



January 19, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive and file strategy to restore Public Access television in Long Beach.  
(Citywide)

## DISCUSSION

At the November 17, 2009 City Council meeting, the Technology Services Department (Technology Services) was directed to return to the City Council within 45 days to present a strategy to re-establish Public Access television in Long Beach. For the past several months, the City has worked extensively with Public Access stakeholders to restore Public Access. On December 28, 2009, City staff provided a memorandum to the City Council describing the efforts to date as well as the strategy to restore Public Access. It also highlighted the plan to enhance Parks, Recreation and Marine's video training program for youth. This report provides additional details included in the strategy.

History: The enactment of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), a bill that the City vigorously opposed, marked a major change in the regulation of video service providers in California. Essentially, DIVCA replaced the local franchising process with a State process under the authority of the California Public Utilities Commission. The legislation allowed incumbent cable operators, such as Charter Communications, to vacate their local cable franchises. As a result, the incumbent cable operator was not required to provide Public Access facilities, equipment, and staff support for residents to produce their own cable programming after January 2, 2009. Public Access television in Long Beach is dark because there is no longer an entity with the requisite funds to operate the channel.

Beginning in November 2008, Technology Services began meeting with representatives from the Public Access television community to discuss the future of that medium in Long Beach. Over the next few months, staff met with the group on several occasions to identify potential solutions to continue Public Access operations. Unfortunately, neither a short nor long-term viable solution could be identified. The primary issue then, as it is today, is the lack of funding to support Public Access operations. While Public, Education, and Government (PEG) funding is available, it can only be used for capital uses, such as equipment, and cannot be used for staffing, rent, and other operational expenses.

In late April 2009, at the direction of the City Council, the City issued a Request for Proposals (RFP) for the provision of Public Access cable television services. The City received one proposal in response to the RFP. In August 2009, the City rejected the

proposal for the following reasons: 1) lack of organizational sustainability, meaning that the proposing entity did not meet the RFP requirement to be a registered nonprofit organization; 2) limited ability to raise operational funds, given the lack of nonprofit status and minimal experience in fund-raising, with no viable plan to generate revenue; and 3) concerns regarding the proposer's desire to purchase a facility with PEG funds.

Proposed Strategy to Restore Public Access: As a follow-up to RFP process, the City continued its effort to identify possible ways to re-establish Public Access. In November 2009, Technology Services invited approximately 15 community Public Access stakeholders to a series of meetings to develop a plan for Public Access in Long Beach. The members of the team represent Long Beach's educational institutions and workforce organizations, arts and culture community, youth services providers, local access producers, and City staff. Over the last two months, the stakeholder team held four working sessions focused on a common goal of restoring Public Access television in Long Beach.

An inclusive, collaborative process was employed to build a new vision for Public Access. This process represents the foundation of the strategy. At the beginning of the process, there were multiple perspectives and visions for what Public Access should be. Through ongoing dialogue, the team developed a unified vision for what Public Access will be in Long Beach:

*The vision for Long Beach Community Media (Public Access) is an exciting, state of the art creative and cultural network that utilizes partnerships and collaborative resources to train content producers and distribute media that connects and empowers our community. This network is an innovative model for public access as it fosters dynamic engagement by giving voice to our residents, prepares young people for meaningful careers, and shares vital information that improves the quality of life in our community.*

This statement extends beyond the restoration of Public Access programming. It incorporates other important objectives such as being inclusive and available to all, providing training and job skills to members of our community, particularly youth, and connecting our community through the exchange of information and ideas. Also, the vision reflects the understanding that the Public Access solution is greater than any single entity is able to currently provide.

Another component of the planning process was to reach out to the community to provide information about Public Access, gather additional perspectives on the potential benefits, and build support for the future. The team completed over 25 interviews of potential stakeholders to ascertain their understanding of Public Access, how it might help them, individually or as an organization, and what resources (e.g., funds, volunteers/interns, training and marketing opportunities, etc.) they may have to contribute to its initial success and ongoing sustainability. This effort not only provided valuable information used to chart the future course, but also raised awareness of Public Access to communities that may not have known how it could benefit them.

Building on the initial visioning and community input, the stakeholder team defined the requirements for the Public Access operator, which is reflected below.

*The Community Media Center (Public Access) is operated by a nonprofit organization whose board of directors represents community diversity, necessary technical understanding, community organization skills and resource acquisition abilities. It is big enough to represent the rich diversity of Long Beach and small enough to be nimble and responsive. It directs and manages the core functions of the Community Media Center including equipment and content distribution, training and production through its own resources and/or the resources of its collaborators.*

Through the planning process, the team began identifying specific action steps for operations and fund development. Creation of these strategic action items, some of which are listed below, in conjunction with an aggressive marketing and advertising campaign, is an important step to building a sustainable organization that can meet the needs of our community.

<i>Operational Development</i>	<i>Fund Development</i>
➤ Identify organization(s) that are willing and able to provide Public Access services to LB community	➤ Identify hard dollar costs for Public Access start-up and ongoing operations
➤ Identify areas of operation that can be provided through collaboration (e.g., training)	➤ Gather and analyze funding plans for other successful community media operations
➤ Identify volunteers that are able to provide operational support and organizations/institutions that can provide interns	➤ Develop database of strategic partners (including Chamber of Commerce and LB Community Foundation) and the support, both financial and in-kind, that they may be able to provide
➤ Contact other successful Public Access/Community Media operations to identify best practices	➤ Develop and launch a membership program, a community fundraising initiative, and seek grant and program underwriting opportunities

However, it is important to note that while a strategy is in place, which builds on the strengths of the entire Public Access stakeholder community, it will take more time to finalize the specific relationships, responsibilities, and accountabilities to restart and sustain Public Access in Long Beach. Technology Services will continue its work with the stakeholder team in the coming months to help develop and formalize the requisite agreements for approval by the City Council.

It should also be pointed out that the City, as part of its Federal Legislative Agenda, has supported HR 3745, the Community Access Preservation Act (CAP), which would ease restrictions on the allowable uses of PEG revenues. Enactment of this legislation would benefit local Public Access by allowing PEG revenues to be used for operational purposes, such as staffing and rent.

Plan to Enhance Parks, Recreation and Marine's Youth Programming: At its November 17, 2009 meeting, the City Council also requested that Technology Services explore opportunities for the Department of Parks, Recreation and Marine to use a portion of the

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PEG revenues for digital media arts programming for youth at local parks. Technology Services has been working with Parks, Recreation and Marine to identify capital needs and potential uses of PEG funds. Preliminary conversations have focused on using some of the City's PEG funds to upgrade computer equipment used for the digital arts programming. The two departments will continue working to identify opportunities for that equipment to be used to provide program content on the City's Government access channel (LBTV).

This matter was reviewed by Deputy City Attorney Gary Anderson and by Budget and Performance Management Bureau Manager David Wodynski on December 18, 2009.

#### TIMING CONSIDERATIONS

City Council action is requested on January 19, 2010. City staff will continue working with the Public Access stakeholder group to develop and formalize the operational responsibilities and agreements.

#### FISCAL IMPACT

There is approximately \$600,000 in PEG revenue available for distribution annually. The formula for distribution of funds originally approved by the City Council in April 2009 was 80 percent for Public Access (\$480,000), ten percent for Education Access (\$60,000 split equally among CSULB, LBCC and LBUSD), and ten percent for Government Access (\$60,000) in the first year. The City Council's direction on November 17, 2009 authorized a change to the allocation formula in the first year to 57 percent Public Access (\$340,000), 33 percent Education Access (\$200,000 split equally among CSULB, LBCC and LBUSD), and ten percent Government Access (\$60,000) if a collaborative, short-term strategy could not be developed.

It should be noted that the City Council's action in April 2009 directed that in subsequent years 50 percent would go to Public Access (\$300,000), 25 percent to Education Access (\$150,000 split equally among CSULB, LBCC and LBUSD), and 25 percent to Government Access (\$150,000).

#### SUGGESTED ACTION:

Approve recommendation.

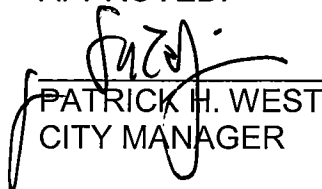
Respectfully submitted,



CURTIS TANI  
DIRECTOR OF TECHNOLOGY SERVICES

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APPROVED:

  
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PATRICK H. WEST  
CITY MANAGER