

RESOLUTION NO. RES-2021-163

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND THE SONOMA COUNTY LIBRARY FOR FUNDING TO ASSIST IN THE CREATION OF VIDEO PUBLIC ACCESS FACILITIES

WHEREAS, 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; and

WHEREAS, Under DIVCA, the DIVCA Franchisees (City of Santa Rosa) 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; and

WHEREAS, on February 14, 2017 via Resolution No. RES-2017-023, City Council approved a five-year agreement with the Library; and

WHEREAS, the City desires to enter into a new agreement with the Sonoma County Library, under which City will continue to 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 the Library.

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NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves the Agreement Between the City of Santa Rosa and Sonoma County Library, for a (5) five-year term ending June 30, 2027, with a maximum amount of PEG funding of \$150,000 per fiscal year at the City's sole discretion, for a total cumulative amount not to exceed \$750,000, in substantially the same form as attached hereto as Exhibit A, with any such beneficial changes for the City as may be recommended and subject to approval as to form by the City Attorney, including those based on the 2017 Agreement.

IN COUNCIL DULY PASSED this 12th day of October, 2021.

AYES: (6) Mayor C. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (1) Vice Mayor N. Rogers

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Agreement Between the City of Santa Rosa and the Sonoma County Library