make recommendations.
- G. Prepare, adopt and present to the Board of County Commissioners an annual report.

Section 4. Subcommittees.

The advisory board shall establish a subcommittee to focus on educational programming, with concentration on adult education series and other community education opportunities. A subcommittee shall also be formed to address the needs of governmental programming. The board may form other subcommittees as needed.

Section 5. Meetings and Procedures.

The members of the advisory board shall hold an organizational meeting. At said meeting, the board shall determine a time and place for regular meetings and shall adopt rules of procedure as it may deem necessary. Meetings shall be held at least once a month for the first year, with meetings held bimonthly thereafter, unless it is deemed necessary to meet more frequently. All meetings of the board, including subcommittee meetings, shall be open to the public and must provide adequate notice of their meeting. A quorum shall be present at all meetings. A majority of the members appointed shall constitute a quorum. All meetings shall be governed by Robert's Rules of Order.

Section 6. Absences; Removal.

Lack of attendance/participation shall be a basis for automatic removal. Lack of attendance is to be defined as missing three consecutive meetings or one-half of the meetings within a calendar year. Participation for less than three-fourths of a meeting shall constitute lack of participation. Excused absences will not count against the attendance requirements. Any absence that is to qualify as excused must be voted upon and approved by the advisory board. The types of absences that can be considered excused are: 1) illness; 2) out of County; or 3) personal hardship. A business conflict is not to be considered excused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the advisory board. If a member exceeds the absence limit, the member will be removed from the advisory board, however, the appointing Commissioner at his/her discretion can reappoint the individual. Members removed under this section shall not continue to serve until a new appointment is made and removal shall create a vacancy. Any vacancy shall be filled by the Board of County Commissioners.

Section 7. Ethics; Conflict of Interest.

All advisory board members shall be governed by the applicable provisions of the Palm Beach County Ethics Ordinance upon its adoption. Abstention from voting due to a conflict of interest on more than three (3) separate matters during any calendar year shall result in automatic removal.

Section 8. Staff Support.

The Director of Public Affairs, the Cable Coordinator, and staff from County Channel 20 shall work closely with the advisory board and assist said board, as needed. The Director of Public Affairs or his/her designee shall be responsible for the preparation of the board's agenda and minutes. The Assistant County Attorney assigned to represent the Cable Television Division shall provide legal guidance as needed.

Section 9. Sunset.

This advisory board shall be reviewed three (3) years from the date of this resolution to determine whether to continue or dissolve the board. At least ninety (90) days prior to the scheduled review, the board shall submit a written recommendation

to the Board of County Commissioners as to whether the advisory board should be continued or dissolved. If the board recommends continuation, the recommendation shall also include any recommended revisions to this resolution.

The foregoing resolution was offered by Commissioner Roberts who moved its adoption. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

| | |
|-------------------|---------------|
| KAREN T. MARCUS | <u>AYE</u> |
| CAROL A. ROBERTS | <u>AYE</u> |
| CAROL J. ELMQUIST | <u>AYE</u> |
| MARY MCCARTY | <u>AYE</u> |
| CAROLE PHILLIPS | <u>NAY</u> |
| KEN L. FOSTER | <u>ABSENT</u> |
| MAUDE FORD LEE | <u>AYE</u> |

The Chair thereupon declared the Resolution duly passed and adopted this 15th day of October, 1991.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

John B. Dunkle, Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____

Joan Haverly
Deputy Clerk

By: _____

Dennis M. Distel
County Attorney

resolutn.egp



Meeting Date: March 17, 1992

Agenda Item #: 5A-2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

R-92-388

R/L 5-0 P/F abo

Consent [] Regular [] Ordinance [x] Public Hearing []

I. EXECUTIVE BRIEF

Request Submitted By: Public Affairs Department

Motion and Title:

Staff recommends adoption of a resolution amending Resolution R-91-1489 which established the Educational And Government Programming Advisory Board.

Summary

This amendment 1) provides for an additional citizen-at-large member to the Educational and Government Programming Advisory Board, and 2) provides for staff support clarification replacing the Cable Coordinator with the Channel 20 Station Manager to work with the advisory board.

This amendment to Resolution R-91-1489 which established the Educational and Government Programming Advisory Board will: 1) increase membership on the advisory board from nine (9) to ten (10) members with the addition of an additional citizen-at-large; and 2) assign the Channel 20 Station Manager as support to the board rather than the Cable Coordinator.

Background and Justification:

1) On October 15, 1991, the Board of County Commissioners established the Educational and Government Programming Advisory Board pursuant to Ordinance 86-35 as amended, providing for nine (9) members to be appointed to the board. On November 12, 1991, the Board of County Commissioners directed that membership on the advisory board should be expanded to ten (10) members, with provision for an additional citizen-at-large. This recommendation for amendment to Resolution R-91-1489 is in response to that directive. This item is in conjunction with the revision recommended by staff on this date to Section 2 of Ordinance 91-42 providing for expansion of the board to ten (10) members. Staff does have some concern that by creating an advisory board of ten members, this opens the possibility of a deadlock vote in the event the advisory board members must vote on a matter.

2) The Channel 20 Station Manager is responsible for the station's programming and operations, and therefore should be involved with the Educational and Government Programming Advisory Board as staff support.

Attachments:

Resolution R-91-1489
Revision to Resolution R-91-1489

Recommended by: [Signature] 2/11/92
Department Director Date

Reviewed By: [Signature] 2/12/92
OFMB Signature Date

Legal Sufficiency: [Signature] 2-12-92
County Attorney Date

Approved By: [Signature] 2-22-92
County Administrator Date

R-92-388

II. FISCAL IMPACT ANALYSIS (To be completed by the submitting Dept.)

Five Year Summary of Fiscal Impact:

| Fiscal Years | 19__ | 19__ | 19__ | 19__ | 19__ |
|-------------------------------------|--------------------------|--------------|------------|--------------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| Operating Revenues | _____ | _____ | _____ | _____ | _____ |
| Is Item Included In Current Budget? | Yes _____ | | No. _____ | | |
| Budget Account No.: | Fund _____ | Agency _____ | Org. _____ | Object _____ | |
| | Reporting Category _____ | | | | |

Recommended Sources of Funds/Summary of Fiscal Impact:

III. REVIEW COMMENTS:

OFMB Comments:

Fiscal:

No fiscal impact. *JK*

Contract Administration:

PREM: Real Estate Transactions only:

OTHER:

REVISED 10/89

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

RESOLUTION NO. R-92-388

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R-91-1489, PROVIDING FOR AN ADDITIONAL CITIZEN-AT-LARGE MEMBER TO THE EDUCATIONAL AND GOVERNMENT PROGRAMMING ADVISORY BOARD; AND PROVIDING FOR STAFF SUPPORT CLARIFICATION.

WHEREAS, the Board of County Commissioners established the Educational and Government Programming Advisory Board through Ordinance No. 91-38 and Resolution No. R-91-1489; and

WHEREAS, the Board of County Commissioners is desirous of adding another citizen-at-large to the Advisory Board's membership to enable further input by the citizen community; and

WHEREAS, the Station Manager of Channel 20 should be involved with the advisory board, as he is responsible for the station's operations and programming.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Section 2. "Membership" of Resolution No. R-91-1489 is amended to read:

°2 citizens-at-large.

2. Section 8. "Staff Support" of the same resolution is amended to read:

Section 8. Staff Support.

The Director of Public Affairs, the ~~Cable Coordinator~~ Channel 20 Station Manager; and staff from County Channel 20 shall work closely with the advisory board and assist said board, as needed. The Director of Public Affairs or his/her designee shall be responsible for the preparation of the board's agenda and minutes. The Assistant County Attorney assigned to represent the Cable Television Division shall provide legal guidance as needed.

R92 388

The foregoing resolution was offered by Commissioner
Roberts who moved its adoption. The motion was seconded
by Commissioner Lee and, upon being put to a vote,
the vote was as follows:

| | |
|-----------------------------|----------|
| KAREN T. MARCUS, CHAIR | - Aye |
| CAROLE PHILLIPS, VICE-CHAIR | - Absent |
| CAROL A. ROBERTS | - Aye |
| CAROL J. ELMQUIST | - Aye |
| MARY MCCARTY | - Aye |
| KEN FOSTER | - Absent |
| MAUDE FORC LEE | - Aye |

The Chairman thereupon declared the resolution duly
passed and adopted this 17 day of March, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

~~John B. Dunkle, Clerk~~
MILTON T. BAUER, CLERK

By: Deanna Martych By: Linda C. Hickman
Deputy Clerk

advisory.res

R92 388

Ordinance
Repealed by 97-25 *not relevant to* *form* **ORDINANCE NO. 92- 4**

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 86-35 AND ORDINANCE NO. 91-42; PROVIDING FOR AN INCREASE IN FRANCHISE FEES; PROVIDING FOR A REVISION IN THE TIME OF PAYMENT; PROVIDING FOR THE ELIMINATION OF THE PEG FEE; PROVIDING FOR TITLE CORRECTION; PROVIDING FOR ADDITIONAL MEMBERSHIP TO THE EDUCATION AND GOVERNMENT PROGRAMMING ADVISORY BOARD; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Cable Communications Policy Act of 1984, Section 622, enables the County, as the local franchising authority, to impose franchise fees; and

WHEREAS, the franchise fees are to be utilized for the administration of the cable television department and to compensate the County for the use of its public rights-of-way and facilities; and

WHEREAS, Palm Beach County desires to exercise its right, as reserved in Ordinance No. 86-35, Article XXIX, Section 1, to increase franchise fees to the extent permitted by law; and

WHEREAS, the Board of County Commissioners is desirous of eliminating the one percent (1%) fee that was utilized for capital expenditures for County Channel 20 so that the cable subscribers of Palm Beach County are not affected in any way; and

WHEREAS, the Board of County Commissioners created an Educational and Government Programming Advisory Board to assist them in matters relating to County Channel 20; and

WHEREAS, the Board of Commissioners desires to increase the membership of said Board from one citizen-at-large to two citizens-at-large as it is felt that participation by consumers would be beneficial to all citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1.

Article XII, "Fees", Section 1, of Ordinance No. 86-35 is hereby amended to read:

1 For the reason that the streets and other facilities of
2 the County to be used by the cable operator in the
3 operation of the cable system within the boundaries of
4 the franchise area are valuable public properties
5 acquired and maintained by the County at the expense of
6 its taxpayers, and that the grant to the cable operator
7 to use said streets and facilities as herein provided is
8 a valuable property right without which the cable
9 operator would be required to invest substantial capital
10 in rights-of-way costs and acquisitions, and as
11 consideration for the use of said streets and other
12 facilities of the County for the cable operator's
13 purposes herein provided, and to compensate the County
14 for foregoing its rights to provide the franchised
15 service itself; and to defray the expense of (1)
16 regulating cable operators, (2) administering this
17 ordinance, and (3) matters associated with this
18 ordinance; and to pay for the cost of the County's
19 funding the establishment and operation of Public,
20 Educational and Government Access Channels, including
21 capital costs, any every cable operator shall pay to the
22 County a franchise fee of ~~four percentum (4%)~~ five
23 percentum (5%) of its gross annual revenues for each year
24 of the term of the franchise. ~~The portion of the fee set~~
25 ~~forth herein for Public, Educational and Government~~
26 ~~Access Channels shall not be construed as a Public,~~
27 ~~Educational, and Government Access channel fee restricted~~
28 ~~in its use to capital costs by the Act.~~ Said franchise
29 fee shall be in addition to all other taxes, fees, and
30 assessments which are required to be paid to the County,
31 and which do not constitute a franchise fee under the
32 Cable Communications Policy Act of 1984. ~~Said franchise~~
33 ~~fee may be increased to the maximum amount permitted by~~
34 ~~law, including fees for capital costs associated with~~
35 ~~Public, Educational and Government services, as the Board~~
36 ~~of County Commissioners deems appropriate.~~

37 **SECTION 2.**

38 Article XII, "Fees", Sections 2(A), (E), and (F) of Ordinance
39 No. 86-35 is hereby amended to read:

40 (A) Franchise fees due and payable to the County shall be
41 calculated semi-annually, beginning with the period
42 January 1, 1992, to June 30, 1992, and every six months
43 thereafter. Payment shall be due within ~~ninety (90)~~
44 sixty (60) days after the close of the six month fiscal
45 period. Adjustments shall be made, if any, as a result
46 of the report required under Article XIII, Section 2, and
47 a surcharge made in accordance with Section 2(B) hereof,
48 if an underpayment to the County has occurred.

49 (E) In the event that any payment is not made within ten
50 (10) days after the ~~ninety (90)~~ sixty (60) day period
51 fixed in Section 2(A), compound interest on such payment
52 shall apply from such date at the prime rate of interest
53 as established by the Federal Reserve Board at the time
54 the ~~ninety (90)~~ sixty (60) day period expires.

55 (F) Prepayment of fees shall be reduced to present value
56 using a per annual interest rate two percentum (2%) below
57 the prime rate of interest as established by the Federal
58 Reserve Board at the time the ~~ninety (90)~~ sixty (60) day
59 period expires.

1 **SECTION 3.**

2 The title of Article XXXII, Section 1, set forth in Section 2,
3 of Ordinance No. 91-42, is hereby corrected to read:

4 Section 1. Activated Public Educational and Government
5 Channel.

6 **SECTION 4.**

7 Article XXXII, Section 2, of Ordinance No. 86-35, as amended
8 by Section 2 of Ordinance No. 91-42, is hereby amended to
9 expand the membership of the Educational and Government
10 Programming Advisory Board. The final category shall read:

11 *Two citizens-at-large.

12 **SECTION 5.**

13 Article XXXII, Section 7, "PEG Fees" of Ordinance No. 86-
14 35, as amended by Section 2 of Ordinance No. 91-42, is
15 hereby deleted in its entirety.

16 **SECTION 6. REPEAL OF LAWS IN CONFLICT**

17 All local laws and ordinances applying to the unincorporated
18 area of Palm Beach County in conflict with any provisions of this
19 ordinance are hereby repealed.

20 **SECTION 7. SEVERABILITY**

21 If any section, paragraph, sentence, clause, phrase, or word
22 of this ordinance is for any reason held by the Court to be
23 unconstitutional, inoperative or void, such holding shall not
24 affect the remainder of this ordinance.

25 **SECTION 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

26 The provisions of this ordinance shall become and be made a
27 part of the code of laws and ordinances of Palm Beach County,
28 Florida. The sections of this ordinance may be renumbered or
29 relettered to accomplish such, and the word "ordinance" may be
30 changed to "section," "article," or any other appropriate word.

31 **SECTION 9. EFFECTIVE DATE**

32 The provisions of this ordinance shall become effective upon
33 receipt of acknowledgement by the Secretary of State.

1 APPROVED and ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on the 17 day of March,
3 1992.

4 PALM BEACH COUNTY, FLORIDA, BY ITS
5 BOARD OF COUNTY COMMISSIONERS

6 By: [Signature]
7 Chairman

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 By: [Signature]
11 County Attorney

MILTON F. BAUER, CLERK
Board of County Commissioners

12 By: [Signature]
13 DEPUTY CLERK

14 Acknowledgement by the Department of State of the State of
15 Florida, on this, the 24th day of March,
16 1992.

17 **EFFECTIVE DATE:** Acknowledgement from the Department of State
18 received on the 27th day of March, 1992,
19 at 2:20 P.M., and filed in the Office of the Clerk of the Board of
County Commissioners of Palm Beach County, Florida.

increase2.ord