

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND
Resolution 2013-R-17

Introduced by: CM Alan Thompson

Date Introduced: July 1, 2013

Date Adopted: July 1, 2013

Date Effective: July 1, 2013

FOR THE PURPOSE of adopting amended I-Net Committee bylaws.

WHEREAS, the Mayor and Council of the Town of Riverdale Park have authority pursuant to Article 23A of the Annotated Code of Maryland to regulate cable television franchises located within the rights of way of the City; and

WHEREAS, the Prince George's County Intergovernmental Network ("I-Net") is an institutional network of fiber optic cable that was constructed as part of the franchise agreement between Prince George's County, participating municipalities and Comcast; and

WHEREAS, the I-Net is governed and managed by the Prince George's Intergovernmental Community Coordinating Committee ("PGINCCC") which is made up of Prince George's County and sixteen participating municipalities; and

WHEREAS, the PGINCCC has adopted Bylaws for governance and financial support of the I-Net, a copy of which is attached as Exhibit A; and

WHEREAS, the Bylaws include a provision for acceptance of additional local government members which authorizes PGINCCC to establish reasonable conditions for participation, including financial contributions for past expenses; and

WHEREAS, PGINCCC has determined as reasonable conditions for new members that the local government must adopt the I-Net Bylaws and pay a contribution as calculated in Exhibit B; and

WHEREAS, the Mayor and Council have determined that it is in the public interest that the Town join the I-Net and become part of the PGINCCC; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to adopt the I-Net bylaws and pay the contribution as required.

NOW THEREFORE, the Mayor and Council of the Town of Riverdale Park do hereby resolve:

1. That the Town does hereby adopt and approve the Bylaws of PGINCCC, attached hereto as Exhibit A, and assume the financial obligations that membership in the I-Net requires.

2. That the Town is hereby authorized to pay the contribution required to join the PGINCC and participate in the I-Net, as calculated in Exhibit B.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK



Sara Imhulse, Town Administrator



Vernon Archer, Mayor

EXHIBIT A

Amended: Feb 22, 2013

AMENDMENTS TO THE BYLAWS OF THE PRINCE GEORGE'S INTERGOVERNMENTAL NETWORK COMMUNITY COORDINATING COMMITTEE

SECTION 1. NAME: Prince George's Intergovernmental Network Community Coordinating Committee (the "I-Net Committee").

SECTION 2. PURPOSE AND POWERS: The I-Net Committee shall serve as the agent of the Member Communities for the purpose of jointly constructing, managing, maintaining and financing a County-wide Institutional Network (I-Net), pursuant to applicable federal and state laws. Inherent in this purpose is the principle that each Member Community shall be guaranteed the indefeasible right to use the I-Net, without interference by any other, for the uses envisioned in each of the Cable Franchise Agreements ("Franchise Agreement") signed and executed between Jones Communications of Maryland, Inc., (now known as Comcast Cablevision of Maryland, Inc.) and the Member Communities. The I-Net Committee may also serve as an advisor to any Member Community on cable and telecommunications related matters. The I-Net Committee's power shall include authority to:

1. receive, manage and disburse that portion of each participating community's Capital Equipment Support Grant funds contributed to the I-Net Committee, and any other funds received by the I-Net Committee, for purposes of the joint construction, management, maintenance and financing of the Institutional Network;
2. manage and operate the I-Net;
3. provide technical assistance and advice to any Member Community or I-Net user on utilization of the Capital Equipment Support Grant and/or in acquisition of hardware/software for use with the system;
4. monitor cable and telecommunications system upgrades and new construction;
5. advise Member Communities on cable franchise and I-Net matters;
6. recommend to Member Communities amendments to these bylaws;
7. provide information and guidance related to any violations of Member Communities' cable franchise or similar agreements;
8. appoint a Treasurer to receive, invest and disburse funds and to take other action as directed by the I-Net Committee for the joint construction, management, maintenance and financing of the I-Net;
9. Take any action normally related to these purposes and powers.
10. Adopt and monitor guidelines for the day to day operation and maintenance of the I-Net by Prince George's County.

SECTION 3. MEMBERSHIP: Local governments initially eligible for membership on the I-Net Committee shall consist of the franchise authorities listed in Appendix I. Membership shall be effective upon election of the government to join the I-Net Committee. Each member community shall participate, at a minimum, on one task force or work group created pursuant to these bylaws. In addition, the I-Net Committee may from time to time admit other Maryland local governments to membership. The Committee may establish reasonable conditions for

additional members, including financial contributions for past expenses. In the event a local government's membership terminates pursuant to Section 4 of these Bylaws and they wish to become a member again, the following shall occur: 1) written notification of the local government's intent to become a member again shall be submitted to the I-Net Committee; and 2) the I-Net Committee shall review and evaluate each request, and, if appropriate, require payment of the cost of reconnection to the I-Net. Each member community will provide annually copies of checks received from cable providers. (Amended 2/14/2008, 3/12/2010.)

SECTION 4. TERMINATION OF MEMBERSHIP: Membership of any local government to the I-Net Committee shall terminate:

1. upon notice from the Community to the I-Net Committee's Executive Committee; or
2. upon failure to authorize payment of amounts required under Section 8 of these Bylaws.

SECTION 5. ORGANIZATION:

Generally, as to all committees and workgroups created hereunder, a majority vote shall cause the group to meet, any group member may add an item to the agenda, and each group chooses its own chairperson, except for the I-Net Committee.

A. THE I-NET COMMITTEE: Each franchising authority eligible to participate in the governance of the I-Net shall have a seat on the I-Net Committee. Each franchising authority may choose its own representative to the I-Net Committee, which shall meet at least one time per year to approve the budget and any by-law changes, and the acceptance of new members. The Chair of the I-Net Committee shall be the Chair of the Executive Committee. Adoption of the budget, acceptance of new Member Communities to the I-Net Committee and amendments to these bylaws may be done only at a meeting called for the full I-Net Committee.

B. THE EXECUTIVE COMMITTEE: The I-Net Committee shall be governed by an Executive Committee consisting of sixteen voting members. Eight members shall be appointed by Prince George's County, one member each shall be appointed by the Cities of Bowie, College Park, Greenbelt, and Laurel, and four members shall be appointed by the Prince George's County Municipal Association to represent the remaining communities. A member of the Executive Committee may be recalled by the entity that appointed or elected him or her. The four members of the Executive Committee from the remaining communities shall serve for a term of two years, commencing on date of appointment, and may serve until such time as a new member is appointed. A current or former member of the Executive Committee may be reappointed to serve additional terms. The Executive Committee shall elect a chair from its members by a majority vote. The Chair will serve until such time as a new Chair is elected. A majority of the current Executive Committee members shall constitute a quorum for the purpose of conducting business at any Executive Committee meeting. Each member shall have one vote and actions shall be taken by majority vote of a quorum. The Executive Committee shall meet as needed, but not less than six times per year. The Executive Committee shall convene a meeting of the I-Net Committee at least once a year, and at any time at the request of any Member Community.

In addition, the Executive Committee shall have three advisory, non-voting seats, one each from the Technical Workgroup, the Policy Workgroup, and the Prince George's Office of Audits and Investigations. The Executive Committee may appoint additional non-voting liaisons as it deems necessary.

C. **WORKGROUPS:** The Technical Workgroup and the Policy Workgroup are hereby created. Each workgroup shall have at least five members, who shall be appointed by the Executive Committee. Each workgroup shall perform those tasks assigned by the Executive Committee.

SECTION 6. POWERS OF THE EXECUTIVE COMMITTEE: To accomplish the purpose of joint construction, management and financing of a County-wide I-Net, the Executive Committee shall have the authority to:

- A. prepare the annual budget for the I-Net Committee, provided that budgeted expenditures shall not exceed an amount equal to any accumulated surplus plus annual funding for that year as approved at a meeting of the Member Communities, as provided in Section 8 of these Bylaws;
- B. authorize, within the approved budget limits, expenditures related to the joint construction, management, maintenance and financing of the I-Net;
- C. set policy for the I-Net Committee;
- D. perform tasks delegated by the Member Communities herein, including, but not limited to:
 - i. enter into binding contracts on behalf of the I-Net Committee;
 - ii. hire and dismiss employees and consultants;
 - iii. accept in-kind and other contributions on behalf of the I-Net Committee;
 - iv. request and utilize contributed services in the form of staff time or general administrative support from the Member Communities;
 - v. [to]take all other actions which the I-Net Committee may legally take; and
 - vi. acquire and dispose of equipment, hardware and software for use on the I-Net

SECTION 7. AUTHORITY TO INCORPORATE AS A NON-PROFIT ENTITY: The I-Net Committee may incorporate as a non-profit corporation under Maryland law. The Executive Committee may serve as incorporators for that purpose, provided however, that incorporation of the I-Net Committee shall not be deemed to confer powers additional to those provided or necessarily implied by these Bylaws, and provided further, that the Executive Committee as established in these Bylaws shall constitute the directors of any such corporation, with full voting rights as provided herein.

SECTION 8. FUNDING: Each Member Community shall pay that amount assessed against them by the I-Net Committee on an annual basis as part of the budget process. In no event will any such assessment exceed one third of the Capital Equipment Support Grant provided to the Member Community under the Franchise Agreement for the first three years from the operation of the I-Net by the Committee. The Executive Committee may, from time to time, reduce or increase the annual payment due from any Member Community for joint construction, management, maintenance or financing activities, based on utilization of Committee services by the Member concerned. The Member Communities, in their sole discretion, may supplement by additional appropriations the payments required by this section. Further, with the approval of the Executive Committee, fewer than all of the members may provide for additional functions or technologies for use on the I-Net, to be funded by those members.

SECTION 9. OWNERSHIP OF PROPERTY: I-Net equipment and other PEG equipment purchased by Member Communities with their separate funds shall remain the separate property

of the Communities concerned, notwithstanding any use of such equipment for PEG or I-Net purposes. Equipment acquired prior to the effective date of these bylaws shall remain the separate property of the communities concerned. Equipment and other property purchased by the Committee, notwithstanding withdrawal or termination of one or more Member Communities, shall remain the property of the I-Net Committee. Prior to the effective date of the termination of the I-Net Committee, the Executive Committee as then constituted shall equitably determine the disposition of all property then owned by the Committee.

SECTION 10. VOTING: Unless otherwise stated herein, decisions of all committees and workgroups shall be made by majority vote of a quorum attending. A quorum shall be a majority of the membership of the group. In order to vote, a member must be present in person or by audio/video conference call. (Amended Feb 2013)

SECTION 11. AMENDMENT OF BYLAWS: The Bylaws may be amended only by majority vote of a quorum of the I-Net Committee. Any proposed amendment must be in writing and must contain the complete and exact wording of the proposed amendment or amendments, prepared so that all changes are presented and the wording is set forth as it would read when amended or enacted. Copies of the proposed amendments(s) shall be available at any meeting at which they are to be considered and shall be provided in writing to all meeting participants. (Amended 2/25/2011)

SECTION 12. All Committees and workgroups shall keep minutes of their meetings. A copy of the minutes, once approved shall be forwarded to the executive committee or its designee. Each set of minutes shall include a record of attendance, the items discussed and any actions taken. All committees and workgroups shall maintain a list of action items. The list of action items, and the status of each, shall be reflected in each set of minutes. (Amended Feb 2013)

APPENDIX 1

Local Governments Initially Eligible for Membership in the I-Net Committee:

Prince George's County
Town of Berwyn Heights
City of Bowie
Town of Brentwood
City of College Park
Town of Colmar Manor
Town of Cottage City
City of District Heights
Town of Edmonston
City of Glenarden
City of Greenbelt
Town of Landover Hills
City of Laurel
City of Mount Rainier
City of New Carrollton
Town of North Brentwood
Town of University Park

Attachment A

County Representatives to the Executive Committee

County Executive (or designee)

Chair, Prince George's County Council (or designee)

Director, Office of Information Technology Communications (or designee)

Chair, Board of Education (or designee)

President, Prince George's Community College (or designee)

Chair, M-NCPPC (or designee)

Chair, Library System (or designee)

Director, Homeland Security (or designee)

EXHIBIT B

FEE SCHEDULE & I-NET PROCEDURES FOR NEW ENTRY BY MUNICIPAL

FEE SCHEDULE

Prince George's I-Net (PGINCCC)									
Pro-Forma Fiscal Year 2014 Budget - Revenues									
(revised 04/02/13)									
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
FY 2014 Adopted Budget									
		Adopted	88.5% Allocation to Operating (General Fund)	11.5% Allocation to Capital (P.E.G. Funds)	New Members	New Members	Current Members	Recalculated FY 2014 Budget	
Jurisdiction	Projected 1/3 of P.E.G.	Percentage of Total	(38.7% of 1/3 of P.E.G.)	(P.E.G. Funds)	Comcast 1% Franch Fee	Verizon 1/3 of P.E.G.	Projected 1/3 of P.E.G.	Total 1/3 of P.E.G.	Percentage of Total
Current Members:									
Berwyn Heights	9,102	0.33%	3,523	405			9,102	9,102	0.30%
Bowie	213,481	7.68%	82,628	9,502			213,481	213,481	7.02%
Brentwood	6,727	0.24%	2,604	299			6,727	6,727	0.22%
College Park	61,369	2.21%	23,753	2,732			61,369	61,369	2.02%
Colmar Manor	2,065	0.07%	799	92			2,065	2,065	0.07%
Cottage City	2,904	0.10%	1,124	129			2,904	2,904	0.10%
District Heights	20,331	0.73%	7,869	905			20,331	20,331	0.67%
Edmonston	2,897	0.10%	1,121	129			2,897	2,897	0.10%
Glenarden	16,984	0.61%	6,574	756			16,984	16,984	0.56%
Greenbelt	72,205	2.60%	27,947	3,214			72,205	72,205	2.37%
Landover Hills	3,499	0.13%	1,354	156			3,499	3,499	0.12%
Mount Rainier	22,238	0.80%	8,607	990			22,238	22,238	0.73%
New Carrollton	35,380	1.27%	13,694	1,575			35,380	35,380	1.16%
North Brentwood	767	0.03%	297	34			767	767	0.03%
University Park	7,031	0.25%	2,721	313			7,031	7,031	0.23%
Pr George's County Direct	2,037,716	73.31%	788,702	90,701			2,037,716	2,037,716	66.98%
Prince George's Comm TV	140,000	5.04%	54,187	6,232			140,000	140,000	4.60%
University of Maryland	25,000	0.90%	9,676	1,113			25,000	25,000	0.82%

