

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2018 NOV -1 PM 12: 38

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: LaTonda Simmons
City Clerk

SUBJECT: PEG Funding Apportionment 2018-
2023

DATE: October 22, 2018

City Administrator Approval

Date: 11/1/18

RECOMMENDATION

Staff Recommends The City Council Adopt A Resolution:

(1) Appropriating Approximately \$3.9 Million (A 5-Year Estimated Total) In Public Education Government (PEG) Fee Funds For FY 2018-2019 Through The End Of FY 2022-2023 For The Capital Expenses Of Public, Education And Government (PEG) Cable Television Channels Operating In The City Of Oakland; AND

(2) Authorizing Apportionment Of Equal Shares Of The PEG Funds To (KTOP), The Oakland Unified School District (KDOL), And The Peralta Community College District (PeraltaTV) For Their PEG Channel Cable And Video Television Facilities, Subject To Equal Reapportionment In Fiscal Years When There Are More Or Fewer PEG Channels Operating In Oakland; AND

(3) Authorizing The City Administrator To Execute Or Amend Memoranda Of Understanding To Effectuate The Distribution Of Said Funds; And

(4) Amending Resolution 84050 C.M.S. And 84701 C.M.S. To Appropriate \$1,298,523 Of Additional PEG Fees Received For Fiscal Years 2010-2011 Through 2017-2018 In The Same Equal 1/3 Manner Previously Authorized.

EXECUTIVE SUMMARY

Cable TV franchisees, (AT&T and Comcast) pay 1% of gross revenues to the City of Oakland as a PEG fee pursuant to Oakland Municipal Code section 5.17. 210., which states: each state franchise holder operating within the areas of the city shall pay to the city a PEG fee equal to one percent of gross revenues. The PEG funds exclusively provide for the capital infrastructure improvements for PEG Channels operating in the City of Oakland. Since FY 2007-08 through FY 2017-18, an appropriation and equal apportionment of the PEG funds to PEG Channel operators KTOP, KDOL and PeraltaTV to fund capital expenses, as authorized by resolutions 82988 C.M.S., 84050 C.M.S., and most recently 84701 C.M.S. which expired on June 30, 2018. Continued support requires the City Council appropriate the 1% PEG fees for the next five years

Item: _____

Finance and Management Committee
November 13, 2018

and authorize equal apportionment to the PEG Channel operators (KTOP, KDOL and PeraltaTV) through a memorandum of understanding (MOU). Additionally, the City Council must authorize appropriation and equal apportionment of excess PEG funds for fiscal years 2009*-2018 in the amount of \$1,298,523 as part of the MOU.

BACKGROUND / LEGISLATIVE HISTORY

Oakland Municipal Code section 5.17.210 establishes a fee of 1% of the gross revenues on AT&T California and Comcast, the state video franchises operating in the City of Oakland. Three PEG stations (KTOP, KDOL, and PeraltaTV) operate in the City of Oakland. PEG funds provide a dedicated, ongoing source of funding for capital expenses. Prior to the availability of PEG funds, KTOP's capital needs were funded out of its Operations and Maintenance budget. PEG funds can only be used to pay for capital expenses such as equipment, which typically requires replacement every five years except in cases of unanticipated equipment failures. PEG funds cannot be used for staff costs.

The City Council has approved appropriation and apportionment of PEG fees in equal shares to KTOP, KDOL, and PeraltaTV through Resolution Nos. 82988 C.M.S., 84050 C.M.S., and 84701 C.M.S. for Fiscal Years 2008 through 2017-18 to fund capital improvements.

A review of PEG revenues since January 2008 to June 2018 identifies \$8,038,523 as the actual collection of PEG fees. Prior actions of the Council have authorized only \$6,740,000 to be distributed to three PEG Channel operators. This leaves an unappropriated and undistributed balance of \$1,298,523 (\$432,841 each) for channel providers. These funds have not been dispersed above the thresholds set by the Resolutions 82988 C.M.S., 84050 C.M.S. and 84701 C.M.S.

ANALYSIS AND POLICY ALTERNATIVES

Franchise holders Comcast and AT&T pay 1% of their gross revenues as PEG fees in accordance with Oakland Municipal Code section 5.17.210. which states, each state franchise holder operating within the areas of the city shall pay to the city a PEG fee equal to one percent of gross revenues.

Per Public Utilities Code, ARTICLE 4. Video Service Franchises, use of PEG Funds is limited and can only be made to PEG Channels operating within the City of Oakland, which currently are: KTOP, KDOL and PeraltaTV. PEG funds are restricted and can only be used to make capital improvements including equipment and infrastructure upgrades.

Staff proposes continuing appropriation of projected PEG fees, and all fees collected above the previously allowed thresholds be disbursed in equal shares to the channel operators for capital improvement and infrastructure needs.

Table 1 below shows PEG revenues received from Comcast and AT&T, from FY 2013-14 to FY 2017-18. To date, the fees have yielded over \$3 million to fund capital improvements for the

three PEG Channel Operators: KTOP (City of Oakland), KDOL (Oakland Unified School District) and PeraltaTV (Peralta Community College District).

Table 1: PEG Revenues AND Available Balance from FY 2013- 14- FY 2018

| Table 1: PEG Revenues | | | |
|------------------------------|--------------------|------------------|------------------------|
| PERIOD | COMCAST | AT&T | FEEES COLLECTED |
| FY13-14 | 637,557 | 157,287 | 794,844 |
| FY14-15 | 644,664 | 200,576 | 845,240 |
| FY15-16 | 666,796 | 198,139 | 864,935 |
| FY16-17 | 690,708 | 157,185 | 847,893 |
| FY17-18 | 666,157 | 133,196 | 799,353 |
| TOTAL | \$3,305,882 | \$846,383 | \$4,152,265 |

Unexpended PEG channel funding is typically carried forward from multiple fiscal years to accumulate and fully fund costly capital acquisitions.

Table 2: Revenues, Expenditures, and The Available Balances by Fiscal Year Through June 2018 for each PEG channel operator.

| Table 2: PEG Revenues, Expenditures and Available Balances | | | | | |
|-------------------------------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| | FY13-14 | FY14-15 | FY15-16 | FY16-17 | FY17-18 |
| Revenue | 264,948 | 281,747 | 288,312 | 282,631 | 266,451 |
| Carry-Forward | 1,024,732 | 1,065,751 | 995,115 | 1,186,182 | 1,418,125 |
| Expenditures | (223,930) | (352,382) | (97,245) | (50,687) | (28,693) |
| Balance - KTOP | \$1,065,751 | \$995,115 | \$1,186,182 | \$1,418,125 | \$1,655,884 |
| Revenue | 264,948 | 281,747 | 288,312 | 282,631 | 266,451 |
| Carry-Forward | 868,305 | 1,133,253 | 1,415,000 | 485,198 | 689,224 |
| Expenditures | | | (1,218,114) | (78,605) | (138,370) |
| Balance - KDOL | \$1,133,253 | \$1,415,000 | \$485,198 | \$689,224 | \$817,305 |
| Revenue | 264,948 | 281,747 | 288,312 | 282,631 | 266,451 |
| Carry-Forward | 804,167 | 1,069,115 | 1,287,589 | 1,507,137 | 1,671,695 |
| Expenditures | | (63,273) | (68,764) | (118,073) | (154,990) |
| Balance - Peralta TV | \$1,069,115 | \$1,287,589 | \$1,507,137 | \$1,671,695 | \$1,783,156 |

PEG Funds Spending Projections for Fiscal Years 2018-2019 through FY 2022-2023

KTOP

Over the last 5 years, KTOP has used PEG revenue to upgrade and replace aged and failing technology in City Hall, upgrade the air conditioning in both KTOP's Head End and Production facilities. These upgrades also include development of a hybrid Standard Definition (SD)/High Definition (HD) array of equipment in two buildings, two hearing rooms, and Council Chamber. KTOP has upgraded the Master Control facility located in City Hall and maintains a HD Production Facility in the Dalziel Building. Much of the electronic equipment located in City Hall is beyond its life cycle and must be replaced. The increase in use of the hearing rooms and Council Chamber limit the opportunities for repair and replacement. This requires highly coordinated efforts to repair and or replace equipment while maintaining the functional and technical capabilities of each room (see **Attachment A**).

KDOL

In the last 5 years KDOL has built out their new production studio, broadcast facility, master control, temporary boardroom, committee room, and classroom space using their apportionment of PEG funds. Additionally, KDOL has supported media classrooms across OUSD with equipment from cameras to computers to allow for great student produced content on the air.

In the coming years, many of these systems will need updating and regular replacement as equipment reaches obsolescence. There are two large projects on the horizon. One is a new permanent boardroom requiring a production control, cameras and additional broadcast equipment. The second is a satellite studio that will be integrated into the New Fremont High Schools Media Academy as part of multi-million-dollar investment in the campus. PEG funds will be used to provide the production equipment in these two build outs (see **Attachment B**).

PeraltaTV

Peralta has made progress upgrading the cable TV control room, boardroom video system and remote production capabilities using PEG funds disbursed through the City of Oakland during the past 5 years. The TV control room has a new automation and playout system, mass storage and switching equipment which enhances the look and reliability of the station. PCTV is still in the process of upgrading the playout and boardroom recording systems to HD. New 4K capable production equipment has been added, three editing stations, shared storage and a sound production room.

Several large-scale projects remain in the works. Peralta's last 5-year plan included converting an old records warehouse space into a production studio. District A&R staff has resisted this conversion, so the project has stalled. PCTV would like to install a modular pre-fabricated building next to the current control room and offices for this purpose. A new timeline and costs are included in the current plan.

Attached is Peralta's updated five-year plan and request for PEG funding from the City of Oakland (see **Attachment C**).

PEG Fee Revenues

PEG fees are estimated at \$780,000 per fiscal year or approximately \$3,900,000 total for the next five years through June 2023. Equal apportionment of these revenues will be approximately \$260,000 annually per PEG channel operator for five years. Staff recommends the City Council appropriate the projected PEG fees for FY 2018-2019 through FY 2022-2023 and approve this resolution providing for the recommended equal shares through June of 2023.

In addition, staff recommends the appropriation of fees in the amount of \$1,298,523.00 for PEG Fee revenues more than projected amounts for Fiscal Years 2009-2010 through 2017-2018 previously authorized by resolution numbers. 84050 C.M.S. and 84701 C.M.S. The one-third apportionment would be \$432,841 to each PEG Channel.

PUBLIC OUTREACH / INTEREST

This item did not require any additional public outreach other than the required posting on the City's website

COORDINATION

This report was developed in consultation with staff in the Budget Bureau, KTOP, City Attorney's Office, Oakland Unified School District (KDOL) and the Peralta Community College District (PeraltaTV).

FISCAL IMPACT

Estimated \$3.9 million PEG Fees received from Video Franchisees (including Comcast and AT&T) from Fiscal Years 2018-2019 through 2022-2023, would be equally apportioned to all three PEG channels operating in the City of Oakland as follows:

| PEG Channel Operators | Expected Allocations FY2018-19 thru FY2022-23 |
|-------------------------------|-----------------------------------------------|
| KTOP (City of Oakland) | Approximately \$260,000 per year for 5 years |
| KDOL (OUSD) | Approximately \$260,000 per year for 5 years |
| PERALTA TV (Peralta Colleges) | Approximately \$260,000 per year for 5 years |

1. LOCATION OF FUNDS:

The PEG funds are held in the following project accounts:

- KTOP: Fund 2999, Account 41613, Project 1000447 (P350210)
- KDOL: Fund 2999, Account 24213, Project 1000444 (G383410)
- PERALTA TV: Fund 2999, Account 24213, Project 1000443 (G383510)

2. FISCAL IMPACT:

The appropriations of PEG funds will result in ongoing capital funding for KTOP, the City's government access cable channel, of approximately \$260,000 for fiscal years 2018-2019) through FY2022-2023, AND the additional appropriation of \$1,298,523 of excess collected fees at \$432,841 from the previous years to each of the three PEG Channel Operators.

SUSTAINABLE OPPORTUNITIES

Economic: PEG fees support capital equipment replacement for the TV channel operators and support the stations' service to citizens of Oakland Support to the broadcast activities advertises services and opportunities of the City of Oakland, Peralta Community College District, and Oakland Unified School District.

Environmental: There are no environmental opportunities associated with this report.

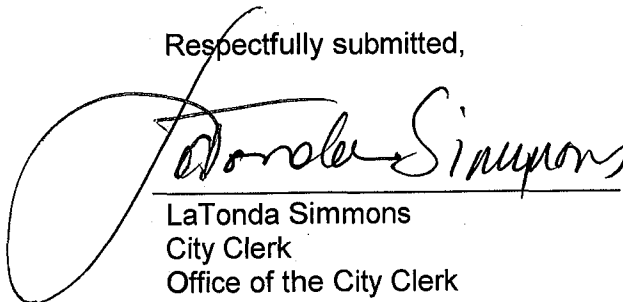
Social Equity: Adoption of this Resolution will allow Channel Operators to represent under-served communities in their programming and continue to inform and engage citizens in governance, civic and cultural affairs of the City of Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends The City Council Adopt A Resolution (1) Appropriating Approximately \$3.9 Million (A 5-Year Estimated Total) In Public Education Government (PEG) Fee Funds For FY 2018-2019 Through The End Of FY 2022-2023 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 (KTOP), The Oakland Unified School District (KDOL), And The Peralta Community College District (PeraltaTV) For Their PEG Channel Cable And Video Television Facilities, Subject To Equal Reapportionment In Fiscal Years When There Are More Or Fewer PEG Channels Operating In Oakland; (3) Authorizing The City Administrator To Execute Or Amend Memoranda Of Understanding To Effectuate The Distribution Of Said Funds; And (4) Amending Resolution 84050 C.M.S. And 84701 C.M.S. To Appropriate \$1,298,523 Of Additional PEG Fees Received For Fiscal Years 2010-2011 Through 2017-2018 In The Same Equal 1/3 Manner Previously Authorized.

For questions regarding this report, please contact Michael A. Munson, Cable TV Operations and Production Manager, KTOP TV Division of the Office of the City Clerk, at (510) 238-6565.

Respectfully submitted,





LaTonda Simmons
City Clerk
Office of the City Clerk

Prepared by: Michael Munson
Cable TV Operations and Production Manager
KTOP TV Division, Office of the City Clerk

Attachments: A - KTOP 5-year Spending Plan
B- KDOL 5-year Spending Plan
C - PeraltaTV 5-year Spending Plan

| KTOP PEG FUNDING 5 YEAR SPENDING PLAN | |
|----------------------------------------------------------------------------------------------|--------------------|
| Year 1 (2018-2019) | \$138,000 |
| Council Chamber Video Upgrade: HD cameras, switching, recording and monitoring | \$40,000 |
| Hearing Room 2 Audio Upgrade: Replace failing microphones and automated mixer | \$60,000 |
| Head End Upgrade: Complete digital broadcast path, improving quality "on-air" | \$10,000 |
| Info Access Upgrade: Increased functionality and deployment of our Electronic Bulletin Board | \$10,000 |
| Contingency (15%) | \$18,000 |
| Year 2 (2019-2020) | \$399,000 |
| Hearing Room 2 Video Upgrade: HD cameras and recording. Upgraded lighting | \$200,000 |
| Editorial Upgrades: 3 new Edit Suite workstations. Critical monitor | \$60,000 |
| Council Chamber Camera Control Replacement: New Camera Control system with Joystick | \$100,000 |
| Contingency (15%) | \$39,000 |
| Year 3 (2020-2021) | \$387,500 |
| Hearing Room 1 Upgrade: All HD production. Update audio system and room control | \$200,000 |
| Hearing Room 1 Camera Control Replacement: New Camera Control system with Joystick | \$100,000 |
| FlyPack Upgrade: All HD Production. Add laptop input | \$50,000 |
| Contingency (15%) | \$37,500 |
| Year 4 (2021-2022) | \$299,000 |
| Council Chamber Audio Update: Updated automated mixer, replacement microphones | \$60,000 |
| Studio Lighting Upgrade: Replace out-dated fixtures with LED lighting instruments | \$100,000 |
| Fiedl Equipment Upgrade: New Cameras and Lights | \$100,000 |
| Contingency (15%) | \$39,000 |
| Year 5 (2022-2023) | \$253,000 |
| Master Control Upgrade : Playback automation. Streaming Server. VOD | \$70,000 |
| Studio Control Room Upgrade: Integrate FlyPack for Studio Functionality | \$50,000 |
| Rental Edit Suite Upgrade: 4K Post Production. | \$100,000 |
| Contingency (15%) | \$33,000 |
| 5 Year Total | \$1,476,500 |

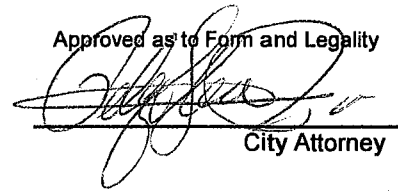
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|-----------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------|--------------------|
| EDUCATION ACCESS TELEVISION | | OAKLAND UNIFIED SCHOOL DISTRICT <i>Community Schools, Thriving Students</i> | |
| KDOL PEG Funding Five Year Spending Plan (FY18/19 to FY 22/23) | | | |
| KDOL Production | | Subtotal | \$235,000 |
| Lighting Upgrades | | | 25,000 |
| Switcher Replacement | | | 60,000 |
| Computer Graphics Replacement | | | 20,000 |
| Audio Production Build Out | | | 35,000 |
| Post Production Edit Replacements | | | 25,000 |
| Edit Server Upgrade | | | 45,000 |
| Misc Replacements and Upgrades | | | 25,000 |
| KDOL Master Control | | Subtotal | \$105,000 |
| Broadcast Video Server replacement | | | 80,000 |
| Control Computer | | | 10,000 |
| Misc Replacements and Upgrades | | | 15,000 |
| KDOL Student Productions | | Subtotal | \$250,000 |
| Field Production replacement | | | 100,000 |
| Edit Computer replacement | | | 150,000 |
| OUSD Board Room Production Control | | Subtotal | \$320,000 |
| Cameras and CCU's | | | 40,000 |
| Router and Infrastructure | | | 40,000 |
| Switcher and CG | | | 100,000 |
| AV Control Systems | | | 50,000 |
| Recording and distribution | | | 30,000 |
| Fiber Transmission | | | 30,000 |
| Misc Wiring and equipment | | | 30,000 |
| OUSD Satellite Student Production Programs | | Subtotal | \$220,000 |
| Field Production replacement | | | 100,000 |
| Edit Computer replacement | | | 120,000 |
| | | TOTAL | \$1,130,000 |

| Peralta TV (PCTV) 5 Year Plan for PEG Funds | |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Year 1 | \$401,000 |
| editing equipment to support Student video contributions at 4 campuses | 276,000 |
| Board of Trustees video system upgrades: Cameras and installation, monitors, scalars, switching Graphics generation, audio | 90,000 |
| Production equipment replacement and upgrades | 35,000 |
| | |
| Year 2 | \$335,000 |
| Student production equipment: Edit software, camera and support | 140,000 |
| District studio infrastructure: Lighting, cabling, racks and cabinets | 160,000 |
| Production equipment replacement and upgrades | 35,000 |
| | |
| Year 3 | \$215,000 |
| District studio equipment and installation: Cameras, pedestal bases, studio switching and graphics, cyclorama, engineering and | 180,000 |
| Production equipment replacement and upgrades | 35,000 |
| | |
| Year 4 | \$325,000 |
| Laney College studio renovation: Replace lighting grid and control; new light fixtures | 130,000 |
| Laney College control room equipment: Digital video switcher, monitors, graphics, recording | 160,000 |
| Production equipment replacement and upgrades | 35,000 |
| | |
| Year 5 | \$150,000 |
| Master Control equipment: Broadcast server replacement; monitors | 80,000 |
| Boardroom video replacement & upgrades | 35,000 |
| Production equipment replacement and upgrades | 35,000 |
| | |
| Total for 5 years | \$1,426,000 |

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Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION (1) APPROPRIATING APPROXIMATELY \$3.9 MILLION (A 5-YEAR ESTIMATED TOTAL) IN PUBLIC EDUCATION GOVERNMENT (PEG) FEE FUNDS FOR FY2018-2019 THROUGH THE END OF FY2022-2023 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 (KTOP), TO THE OAKLAND UNIFIED SCHOOL DISTRICT (KDOL), AND TO THE PERALTA COMMUNITY COLLEGE DISTRICT (PERALTATV) FOR THEIR PEG CHANNEL CABLE AND VIDEO TELEVISION FACILITIES, SUBJECT TO EQUAL REAPPORTIONMENT IN FISCAL YEARS WHEN THERE ARE MORE OR FEWER PEG CHANNELS OPERATING IN OAKLAND; (3) AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE OR AMEND MEMORANDA OF UNDERSTANDING TO EFFECTUATE THE DISTRIBUTION OF SAID FUNDS; AND (4) AMENDING RESOLUTIONS 84050 C.M.S. AND 84701 C.M.S. TO APPROPRIATE \$1,298,523 OF ADDITIONAL PEG FEES RECEIVED FOR FISCAL YEARS 2010-2011 THROUGH 2017-2018 IN THE SAME EQUAL 1/3 MANNER PREVIOUSLY AUTHORIZED

WHEREAS, the City's Cable and Video Franchise Holders (currently 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 (PeraltaTV), 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 \$760,000.00 annually, sometimes less and sometimes more depending on revenues of the video franchise operators; and

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

WHEREAS, through Resolution No. 84050 C.M.S. on October 2, 2013, the Council authorized apportionment in equal shares of the PEG funds to the PEG channels operated by the City of Oakland (KTOP), the Oakland Unified School District (KDOL) and the Peralta Community College District (PCTV), in the amount of \$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; and

WHEREAS, staff has determined that of \$1,298,523 in additional PEG Fee revenues been received for the fiscal years covered by Resolution No. 84050, and seeks authority to distribute the additional revenue in the same 1/3 proportion as originally authorized (\$432,841 total each); and

WHEREAS, through Resolution No. 84701 C.M.S. on November 7, 2013, the Council authorized apportionment in equal shares of all projected PEG funds to the PEG channels operated by the City of Oakland (KTOP), the Oakland Unified School District (KDOL) and the Peralta Community College District (PeraltaTV) in the amount of \$240,667 per year each (approximately \$722,000 per year total) for Fiscal Years 2013-2014 through 2017-2018; and

WHEREAS, staff has determined that of \$1,298,523 in additional PEG Fee revenues been received for the fiscal years covered by Resolution No. 84701 C.M.S., and seeks authority to distribute the additional revenue in the same 1/3 proportion as originally authorized (\$432,841 total each); and

WHEREAS, staff seeks to appropriate \$1,298,523 of unappropriated fees collected in fiscal years 2010-2018 from fees 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, authorizing apportionment of equal shares (\$432,841) to PEG Channels KTOP, KDOL, PeraltaTV) for their PEG channel cable and video television facilities; and

WHEREAS, staff projects that the City will receive approximately \$780,000 in PEG Fee revenues each year for Fiscal Years 2018-2019 through 2022-2023, and recommends that said revenue be divided equally between the three PEG channels currently operating within Oakland (KTOP, KDOL, and PeraltaTV); and

WHEREAS, staff also seeks authorization for apportionment and appropriation of PEG Funds for Fiscal Years 2018-2019 through 2022-2023, to a Public, Education and Government fiscal account to fund capital improvements of all current and then existing PEG Channel operators: KTOP, KDOL and PeraltaTV of one-third (1/3) each, (approximately \$260,000.00 per year to each said PEG Channel); and

WHEREAS, the City wishes to enter into or amend any MOU with Oakland Unified School District and Peralta Community College District to memorialize the PEG Funds apportionment, use of the funds, and City's administrative functions with the PEG Funds as resolved below; and

WHEREAS, the Office of the Oakland City Clerk will be the lead Agency in coordinating the MOUs with and distribution of funds to PEG Channels operating in the City of Oakland, and will administer all PEG Funds for the PEG Channels; and

WHEREAS, the term of the MOU will commence when the City, Oakland Unified School District, and Peralta Community College District execute the MOU and will continue to June 30, 2023; now, therefore be it

RESOLVED, that the City Council authorizes the appropriation, as specified below, of PEG Funds to Public, Educational and Government fiscal fund 2999, Account 41613, Project 1000447 (formerly P350210) (KTOP); Fund 2999, Account 24213, Project 1000444 (formerly G383410) (KDOL); and Fund 2999, Account 24213, Project 1000443 (formerly G383510) (PeraltaTV) to be used for capital expenses of all current PEG Channel Operators; and be it

FURTHER RESOLVED, that Resolution No. 84050 is hereby amended to authorize appropriation and apportionment of \$432,841 each to PEG Channel Operators KTOP, KDOL, and PeraltaTV from PEG Funds received in Fiscal Years 2008-2009 and 2009-2010, and 2012-2013; and be it

FURTHER RESOLVED, that Resolution No. 84701 is hereby amended to authorize appropriation and apportionment of \$432,841 each to PEG Channel Operators KTOP, KDOL, and PeraltaTV from PEG Funds received in Fiscal Years 2013-2014 through 2017-2018; and be it

FURTHER RESOLVED, that for fiscal years 2018-2019 through 2022-2023 all PEG Funds received for those Fiscal Years shall be appropriated and apportioned equally between the PEG Channels operating in Oakland each Fiscal Year (currently: KTOP, KDOL and PeraltaTV (approximately \$260,000.00 each per year), subject to equal reapportionment in Fiscal Years when there are fewer or more PEG Channels operating in Oakland and when totals are adjusted for trued up totals from the previous fiscal year; and be it

FURTHER RESOLVED, that the City Administrator, or her designee, is authorized to execute or amend 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, _____, 2018

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, MCELHANEY, AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST:

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