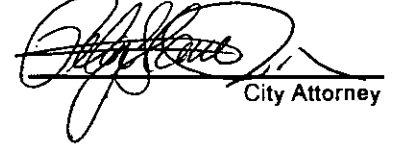


REVISED
OAKLAND CITY COUNCIL

12 OCT -3 PM 3:38

RESOLUTION No. 84050 C.M.S.


City Attorney

Introduced by Councilmember _____

RESOLUTION (1) APPROPRIATING \$ 1.6 MILLION FOR FISCAL YEARS 2008-2009 AND 2009-2010, AND ALL PROJECTED PEG FEES OF APPROXIMATELY \$700,000 FOR FISCAL YEAR 2012-2013, FROM FUNDS PAID BY CABLE AND VIDEO FRANCHISE HOLDERS COMCAST AND AT&T, ("PEG FUNDS"), FOR THE CAPITAL EXPENSES OF PUBLIC, EDUCATION, AND GOVERNMENT ("PEG") CABLE TELEVISION CHANNELS OPERATING IN THE CITY OF OAKLAND; (2) AUTHORIZING APPORTIONMENT OF EQUAL SHARES OF THE PEG FUNDS TO PEG CHANNELS OF THE CITY OF OAKLAND ("KTOP"), OF THE OAKLAND UNIFIED SCHOOL DISTRICT ("KDOL"), AND OF THE PERALTA COMMUNITY COLLEGE ("PERALTA TV") FOR THEIR PEG CHANNEL CABLE AND VIDEO TELEVISION FACILITIES FOR FISCAL YEARS 2008-2009, 2009-2010, AND 2012-2013; AND (3) AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE MEMORANDA OF UNDERSTANDING TO EFFECTUATE THE DISTRIBUTION OF SAID FUNDS

WHEREAS, the City's Cable and Video Franchise Holders, Comcast and AT&T, are required to pay to the City, on a quarterly basis, 1% of their gross revenue to be used for the capital expenses ("PEG funds") for Public, Education and Government ("PEG") cable and video television facilities, such as those operated by the City through KTOP, by the Oakland Unified School District ("KDOL") and the Peralta Community College District ("PERALTA TV"), collectively referred to as the "PEG Channel Operators," pursuant to the City's Local Cable Franchise ("Local Franchise"), State Video Service Franchises ("SVSF") and State Video Franchise Agreement ("DIVCA"); and

WHEREAS, the PEG Fund capital support contribution made by Comcast and AT&T is 1% of their gross revenues, approximately \$ 700,000.00 annually, sometimes less and sometimes more depending on AT&T and Comcast's revenues; and

WHEREAS, the City is required to distribute PEG Funds among the PEG Channel Operators, including KTOP, under the City's Cable Franchise, SVSF and DVICA; and

WHEREAS, staff seeks a one-time apportionment and appropriation of PEG Funds for fiscal years 2008-2009 and 2009-2010 on account, and an apportionment and appropriation for Fiscal Year 2012-2013, to a Public, Education and Government fiscal account in order to fund capital improvements of all current and then existing PEG Channel operators: KTOP, KDOL and PERALTA TV cable and video television facilities; and

WHEREAS, the PEG Fund contributions made by Comcast and AT&T during fiscal years 2008-2009 and 2009-2010 on account total \$ 1,635,745,69; and

WHEREAS, staff seeks authorization for apportionment and appropriation of the PEG funds on account for Fiscal Years 2008 -2009 and 2009-2010 to KTOP, KDOL and PERALTA TV of one-third (1/3) each, (\$ 545,248.56 to each said PEG Channel); and

WHEREAS, staff seeks authorization for apportionment and appropriation of all PEG Funds projected to be received during Fiscal Year 2012 – 2013, in equal portions, to the PEG Channels operating in Oakland during that Fiscal Year (the current operating PEG Channels KTOP, KDOL and PERALTA TV would be apportioned one-third (1/3) each, approximately \$233,333.00 for Fiscal Year 2012-2013); and

WHEREAS, the City wishes to enter into a Memorandum of Understanding (“MOU”) with KTOP, PERALTA TV and KDOL to memorialize the PEG Funds apportionment, use of the funds and city’s administrative functions in connection with the PEG Funds; and

WHEREAS, the City’s Department of Information Technology will be the lead Agency in coordinating the MOUs with, and distribution of funds to PEG Channels operating in Oakland, and will administer all PEG Funds for the PEG Channels; and

WHEREAS, the term of the MOU will commence when KTOP, KDOL and PERALTA TV execute the MOU and will continue to June 30, 2013; now, therefore be it

RESOLVED, That the City Council authorizes the appropriation, as specified below, of PEG Funds to Public, Education and Government fiscal Fund 2999 Account 41613 Project P350210 (KTOP), Fund 2999 Account 24213 Project G383410 (KDOL) and Fund 2999 Account 24213 Project G383510 (PERALTA TV) to be used for capital improvements of all current PEG Channel Operators; and be it

FURTHER RESOLVED, That a onetime PEG Fund appropriation on account in the amount of one-third (1/3) (approximately \$ 545,248.56) of the PEG Fund from Fiscal Years 2008-2009 and 2009 - 2010 shall occur each to KTOP, KDOL and PERALTA TV; and be it

FURTHER RESOLVED, That, for the Fiscal Year July 1, 2012 to June 30, 2013, all PEG Funds received for that Fiscal Year shall be appropriated and apportioned equally between PEG Channels KTOP, KDOL and PERALTA TV (approximately \$ 233,333.00 each); and be it

FURTHER RESOLVED, That the City Administrator is authorized to execute Memoranda of Understanding (MOU) with all participating PEG Channel operators to memorialize the PEG Fund apportionment, and terms and conditions of the PEG Fund payments consistent with this Resolution; and be it

FURTHER RESOLVED: That the City Attorney will review the agreements authorized hereunder for form and legality and a copy shall be kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 02 2012

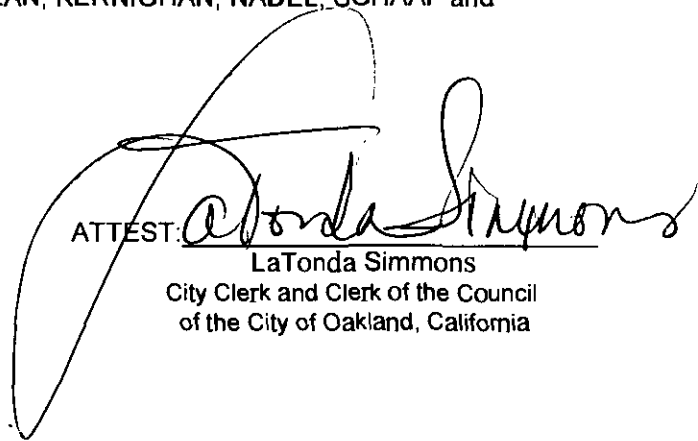
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SGHAAF and
PRESIDENT REID — 6

NOES - SCHAFF — 1

ABSENT - 0

ABSTENTION - NADEL — 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California