

**URBANA PUBLIC TELEVISION  
COMMISSION**

**DATE:** September 20, 2004  
Monday, 12:00 PM

**PLACE:** City Council Chambers, Urbana City Building

**MEMBERS PRESENT**

Barb Gladney  
Peter Resnick  
Dana Mancuso  
Greg Boozell  
Kathy Jessup

**MEMBERS ABSCENT**

James Hayes  
Kevin Maxson

**STAFF PRESENT**

Chris Foster  
Steve Holz

**OTHERS PRESENT**

Kimberly Kranich  
Randall Cotton

**CALL TO ORDER**

Chair Gladney called the meeting to order at 12:03 PM.

**APPROVAL OF MINUTES**

The minutes from July 12, 2004 and September 13, 2004 were approved.

**APPROVAL OF AGENDA**

Commissioner Resnick asked that we move the Staff Report to the bottom of the agenda, so that we have time to cover the policy issue.

**CORRESPONDENCE**

Chair Gladney wanted to make it clear that there were two different sets of petitions in favor of Democracy Now were being circulated and that WEFT FM also sent a letter in support of Democracy Now on UPTV.

**AUDIENCE PARTICIPATION**

Durl and Jan Kruse of Urbana read a letter requesting that the documentary produced Martell Miller and Patrick Thompson be broadcast on UPTV.

Durl and Jan Kruse of Urbana read a letter requesting a hearing between themselves and the City of Urbana administration regarding the broadcast of the Martell Miller tape. The hearing was requested by October 13<sup>th</sup>, 2004.

Randall Cotton thanked the UPTV Commission for voting to change some UPTV policies to clear the way for Democracy Now to be broadcast on UPTV. He encouraged the city administration to pass the recommendations without changes. He asked for the administration to answer the public demand for Democracy Now by setting a date for it to start airing on UPTV. Mr. Cotton requested that a start date be announced during the meeting and that it be within a four-week period.

**OLD BUSINESS**

Mayor Satterthwaite explained that despite the rules passed by the Commission on September 13<sup>th</sup>, 2004 Democracy Now still comes into conflict with several other policy requirements

- :30 slate is required before each broadcast
- Wrap-around is required for each broadcast
- Each program must be reviewed prior to broadcast on UPTV

Mayor Satterthwaite added that if you have a program with a live feed it couldn't meet those requirements. He suggested that the Commission work through the polices to make them compatible and consistent with one another, then he would take them to the City Council for approval.

Chair Gladney asked for Greg Boozell, Dana Mancuso, and Chris Foster to form a sub-committee to update all of UPTV's Policies and Procedures. Mr. Boozell hoped that we could set-up meetings with the administration and solve any problems we have.

Mayor Satterthwaite stated that a Democracy Now start date could not be set until the policies were reviewed and adopted. He reminded everyone that they could bring it in on tape and air it on UPTV right now.

Sandra Ahten of Urbana felt that the City was stalling and that they could have Democracy Now on within a week if they wanted to.

Chair Gladney stated that it could not be done that quickly and that we were moving in the right direction by reviewing the policies.

Commissioner Mancuso added that only a few new policies were passed the previous week and she felt it was very appropriate to look at all the policies.

Commissioner Jessup felt that they didn't need to make this an adversarial issue, the group could accomplish there objective right now by bringing in tapes.

Mr. Cotton expressed his disappointment that the administration continued to ignore the public interest by refusing to broadcast Democracy Now. He added that the ten people that have formally requested for Democracy Now to be on UPTV, would be requesting a public hearing on the dispute.

Commissioner Resnick wanted to make it clear that the UPTV rules state that program submitters are completely responsible for the content of their programs.

Chair Gladney stated the UPTV Commission was committed to getting programs such as Democracy Now on the air. She added that Mayor Satterthwaite and the City of Urbana have supported the channel, they voted to have the 2% tax needed to have public access in Urbana. The mayor, Greg, Dana, and Chris will get together to change the policies and get back to the Commission very soon.

### **STAFF REPORT**

Chris Foster provided the Commission a report detailing available satellite programming. He stated that there were several channels out there that UPTV could receive, but the agreements that would need to be entered to run there programming was not practical.

### **NEW BUSINESS**

City Attorney Steve Holz felt that the hearing procedures didn't need to be fancy. Basically both sides can present their case, and then both sides could have the opportunity to respond to one another. He added that he was advising Mr. Foster not air the tape since charges of eavesdropping were brought up on Mr. Miller. Mr. Foster could himself be charged if he played the tape.

Commissioner Boozell suggested that the tape submitter physically play the tape themselves and eliminate Mr. Foster from any possible connection.

Commissioner Resnick wanted some input on the issue in writing from both parties before a hearing took place.

Kimberly Kranich agreed and wanted to make sure all the ground rules were laid before they moved forward with a hearing. She also added that the Indemnification policy in the manual states that the City of Urbana will not be held liable for anything on the tape.

Mr. Holz added that the authority to prosecute someone is the State's Attorney's. A UPTV policy does not stop him from charging someone at the City of Urbana. He added that Indemnification is a civil matter not a criminal matter, and criminal behavior cannot be indemnified.

Kimberly Kranich requested that the UPTV Commission move forward and set a hearing date.

Commissioner Boozell asked Mr. Holz if the city was worried about a First Amendment lawsuit.

Mr. Holz had to choose between a first amendment lawsuit or exposing a city employee to criminal charges. He chose to protect the city employee.

Commissioner Jessup asked if we had a request for a hearing from Martell Miller and what does the city ordinance say about who specifically has to request the hearing.

Mr. Holz said that Kimberly Kranich requested the hearing for Mr. Miller and an aggrieved member must file the request for a hearing. He added that he did write State's Attorney John Piland and asked him if he would charge Mr. Foster if he played the tape. If he says that he won't or if the charges against Mr. Miller are dropped then UPTV will play the tape.

Chair Gladney set a date for the public hearing on Monday, October 11<sup>th</sup> at 3:00 PM.

The Commission set up the following guidelines for future hearings:

- The Commission asked for each group to have the relevant paperwork to the commission one week before the hearing.
- All relevant UPTV and administrative polices needed to be examined.
- Each party needed to decide who was going to speak for them before the hearing, each side would then be held to a to be determined time limit.
- Make sure the agenda for the hearing was for one complaint at a time.
- The deliberations would be held openly, with the commission ultimately supporting one side.
- The meeting can be continued.
- If the comp latent does not like the commission's decision they can appeal via the Illinois Administrative Review Law.
- Commission was yet to decide if they needed a court reporter to provide a full transcript for the hearing.
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Chair Gladney asked about a timetable for the UPTV Public Access Policy Revisions.

Commissioners Boozell and Mancuso said they hoped to start meeting as soon as possible.

Commissioner Boozell added that some of the rules have already been voted on, so once the concerns of the administration are resolved, they should take effect.

Commission agreed that if the Martell Miller tape were allowed to air on UPTV before the hearing date, then there would be no reason for a hearing on the issue.

#### **COMMISSIONER COMMENTS**

There were none.

#### **ANNOUNCE NEXT MEETING DATE**

The pubic hearing between Mr. Martell Miller and the City of Urbana was set for M Monday, October 11<sup>th</sup> 2004.

#### **ADJOURNMENT**

Meeting was adjourned 1:08 PM.