



**Telecommunications Policy  
Advisory Committee  
(TPAC)**

**By-Laws**

Approved by the Telecommunications Policy Advisory Committee  
Date 15 January 2002

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**TELECOMMUNICATIONS POLICY  
ADVISORY COMMITTEE (TPAC)  
BY-LAWS**

**RULE 1. COMMITTEE AUTHORITY AND PURPOSE**

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**(a)** The Telecommunications Policy Advisory Committee (TPAC) was formed by City Council Resolution No. 150-90. Updates: Resolution 151-95, Resolution 134-98, Resolution 38-00 (2000).

Telecommunications includes such services, media and devices as Satellite, Cable and Digital Television (TV), Wireless, Data Services, Internet, High Speed Data Access, Telephone Services (Local and Long Distance), Video Conferencing (VTC), and Commercial Radio.

**(b)** The purpose of the Committee shall be to advise City Council, the City Manager, and the Director of Colorado Springs Utilities (CSU) on forms of telecommunications between City government and citizens of Colorado Springs, including the Cable Television Franchise. The TPAC is advisory in nature and exists to assist Council and staff by preparing recommendations for Council decision. The TPAC may not speak or act for Council except when formally given such authority for specific purposes.

**(c)** TPAC will provide input on such issues as:

1. Identify which types of electronic communications, processes, and technologies are available and determine what level of interest and capabilities citizens have in using those technologies to communicate with City government, as well as other organizations in the community.
2. Share information on what other cities are doing, with respect to using telecommunications, to improve public input. Provide advice on how growth and changing demographics may impact the use of telecommunications for public input.
3. Advise City Council annually of possible telecommunications resources that should be considered in future budgets to facilitate electronic interactions between citizens and City government.
4. Advise City Council, the City Manager, and the Utilities Director on policy matters arising from actions or pending actions of other local, state, and national governmental bodies, including local, state, and federal legislation.

5. Provide City Council, the City Manager, and the Utilities Director with semi-annual reports on TPAC activities.
6. Advise City Council, the City Manager, and the Utilities Director on policy issues that may be assigned by Council at a later time.

**(d)** The Committee, in coordination with the City Council, will determine what policies and issues to review and study and, as deemed necessary by the Committee, make recommendations to the City Council, as appropriate. The City Council may also direct the Policy Advisory Committee to study specific issues or policies and provide insight, analysis and/or recommendations.

## **RULE 2. COMMITTEE COMPOSITION AND CONDUCT**

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**(a)** The Telecommunications Policy Advisory Committee will be appointed by the Colorado Springs City Council. The Committee shall consist of nine (9) members, appointed by the City Council, who have indicated or demonstrated an interest in, and a willingness to take part in advising the City on telecommunications policy matters.

**(b)** Terms of membership shall be three (3) years. Initial appointments to the committee shall be made in such manner, so as to achieve staggered terms. Note: Members can serve only two consecutive terms per City Council Resolution.

**(c)** Vacancies will be filled by City Council appointment.

**(d)** Members of the Committee serve without compensation for their services, but may be reimbursed for actual expenses with approval of the City Council.

**(e)** Committee members are subject to the provisions of the City of Colorado Springs Code of Ethics.

**(f)** Regular attendance of Committee members is expected in order for the Committee to function effectively. Regular attendance is defined as attending 75 percent or more of all TPAC meetings. This attendance may be fulfilled by being physically present at the meeting or joining the meeting via telephone or video teleconference (VTC).

**(g)** Upon recommendation by the Chairperson of the Committee, with the majority of committee members, the City Council may remove any members of the Committee who fail to attend 75 percent of all regular meetings each year. Consideration for other forms of active participation (to include subcommittee work, efforts to keep the committee apprised of current TPAC related items, and other forms of service that benefit the TPAC) may be used to mitigate unsatisfactory attendance.

**(h)** Upon request of the Chairperson, with the majority of committee members, the City Council

may remove any member who violates ethical or confidentiality requirements.

(i) Upon removal of any Committee member, the City Council will appoint a replacement member.

(j) The City Council may appoint alternate members of the Committee to gain experience and observe the Committee's deliberations and actions. Alternates shall not participate in the discussion of the Committee; shall not participate in Executive Sessions; shall not vote in any matter as an alternate; and shall not substitute for a regular Committee member. Alternate members will become members of the Committee as a regular member whenever a vacancy occurs – Alternates will become regular members in the order they are appointed by the City Council.

(k) Administrative support and technical staff assistance shall be provided by City departments, as requested.

### **RULE 3. COMMITTEE OFFICERS**

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The officers of the Committee are the Chairperson, Vice-Chairperson and Secretary.

#### **(a) Duties Of The Chairperson**

1. Conduct meetings of the TPAC - Develop the agenda, in coordination with TPAC members, for TPAC Meetings.
2. Represent the TPAC when participating in the City Council Meetings, articulate the TPAC position on various subjects and attend functions that require TPAC representations. Either the Chairperson or Vice Chairperson, or both, will attend City Council meetings when a member of the TPAC is being reviewed for reappointment.
3. Be responsible for the collection/coordination of inputs on TPAC projects and the preparation of the final product for the purpose intended.
4. Keep track of TPAC scheduled product due dates and events and ensure the timely delivery of such products.
5. Perform any administrative duties that may be called for. Ensure the distribution of draft and final minutes of TPAC Meetings. Ensure the maintenance of the official TPAC records and make them available to the Membership as required.
6. The Chairperson may select the Vice Chairperson and/or other TPAC members to fulfill any of the functions of the position of Chairperson in his or her absence, or as the situation may call for.

**(b) Election Of The Chairperson**

1. The TPAC will normally elect the Chairperson of the TPAC annually, or on the one (1) year anniversary of the taking of office by the incumbent.
2. The length of the term of Office of the Chairperson shall normally be one (1) year.
3. Candidates shall be nominated from the current TPAC membership. Individuals shall be nominated by a member of the TPAC.
4. Candidates nominated for the Chairperson shall have served on the TPAC at least one (1) year from their initial appointment date to the TPAC.
5. The Chairperson will normally not serve two consecutive terms of office. An exception to this rule may be made if there are no other legitimate candidates or individuals who will run for the position at election time.
6. At least two thirds of the members of the TPAC must be present, or be properly represented, for the election of the Chairperson. The Chairperson will be that person having the majority of the votes cast by the voting members.
7. Proxy votes, by absent members, may be made by allowing proxy votes presented by duly authorized members of the TPAC. All proxy votes must be presented to both the Chairperson and Secretary in writing (e-mail is acceptable) prior to the start of the voting.
8. Ties will be decided by dates of appointment to the TPAC – That person having the earlier of the dates of appointment being designated as the Chairperson. If there is a tie vote when there are more than two candidates, the member with the least votes will withdraw and the vote will be taken again.

**(c) Duties of the Vice Chairperson**

The Vice Chairperson shall perform the duties of the Chairperson, in the absence of the Chairperson, or those duties that may be delegated by the Chairperson from time to time.

**(d) Election of the Vice Chairperson**

1. The TPAC will normally elect the Vice Chairperson of the TPAC annually, or on the one (1) year anniversary of the taking of office by the incumbent.
2. The length of the term of Office of the Vice Chairperson will normally be one (1) year.
3. Candidates shall be nominated from the current TPAC membership. Individuals shall be nominated by a member of the TPAC.

4. The Vice Chairperson will normally not serve two consecutive terms of office. An exception to this rule may be made if there are no other legitimate candidates or individuals who will run for the position at election time.
5. All members of the TPAC should vote in all elections of TPAC Officers. At least two thirds of the members of the TPAC must be present, or be properly represented, for the election of the Vice Chairperson. The Vice Chairperson will be that person having the majority of the votes cast by the voting members.
6. Proxy votes, by absent members, may be made by allowing proxy votes presented by duly authorized members of the TPAC. All proxy votes must be presented to both the Chairperson and Secretary in writing (e-mail is acceptable) prior to the start of the voting.
7. Ties will be decided by dates of appointment to the TPAC – That person having the earlier of the dates of appointment being designated as the Vice Chairperson. If there is a tie vote when there are more than two candidates, the member with the least votes will withdraw and the vote will be taken again. If a tie cannot be broken by the above procedures, the Chairperson will decide on the selection of the Vice-Chairperson by a procedure of chance of his or her choice.

**(e) Duties of the Secretary:**

1. The Secretary will be responsible for the processes involving record keeping/filing of TPAC correspondence and the oversight of the recording and distribution of minutes of all TPAC meetings. The Secretary is responsible for all meeting minutes, attendance records, subcommittee findings and other TPAC materials. The Secretary is also responsible for the processing of all official TPAC correspondence, both sent and received as well as being responsible for monitoring TPAC suspenses, requests by the TPAC, and events scheduled involving TPAC participation. The Secretary will ensure the Agenda for TPAC meetings and other pertinent items are provided to all TPAC Members the week preceding the TPAC meeting week. The Secretary will work with the appropriate City Staff agency to establish and maintain the official TPAC archives/documentation files.
2. The Secretary will ensure the minutes of the previous regular meeting and any special meetings occurring in the previous month shall be provided to each Committee Member prior to each regular meeting. The Committee will review and approve the previous meeting minutes as part of its regular meeting agenda.
3. The Secretary will not release any TPAC related materials to include attendance rosters, without the express consent of the Chairperson or in absence of the Chairperson, the Vice Chairperson
4. The Secretary may be supported by the Recorder.

**(f) Election Of the Secretary**

1. An elected member of the TPAC shall serve as Secretary to the Committee. In addition, the TPAC Chairperson will request the City Staff to provide a person to assume the duties of recording the minutes (referred to as the Recorder) of the TPAC meetings in support of the Secretary's duties.
2. The TPAC will normally elect the Secretary of the TPAC annually, or on the one (1) year anniversary of the taking of office by the incumbent.
3. The length of the term of Office of the Secretary will normally be one (1) year.
4. Candidates shall be nominated from the current TPAC membership. Individuals shall be nominated by a member of the TPAC.
5. All members of the TPAC should vote in all elections of TPAC Officers. At least two thirds of the members of the TPAC must be present for the election of the Secretary. The Secretary will be that person having the majority of the votes cast by the voting members.
6. Proxy votes, by absent members, may be made by allowing proxy votes presented by duly authorized members of the TPAC. All proxy votes must be present to both the Chairperson and secretary in writing (e-mail is acceptable) prior to the start of the voting.
7. Ties will be decided by dates of appointment to the TPAC – That person having the earlier of the dates of appointment being designated as the Chairperson. If there is a tie vote when there are more than two candidates, the member with the least votes will withdraw and the vote will be taken again. If a tie cannot be broken by the above procedures, the Chairperson will decide on the selection of the Secretary by a procedure of chance of his or her choice.

**RULE 4. SUB-COMMITTEES**

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**(a)** The TPAC recognizes two forms of subcommittee: standing subcommittees with indefinite tenures and temporary subcommittees with limited terms.

**(b)** The TPAC will establish certain standing sub-committees to include: EDC Sub-Committee, Utilities Sub-Committee and Legislative Matters Sub-Committee. The Chairperson will appoint a Sub-Committee Lead and members. A TPAC letter will be prepared introducing the Sub-Committee and forwarded to the appropriate supported agency.

**(c)** The Chairperson will also appoint Committee members to such temporary sub-committees as are established from time to time by the TPAC to assist in carrying out its responsibilities.

**(d)** All temporary sub-committees shall only last six (6) months unless reinstated by the TPAC members.

## **RULE 5. MEETINGS**

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**(a)** The Committee shall designate the times and expected duration of regular meetings by motion or resolution as necessary from time to time.

**(b)** The place of the regular meetings of the Committee shall be specified in the meeting notice and the agenda.

**(c)** Special meetings of the Committee may be held at such time and place as stated in the notice of the meeting. The Chairperson may, or upon the request of five (5) Committee members shall, call special meetings of the Committee by notice to each of the Committee members in writing, which notice shall state the purpose for which the meeting is called. The notice shall be served at least 48 hours prior to the time of such meeting. The notice shall be served personally by leaving the same at the usual place of residence or work place of each Committee member, or by fax or electronic mail at the number or address shown on the Secretary's records.

**(d)** The Committee by majority vote of members present may recess a regular or special meeting to a time specified in the motion therefore.

**(e)** Public notice of all regular and special meetings of the Committee shall at all times meet governing legal requirements to include Colorado Open Meeting legislation which take effect whenever three (3) or more TPAC members meet to discuss official TPAC-related matters.

**(f)** The format of the agenda, order of business and designation of agenda topics shall be determined by the Chairperson with inputs from other committee members.

**(g)** The Chairperson shall be responsible for preparation of a draft agenda for each regular Committee meeting. The draft agenda shall be sent to members and comments requested. The Chairperson will then finalize and distribute the agenda to members prior to the meetings.

**(h)** Copies of the agendas with attachments will also be made available at the meetings.

**(i)** Committee members may request agenda items by contacting the Chairperson. The cut-off time for requesting additional agenda items for regular meetings shall be on Wednesday of the week preceding the regular meeting. For good cause, the Chairperson may authorize additional action or executive session items to be placed on the agenda for an upcoming meeting provided that public notice of such additional action or executive session items is given in accordance with legal requirements and provided notice thereof is given to Committee members in the same manner as required for a notice of special meeting under (c) of this Rule.

**(j)** At all regular and special meetings, the Chairperson shall announce agenda items prior to

Committee consideration of each item.

(k) Any Committee members desiring to speak or to make a motion shall address the Chair. Committee members addressing the Committee shall confine themselves to the issues being discussed.

## **RULE 6. DISCUSSION AND PUBLIC COMMENTS**

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(a) Committee meetings are generally expected to involve discussion between Committee members, invited guests and City staff.

(b) TPAC meetings are open to the public.

(c) At the discretion of the Chair, or the majority of the Committee members present, guests and members of the public will be allowed to comment or ask questions concerning items discussed at regular meetings or concerning matters discussed at special meetings.

## **RULE 7. COMMITTEE ACTIONS**

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(a) The Committee may take formal action only by resolution or motion.

(b) Resolutions or motions shall be approved by the majority vote of the members of the Committee present. Exceptions: The affirmative votes of two-thirds of the active Committee Members are required for revision of the Bylaws and adoption or revision of Committee recommendations to the City Council.

(c) A voice vote will be used for all Committee actions items requiring a vote, with any dissenting votes or abstentions recorded in the minutes of the Committee meeting at the request of any Committee member.

(d) Elections of TPAC Officers will be by secret ballot

(e) Committee resolutions/actions/correspondence shall be signed by the Chairperson or as delegated by the Chairperson.

## **RULE 8. MOTIONS PROCEDURES**

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(a) When a motion is made and seconded, it will be restated by the Chairperson before a debate and again before the final vote.

(b) Roberts Rules of Order shall govern the consideration of motions and transaction of business

by the Committee.

## **RULE 9. MINUTES, ARCHIVES/FILES AND RECORDINGS**

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**(a)** The Secretary, in conjunction with the Recorder, will be responsible for keeping and distributing minutes of all Committee meetings.

**(b)** Copies of the approved minutes shall be distributed to all TPAC members and will also be provided to the City Manager's Office and the members of the City Council (e-mail acceptable). The City Staff, normally the IT Manager's Office will maintain the official TPAC files. The TPAC Secretary will work with the staff and will be responsible for establishing and ensuring the maintenance of the official files but will not release any TPAC materials without approval from the Chairperson or in absence of the Chairperson, the Vice Chairperson.

**(c)** Archives/Files:

1. The official TPAC Archives/File will include, but not be limited to: Formal Reports, Correspondence, Agendas, Minutes, Awards and TPAC Membership Information.
2. Each TPAC member may maintain such files as he or she deems necessary.

## **RULE 10. EXECUTIVE SESSION PROCEDURES**

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**(a)** The Chairperson, in coordination with the City Attorney's Office, shall prepare the agenda for any Executive Session of the Committee meeting. The agenda shall include those items that may be discussed in closed session.

**(b)** In compliance with the Colorado Open Meetings Act, prior to convening an Executive Session, the Chair shall announce the general topics of the Closed Executive Session as set forth below. If two thirds of the Committee members present agree to an Executive Session, the item may be discussed in Executive Session. If two thirds of Committee members do not agree to an Executive Session, the items may be discussed in open session or the Chairperson may withdraw the item from consideration.

**(c)** No adoption of any proposed Committee action, recommendation, or policy advice, shall occur in Executive Session which is not open to the public. However, Committee members may receive information for consideration as provided by law in the following areas as they affect the responsibilities of the Committee:

1. Purchase, acquisition, lease, transfer, or sale of any real, personal or other property interests.
2. Conferences with the City Attorney or other attorneys, for the purposes of receiving legal advice on specific legal questions, issues or matters.

3. Matters required to be confidential by federal or state law or rules and regulations.
4. Specialized details of security arrangements or investigations.
5. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.
6. Consideration of any documents protected by mandatory nondisclosure provisions of the Colorado Open Records Act or other information that is considered confidential or proprietary and, thus, would not be subject to disclosure requirements of the Colorado Open Records Act.

**(d)** All discussions and documents provided in Executive Session are confidential and proprietary information, and Committee members shall not use such confidential information for purposes other than their responsibilities as a Committee member. Further, Committee members shall not release any confidential, personal, or proprietary information to any third party without the express consent of the Chairperson.

**(e)** Minutes of Executive sessions will be kept and archived. All such recordings shall be confidential records and secured accordingly.

**(f)** A member designated by the Chairperson will prepare a succinct summary of matters discussed in Executive Session and any direction given by the Committee.

**(g)** Nothing herein shall restrict the Committee from deciding to hold an Executive Session regarding any other agenda item provided such decision meets the criteria set forth in subparagraph 10 (c) above.

## **RULE 11. ADOPTION AND MODIFICATION OF BY-LAWS**

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**(a)** Modification of Committee By-Laws requires approval of the Committee.

**(b)** The Chairperson or Committee members can suggest modifications to By-Laws by placing the matter as an agenda item on two regular Committee meetings. Proposed changes to the By-Laws shall be discussed as an agenda item during at least two regular TPAC meetings before a vote is taken on the item's adoption.

**(c)** All members of the TPAC should vote on all modifications of the By-Laws. At least two thirds of the members of the TPAC must be present, or be properly represented, for a vote on any change to the By-Laws. A majority of the voting TPAC members will be required to adopt and/or modify the By-Laws.

**(d)** Proxy votes, by absent members, may be made by allowing proxy votes presented by duly authorized members of the TPAC. All proxy votes must be presented to both the Chairperson and Secretary in writing (e-mail is acceptable) prior to the start of the voting.