# OFFICE OF THE CITY CLERK

# REPORT

**TO THE HONORABLE MAYOR AND CITY COUNCIL**

DATE: July 15, 2005 REPORT NO.: 05-06

SUBJECT: PROPOSED RESTRUCTURING OF THE OFFICE OF THE CITY CLERK

SUMMARY: THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE CITY COUNCIL.

## BACKGROUND

During the June 13, 2005 City Council Meeting, a proposed restructuring of the Office of the City Clerk was referred to the Transition Committee for consideration. The report suggested moving the City's current Technology Services Department's Video and Web Services, as well as an audio or communications component into the Clerk's Office. It also recommended establishing a "Communications Oversight Committee" consisting of non-city employees to advise the City Clerk's Office, the Mayor and the Council on ways to bring new technology into the Office of the City Clerk as it relates to the City TV, website, public records access and website development.

Information was gathered relating to this proposal from eight cities that currently have a Strong Mayor form of government. The following questions were posed:

1. Where is your cable television/web group located in your city structure?
2. Who does it report to (Mayor, Council, City Manager, etc.)?
3. What measures are in place for determining programming or resource allocation?

A spreadsheet that summarizes the results is attached for your consideration (see Attachment 1).

Staff is available to answer questions.

Informational Attachments
Attachment 2: Council Policy 700-37 (City Use of Cable Television)
Attachment 3: Municipal Code Chapter 7, Article 3, Division 1 (signal degradation)

| City | Location in City Structure | Reports to.... | Measures in Place to oversee Programming and/or Resource Allocation? |
|---|---|---|---|
| San Diego (Current) | Information Technology | City Manager | Council Policy 700-37 (City Use of Cable Television) provides guidelines for programming & resource allocation. Budget is apporved as part of Legislative process. |
| Los Angeles | Information Technology | Mayor | Municipal Access Policy Board = a citizen advisory board that oversees programming. This group also established policies and procedures adopted by the City Council. The Legislative Body approves budget so oversees resource allocation. |
| San Francisco | Department of Telecommunications | Mayor | Content/Programming is driven by resource allocation - the budget for the Dept of Telecommunications is finalized as part of the Mayor's Budget Process. There is no Citizen Advisory group or active Commission involved in the process. |
| Boston | Information Systems | Mayor | Programming occurs as a function of resource allocation - approved as part of budget process. The Director of Cable Communications works with both Mayor & Council Offices to determine priorities. No Citizen Advisory Group. |
| Oakland | Marketing | City Administrator/Mayor | The cable TV station (KTOP) is part of a spectrum of marketing resources: web, public information officers, etc. The content is guided by existing policies, feedback from the legislative body and input from the Mayor's Office. |
| Seattle | Information Technology | Mayor & Technology Committee | The Chief Technology Director reports directly to the Mayor, but also reports every two weeks to the Technology Committee (made up of Councilmembers). A Content Manager works with input from these two groups to balance programming. |
| Houston | Mayor's Office | Mayor | The Division Manager of the Municipal Channel sets the programming schedule. There are specific policies & procedures in place to direct resources. Would not recommend Citizen Advisory Group. |
| Detroit | Non-departmental Entity | Cable Commission | Cable Commission helps guide programming - 4 members appointed by Mayor/3 by Councilmembers. The City Council approves the Director and Deputy for the cable station - this provides a balance for resource allocation. |
| Cincinnati | Agency | City Manager/ Mayor | The Cable group has its own set of policies & procedures that guides programming content. The Citzen Advisory Group was disbanded years ago. Struggles for resources generally happens more among Councilmembers than Mayor vs Council. |

Attachment 1

CITY OF SAN DIEGO, CALIFORNIA

# COUNCIL POLICY

CURRENT

SUBJECT: CITY USE OF CABLE TELEVISION
POLICY NO.: 700-37
EFFECTIVE DATE: July 20, 1977

## BACKGROUND:

Local cable television franchises must, in accordance with Federal Communications Commission rules, make available without charge at least one "specially designated channel for local government uses" and at least one "specially designated channel for local public uses." The Access Channel requirement offers the City and the public the opportunity to employ the most recent innovations in cable television technology in an effort to provide more efficient and more effective government and community service to the public. Although the channels are to be provided by the cable franchise without cost, government, agencies, and the public using the channels are requires to pay all program production costs on the Government Access Channel. The franchises will cooperate with other interested bodies in off-setting costs on the Public Access Channel (as provided for in F.C.C. regulations).

## PURPOSE:

1. To provide an orderly procedure by which the Council, management and staff will be able to select potential program ideas, prioritize scheduling, and produce programs in the public interest suitable for transmission on local cable television systems.

2. To insure that members of the public will be able to submit suggested program ideas, and to provide for a review of the administration of the use of the Government Access Channel by a committee representing the offices of the Mayor, the City Council and the City Manager and including citizens with experience and/or interest in the subject.

3. To establish guidelines for the funding and disbursement of funds for City cable television program production.

## POLICY:

### A. General Policy

1. The Government Access Channel shall be used for the presentation of program material relating to the local government matters and may also be used for the presentation of material relating to community services with the approval of the City Manager or the committee provided for in this policy (Section B.5. (b)).

2. The Government Access Channel shall not normally be used for the telecasting of programs whose major issue is one which is controversial and which has not been decided by the City Council or the voters.

   a. The Government Access Channel shall not be used for the promotion of any political candidacy or for the promotion of any ballot measure.

b. To insure balanced presentation of any controversial program subjects, all such program proposals shall be submitted to the committee established under Section B.5.(b) of this Policy.

c. The Committee shall not finalize the program script or outline until it shall have afforded an opportunity to all Council members and other interested officials and organizations to submit suggestions for the purpose of assuring that all sides of the controversial issue are fairly and accurately represented.

d. Notwithstanding the above, this policy shall not be construed to discourage the use of the Government Access Channel for the telecasting, either in whole or in edited version, of any meeting of the City Council or its committees or other City boards, commissions or committees, when the subject under consideration is of interest to the public in the City of San Diego, irrespective of the fact that the subject(s) under consideration may be controversial.

3. Government access programming shall be directed toward effective delivery of government services and information. Specifically, programming should:

a. augment or improve delivery to the public of either (i) existing local government and community services or (ii) information describing such services; or

b. facilitate introduction to the public of new local government or community services and information; or

c. provide background information and alternative courses of action concerning policy issues of importance to the community.

4. The City will coordinate program scheduling and production efforts with similar programming efforts made by other local franchising authorities, provided all such programming conforms to the guidelines described herein under Section A., paragraphs 1, 2 and 3.

5. The City Council finds that public access television is of significant value to the community, and it shall be the policy of the City Council that the Council and the City staff shall make every reasonable effort to insure for the continued provision of public access channels. This policy may be exercised in dealing with franchises and with other regulatory agencies.

B. Operating Policy

1. The City Manager shall develop a procedure, subject to review by Council and the committee established under Section B.5. (b), for the coordination and prioritization of recommendations for production of scheduled programming. At the discretion of the committee, outside consultants and local community professionals may be requested to assist with the procedure.

2. In order to coordinate programming recommendations, the City Manager shall approve the programming recommendations for both Managerial and Non-Managerial Departments;

insuring that such approval is in conformance with the guidelines described under Section A (General Policy), and subject to review by the committee established under Section B.5. (b).

3. Priority for each approved program shall be determined after consideration of each of the following factors:

   a. estimated production costs and available program production resources within the City and including the community;

   b. degree of interest from Council, organizations and the public, as demonstration of an assessment of need for the program;

   c. timeliness, when it is appropriate to consider it as a factor;

   d. the value of the program in meeting program objectives of the City.

4. Production costs of the government access programming will be paid from the balance of funds generated by the cable television franchise fees after sufficient funds have been allocated for payment of all cable franchise administrative and regulatory costs and other related costs which have been approved by the Council.

5. a. Seventy-five percent of the funds available for production shall be allocated to production of regularly scheduled programming. A schedule of regular programming shall be included in the annual budget proposal submitted to Council by the Citizens Assistance and Information Department.

   b. The remaining twenty-five percent of the available production funds shall be included in the Citizens Assistance and Information Department budget as "unscheduled program funds" and shall be allocated at the discretion of a committee consisting of representatives of the City Manager's Office, Mayor's Office, City Council Office, and an equal number of individuals from the community at large (unless the above are appointed from the community). The Council's appointments shall be made by resolution of the Council. Further responsibilities of the committee are stated throughout this Policy and in Administrative Regulation referencing this Policy.

HISTORY:

Adopted by Resolution R-218886 07/20/1977

# Chapter 7
# Public Utilities and Transportation

## Article 3: Cable Television
*(Editors note: Title added 8–9–1988.)*

## Division 1: Cable Television System Operating Rules and Regulations
*("Cable Television System Operating Rules and Regulations" added 7–7–1970 by O–10335 N.S.)*

### §73.0101 Citation of Ordinance

This division may be cited as the San Diego Cable Television System Operating Rules and Regulations Ordinance.
*(Amended 4–6–1981 by O–15480 N.S.)*

### §73.0102 Rules of Construction

This division shall be construed liberally in order to effectuate its purposes. Unless otherwise specifically prescribed in this division the following provisions shall govern its interpretation and construction:

(a) When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

(b) Time is of the essence in this division. No franchise holder or owner shall be relieved of his obligation to comply promptly with any provision of this article by any failure of City to enforce prompt compliance with any of its provisions.

(c) Any right or power conferred, or duty imposed upon any officer, employee, department or board of City is subject to transfer by operation of law to any other officer, employee, department or board of City.

(d) No franchise holder or owner shall have any recourse whatsoever against City for any loss, cost, expense or damage arising out of any provision or requirement of this division or the enforcement thereof.

(e) This division does not relieve any franchise holder or owner of any requirement of the City Charter or of any ordinance, rule, regulation or specification of City.

*("Rules of Construction" added 7–7–1970 by O–10335 N.S.)*

## §73.0103 Purpose and Intent

The purpose and intent of this division is to assure that residents of the City of San Diego who subscribe to the service of a cable television system which has been granted a franchise by the city shall receive television signals without degradation within the limitations imposed by the state of the art. These standards shall apply to all channels carried on a cable system.

*(Amended 4–6–1981 by O–15480 N.S.)*

## §73.0104 Definitions

Whenever used in this division the following words or phrases shall mean:

(a) "City" shall mean The City of San Diego, a municipal corporation in the State of California.

(b) "Council" shall mean the City Council of City.

(c) "City Manager" shall mean the City Manager of City as that office is defined in Section 27 of the City Charter and any officer or employee of City appointed by the City Manager to act for him.

(d) "Cable Television System" shall mean a system of antennas, cables, wires, lines, towers, wave guides, or any other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, amplifying and distributing, audio, video and other forms of electronic or electrical signals, located in the City as delineated in each franchisee's ordinance.

(e) "FCC" shall mean the Federal Communications Commission.

(f) "Franchise" shall mean the right and authority granted by an ordinance of City to construct, maintain and operate through use of public streets, or other public rights of way or public places in City.

(g) "Grantee" shall mean the person to whom the franchise is granted by an ordinance of City and any lawful successor or assignee of the original grantee.

(h) "Local Station" shall mean a television broadcaster maintaining its main studio in City or operating a transmitter in City or within 10 miles of City's limits.

(i) "Subscriber" shall mean any person or entity receiving for any purpose the Cable Television System service of grantee.

(j) Technical abbreviations shall have the meanings as described in "The Institute of Electrical and Electronics Engineers, Standard No. 198, Radio–Electronic Terms, abbreviations of."

(k) Technical Definitions.

(1) "Signal Level, or Visual Carrier Level." The peak voltage of a radio frequency carrier wave, modulated with FCC standard composite TV signal, measured during the synchronizing interval.

(2) "dBmV." The unit of signal or noise level referred to one millivolt across 75 ohms. (0 dBmV equals 1000 microvolts across 75 ohms.)

(3) "Noise Level." The root–mean–square voltage of noise level due to modulation processes, thermal or other noise providing effects but does not include hum and other undesired signals of discrete frequency. The noise is measured in the 4.0 MHz bandwidth between 1.25 and 5.25 MHz above the lower channel boundary of a cable television channel.

(4) "Signal (or carrier) to noise ratio." The difference in dB between signal level and noise level on the same channel.

(5) "Cross–Modulation." The transfer of modulation from one channel to another.

(6) "Hum Modulation Ratio." The ratio between the peak–to–peak ripple at 60 or 120 Hz on an otherwise unmodulated carrier, to the peak carrier level.

(7) "Spurious Signals." Any discrete frequency occurring within the channel boundaries which is not a desired carrier, subcarrier, or sideband.

*(Amended 4–6–1981 by O–15480 N.S.)*

## §73.0105 General Requirements

(a) Local Service Office. Each franchisee shall maintain an office within the City of San Diego which shall have a local telephone number listed in the directory of The Pacific Telephone Company, and be operated so that all manner of subscriber inquiries may be handled during regular offices hours, and that repair calls may be received at any time. An office shall be open during reasonable business hours and for at least four (4) hours per week of extended operation either on weekday evenings after 5 p.m., or on weekends, to be scheduled at the discretion of the franchisee.

(b) The grantee shall provide to each subscriber written notice of the procedures for reporting and resolving complaints at the time of the initial subscription to the cable system and at any other time the grantee makes a change in his office location, his telephones or his complaint procedures. Present subscribers shall be so notified within 90 days of the adoption of this ordinance.

(c) If a subscriber or prospective subscriber is unable to obtain satisfaction from the grantee in the resolution of a problem or in the initiating of service, he may file a written complaint with the City Manager of The City of San Diego, 202 "C" Street, 92101. The letter should include the complainant's name, address and telephone number, the name of the cable television system involved, the nature of the problem and a chronological history of his and the company's actions relative to the complaint. Upon receipt of such a written complaint the City Manager shall take such action as is reasonably necessary to investigate and resolve the circumstances surrounding the complaint.

(d) Carriage of Local Stations. All local stations carried on a Cable Television System shall have as high a picture quality as any other station carried on the Cable Television System. However, a Cable Television System franchise grantee shall not be required to upgrade the quality of the off–the–air signal received to comply with this section.

(e) All programming carried on a cable television system including Los Angeles or any other distant station shall be maintained in a manner that fully complies with the provisions of this ordinance. Any change made by grantee in its programming, except those of an emergency nature beyond grantee's control, which involves channel carriage including, but not necessarily limited to, additions, deletions or changes in channel assignment shall not become effective until grantee has notified its subscribers at least fourteen (14) days in advance. Notification may be made in writing or by notices on the cable system.

(f) System Maps and Layout. The grantee shall have at all times up–to–date route maps of suitable scale showing all receiving pickup locations and the location of all amplifiers and trunk and distribution lines. Lines to individual outlets need not be shown. The scale of the maps shall be sufficient to clearly show the required details, and in no event less than 1 inch = 400 feet.

(g) System Construction Standards. The system shall be installed and maintained in accordance with standard good engineering practices and shall conform when applicable with the National Electrical Safety Code, Bureau of Standards Handbook No. 130, Rules for Overhead Line Construction (General Order No. 95) and Rules for Construction of Underground Communications Systems (General Order No. 128) of the California Public Utilities Commission, the California Administrative Code, Title 24, Part 3, The City of San Diego Municipal Code, and any other governmental agency standards or codes which are adopted in the future which directly or indirectly apply to cable television system construction standards.

(h) Grounding. Trunk, distribution, and customer drops shall be properly grounded, but in no case less than the first and every tenth pole plus each power location. Each ground shall consist of a minimum of 8' ground rod connected with No. 8 copper wire or equivalent.

(i) Power Supply r.f. Attenuation. Each cable powering point shall be equipped with appropriate lightning protective devices, and shall provide not less than 40 dB r.f. attenuation over the frequency range of 5 to 300 MHz.

(j) Shielding. Shielding shall be such as to restrict radiation as prescribed in Section 76.0605(a) (12) of the FCC Rules and Regulations.

*(Amended 1–17–1984 by O–16114 N.S.)*

## §73.0106 Test Data Required

(a) Head–End. Upon completion of construction or major modification or within sixty days from the date of adoption of this article, the following performance data shall be collected at the head–end using appropriate test signals consistent with the state of the art inserted at the antenna input terminals, and measured at the interface between the single channel equipment output and the channel combining networks. Tower mounted transmission lines, filters, preamplifiers and UHF/VHF converters are excluded from the following tests: However, where possible, transmitted vertical interval test signals should be observed to indicate whether excluded tower equipment substantially meets performance standards.

(1) Video carrier to noise.

(2) Multiburst frequency response.

(3) Differential phase.

(4) Differential gain.

(5) Magnitude and frequency of spurious signals.

(b) A copy of the annual measurements and report required by the FCC shall be provided to the City.

(c) Trunk Monitor Check Points. The franchisee shall designate trunk monitor points strategically located in the distribution plant. The total number of trunk route miles divided by the number of designated monitor check points shall not exceed 20. Such monitor check points shall be subject to approval by the City Manager.

The following data shall be collected and recorded at each trunk monitor check point no fewer than once per month:

(1) Visual and aural carrier levels on all channels.

(2) Video carrier to noise ratio on all channels (measured without interrupting service).

(3) Visual inspection of pictures on all channels for visible distortion produced within the cable system.

(d) Repetition of Tests. If the City Manager deems it necessary to assure distribution of TV signals without material degradation, he may from time to time request a franchise grantee to repeat part or all of the performance tests specified above, as appropriate.

(e) Retention of Test Data. All performance test results, as well as complaint reports hereinafter specified shall be kept on file by the franchisee for a period of at least twelve months. All such files shall be open for inspection at reasonable times by City Manager.

*(Amended 4–6–1981 by O–15480 N.S.)*

## §73.0107 Performance Standards

(a) The visual signal level across a terminating impedance which correctly matches the internal impedance of the cable system as viewed from the subscriber terminals shall be not less than the following appropriate values:

| Internal Impedance | Visual Signal Level |
|---|---|
| 75 ohms | 1 millivolt |
| 300 ohms | 2 millivolts |

(At other impedance values, the minimum visual signal level shall be the square root of 0.0133 z millivolts, where Z is the appropriate impedance value.)

(b) The visual signal level on each channel shall not vary more than 12 dB within any 24 hour period and shall be maintained within:

(1) 3 dB of the visual signal level within 6 MHZ nominal frequency separation, and;

(2) 9 dB of the visual signal level on any other channel, and;

(3) A maximum level such that signal degradation due to overload in the subscriber's receiver does not occur.

(c) The peak voltage of the aural signal on Class I standard broadcast signals shall be maintained between 13 and 17 dB below the associated visual level. On pay service channels with scrambling devices the aural signal may be 10 dB below the visual signal level.

(d) The ratio of visual signal level to system noise shall be not less than 36 dB.

(e) Cross modulation ratio on any channel shall not exceed –50 dB. There shall be no visible cross–modulation products produced on any channel carried by the Cable Television System.

(f) Multiburst frequency response of single channel equipment for head–end shall conform with the following:

| White Level | OdB Reference |
|---|---|
| 0.5 MHz | +0, 2dB |
| 1.5 MHz | +0, 2dB |
| 3.0 MHz | +0, 2dB |

| | |
|---|---|
| 3.2 MHz | +0, 2dB |
| 3.58 MHz | +0, 2dB |
| 4.1 MHz | +0, 2dB |
| 4.18 MHz | +0, 6dB* |
| 4.2 MHz | No Specifications |

***Not more than 4dB below the level of the 3.58 MHz burst.**

(g) Because there is no FCC tolerance on transfer linearity, single channel equipment should be adjusted for the best practicable performance. In no case, however, shall system differential phase exceed 5 degrees, nor shall differential gain exceed 2 dB.

(h) Spurious frequencies in any channel shall be attenuated at least 46 dB below visual carrier level as defined in Section 73.0104, paragraph (k), unless it can be shown that a particular spurious frequency at higher level is not perceptible on a commercial TV set.

(i) Incidental radiation shall conform with FCC specifications, Section 76.605 (a) (12).

(j) The peak to peak variation in visual signal level caused by undesired low frequency disturbance (hum or repetitive transients) generated within the system, or by inadequate low frequency response shall not exceed –3% of the visual signal level.

(k) The channel frequency response shall be within the range of + or –2 decibels for all frequencies within –1 MHZ and +4 MHZ of the visual carrier frequency.

(l) Direct pick–up causing leading ghosts or blanking bars or co–channel interference, shall not be visible on a thoroughly shielded test receiver connected to any service drop. Ghosts, unwanted signals, ringing, or reflections of any sort shall be either eliminated or minimized, subject to the limitations imposed by the technical state of the art. The design, construction, and operation of the entire Cable Television System from antenna to service drops and baluns shall be such as to minimize all such reflections and stray pickup.

(m) Cable Television systems shall conform to all applicable FCC Rules and Regulations. Should the FCC at some future date relinquish regulation of cable television systems, the City shall retain the same FCC technical standards and regulations under this ordinance as applicable.

*(Amended 4–6–1981 by O–15480 N.S.)*

## §73.0108 Measurement Methods

(a) Signal level measurements shall be made with a properly adjusted and calibrated selective r.f. voltmeter or signal level meter or spectrum analyzer.

(b) System noise may be measured using a frequency–selective voltmeter (field strength meter) which has been suitably calibrated to indicate rms noise or average power level, and which has a known bandwidth. An oscilloscope should be connected to the video output of the field strength meter to insure that any peaks that may be noted are not caused by a spurious frequency or cross modulation interference problem. With the system operating at normal levels and with a properly matched resistive termination substituted for the antenna, noise power indications at the subscriber terminal are taken in successive increments of frequency equal to the bandwidth of the frequency-selective voltmeter, summing the power indications to obtain the total noise power present over a 4.0 MHz band centered within the cable television channel. If it is established that the noise level is constant within this bandwidth, a single measurement may be taken which is corrected by an appropriate factor representing the ratio of 4.0 MHz to the noise bandwidth of the frequency selective voltmeter. If an amplifier is inserted between the frequency–selective voltmeter and the subscriber terminal in order to facilitate this measurement, it should have a bandwidth of at least 4.0 MHz and appropriate corrections must be made to account for its gain and noise figures. Alternatively, measurements made in accordance with the NCTA standard on noise measurement (NCTA Standard 005–0669) may be employed.

(c) When deemed necessary by the City Manager, cross modulation shall be measured as follows:

Method 1. A block diagram of the setup for this test is on file in the office of the City Clerk as Document No. 732488. Normal picture and sound input signals (including FM signals where carried) are supplied to each channel to be carried except the channel under observation; a CW signal is supplied to the viewing channel at white level. No cross–modulation products

("wind-shield-wiper" effects) should be visible on a monitor receiver located at an appropriate test drop, at an ambient temperature of 32 degrees Fahrenheit or above.

(d) Spurious signals may be detected and identified with a spectrum analyzer or other suitable instruments.

*(Amended 4–6–1981 by O–15480 N.S.)*

## §73.0109 Complaint Procedures

(a) The grantee shall keep a record of all complaints from subscribers. The record shall identify the subscriber and his address, the location and date of the complaint, and a technician's report on the disposition of the complaint including the following items, as applicable.

(1) Carrier levels at the service drop terminal.

(2) Carrier levels and carrier to noise ratio at the customer's receiving outlet. (Note: since interruption of service to other customers must be avoided, it is recognized these noise measurements may not be entirely accurate.)

(3) If the complaint is caused by defects in customer's TV set, including inadequate shielding or grounding, explain.

(4) If the complaint involves direct pick–up, describe tests to determine whether there is leakage into the cable system. A code reference to the test procedure used is acceptable if the procedure instruction is on file in the cable television office records and the City Communications and Electrical Division's records.

(5) Make and model and effectiveness of the antenna switch installed, if any.

(6) If the complaint involves visible crosshatch or herringbone interference, describe fully, including probable causes and corrective steps. (Note: such interference also may be present on signals received directly without cable.)

(7) Visual check for cross–modulation (without interrupting service to customers.)

(8) Check for problems originating at the head–end.

(9) Other relevant remarks, including corrective action taken.

(b) Upon request of the City Manager, grantee shall, within ten (10) days after receiving such request, send a written report to Manager with respect to any complaint. Such report shall provide a full explanation of the investigation, findings, and corrective steps taken. When the complaint concerns technical performance, such report shall include the items in subsection (a) of Section 73.0109, as applicable.

(c) The grantee shall acknowledge complainants' requests for repair or adjustments promptly, but in no event longer than 16 hours after notice.

(d) The grantee shall commence all repairs and adjustments within 72 hours after notice and complete all repairs or adjustments promptly, but in no event longer than 7 days after notice, except for unavoidable delays, without fault and beyond control of the grantee (financial inability excepted).

(e) The grantee shall limit failure to a minimum by locating and correcting malfunctions promptly, but in no event longer than 24 hours after notice, except for unavoidable delays, without fault and beyond control of the grantee (financial inability excepted).

*(Amended 1–17–1984 by O–16114 N.S.)*

## §73.0110 Data Forms and Reports

(a) Cable Television Systems franchise holder shall provide the City Communications and Electrical Division with copies of the following documents:

(1) Data taken in accordance with the monthly Cable Television Performance Report.

(2) "Annual Report of Cable Television Systems" (FCC Form 325) shall be submitted after filing same in accordance with FCC Rules and Regulations, Part 76, Subpart 1, Paragraph 76.403.

(3) Any other reports submitted to other regulatory agencies related to the performance of the Cable Television System.

*("Data Forms and Reports" added 4–6–1981 by O–15480 N.S.)*

## §73.0111 Constitutionality

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The Council hereby declares that it would have adopted the article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

*(Renumbered from Section 73.0110 on 4–6–1981 by O–15480 N.S.)*