

LIBRARY PARTNERSHIP FOR PUBLIC ACCESS FACILITIES

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Agreement Objectives

The City desires to extend an agreement with Sonoma County Library under which City will assist in the creation of new video public access facilities in library branches within the territorial limits of the City of Santa Rosa through the provision of PEG fees to Sonoma County Library.

Franchise and Funding

Franchise Authority

- Digital Infrastructure and Video Competition Act of 2016
- Administered by California Public Utilities Commission

Franchise Fees

- Unrestricted use (General Fund)
- Suitable for “Operational” use

PEG Fees

- The federal Cable Communications Policy Act of 1984 (Cable Act), 47 U.S.C. § 542, restricts the use of PEG fees to capital expenses associated with PEG access facilities.

Background

- Discussions between the City, the Library and CMedia started in early 2016 focused on extending the geographic range of public access and educational video services.
- These initial discussions led to the successful launch of the Roseland Video Camp in 2016 between the Library and CMedia at the Roseland library branch.
- Subsequent discussions in late 2016 led to the desire to create video access facilities at the Santa Rosa-based library branches.

Background

- In 2017, City Council approved entering into a five-year agreement with the Library.
- At City's sole discretion, PEG support fee funding is provided to Library up to a maximum amount of \$150,000 per fiscal year (July 1st through June 30th) for the purchase of capital equipment by Library, provided that such purchases have been approved by the City Manager or the City Manager's designee in writing in advance.
- Library provide all management and operational resources.

New Public Video Access Areas

- Apply a portion of the PEG capital project funds to create new video access and education areas within Santa Rosa-based library branches. These new video access and education areas will:
 - Provide easy public access to current-generation technology used in video creation.
 - Generate an environment conducive to video and media-based public education.
 - Create areas where the public can get hands-on experience with video editing and distribution.

Funding from the City

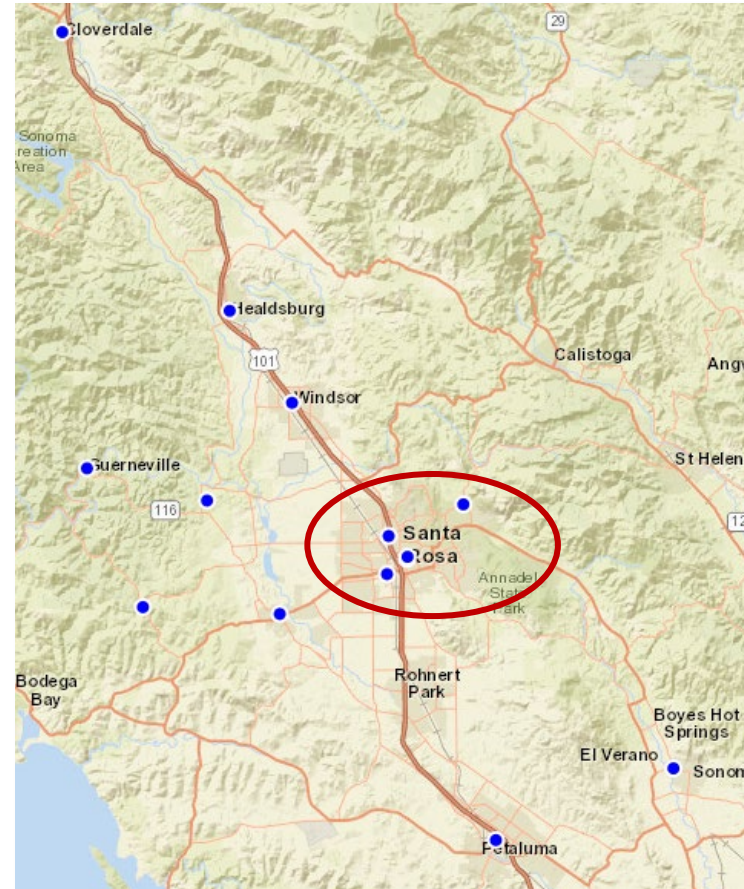
- The City agrees to transfer up to \$150,000 each year to the Library for a minimum of five (5) years for the purpose of the Agreement objectives.
- The Library agrees to use these funds from the City for PEG capital projects, consistent with general accounting practices and any other relevant FCC restrictions.

Use of Funding

- Are located on Sonoma County Library premises;
- Are open to the public during regular Library hours;
- Provide easy public access to current-generation technology used in video creation;
- Generate an environment conducive to video and media-based public education;
- Create areas where the public can get hands-on experience with video editing and distribution; and
- Provide public access for video producers interested in creating content to be shown on City of Santa Rosa PEG broadcast channels.

Media Access Locations

- Media Access areas will be created in the four Santa Rosa Library Branches



Funding

- On August 26, 2008, City enacted title 3 Chapter 3-50 of the Santa Rosa City Code entitled "DIVCA Ordinance" for the purpose of implementing relevant provisions of the Digital Infrastructure Video Competition Act ("DIVCA") and the rules of the California Public Utilities Commission promulgated thereunder.
- AT&T, Comcast, and Sonic.net ("Companies") each hold State franchises to provide video services in the City of Santa Rosa ("DIVCA Franchisees") pursuant to DIVCA.
- Under DIVCA, the DIVCA Franchisees must provide public, educational, and government ("PEG") access channels and City may establish a fee to support PEG channel facilities consistent with federal law. City has established a PEG support fee of 1% of gross revenues, payable to City. Under federal law, PEG fees may be used for capital expenses associated with the construction of PEG access facilities, which may include equipment, but not training, staff time or other operations costs. (*Alliance for Community Media v. FCC*, 529 F.3d 763 (6th Cir. 2008)).

Recommendation

- It is recommended by the Information Technology Department that the Council, by resolution, approve an Agreement Between the City of Santa Rosa and the Sonoma County Library, for (5) five years, and public, educational, and government (PEG) funding provided by the City to the Library up to a maximum amount of \$150,000 per fiscal year to assist in the creation of video public access facilities, in a cumulative amount not to exceed \$750,000.

Questions?