



Legislation Text

File #: 11-1017, **Version:** 1

Recommendation to authorize City Manager to enter into an agreement with the Long Beach Community Action Partnership to operate Public Access television in Long Beach for a period of two years with the option to extend for two additional one year periods at the discretion of the City Manager; and increase appropriations in the General Services Fund (IS 385) and the Department of Technology Services (TS) by \$524,472. (Citywide)

Enactment of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) 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 cable operators to vacate their local franchises. As a result, cable operators were not required to provide Public Access facilities, equipment, and staff support for residents to produce programs after January 2, 2009. Public Access television in Long Beach has been dark since then because there was no entity, with the requisite funds, to operate the channel. It should be noted, however, that the cable operators have reserved a channel for Public Access in their Long Beach channel lineups.

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

In April 2009, at the City Council's direction, the City issued a request for proposals (RFP) for the provision of Public Access cable television services. The City received one proposal, but rejected it after careful review because it did not meet the RFP requirements. However, staff continued to work with stakeholders of the digital media community (Public Access producers, arts and culture community, workforce development providers, education institutions, and other service providers) to identify possible ways to bring back Public Access. This "Collaborative" team endeavored to think beyond traditional Public Access television in pursuit of the more modern characteristics of a digital city that connects our diverse community across multiple content delivery platforms (TV, personal computer, smartphone, etc.). The vision was to create a central "hub," run by a local nonprofit responsible for daily activities, including hosting and scheduling, and providing playback of video content submitted by content providers from across the city.

In February 2010, Collaborative members identified a funding opportunity that could provide operational funds to help restore Public Access television and realize the digital city vision. In a unique partnership with the Long Beach Community Foundation, operational funds were sought via the Knight Foundation's *Community Information Challenge Grant*. Although the Community Foundation's 2010 application went unfunded, its 2011 application received \$325,000 over two years.

Recall, per Council action on May 5, 2011, PEG funds reserved for Public Access were committed as the grant match. These funds will be provided to the Community Foundation, who will in turn provide them to the proposed Public Access operator, Long Beach Community Action Partnership (LBCAP). The remaining PEG funds reserved for Public Access will go directly to the proposed operator.

Long Beach Community Action Partnership's Proposal: LBCAP is proposing to build on its current lineup of digital media arts programs and services to create, implement, and manage a Public Access Digital Network (PADNET). PADNET will be a digital media training, production, and delivery system that will show locally-produced video content through the primary conduit of Public Access television, as well as leverage other digital media outlets such as the Internet and smartphones. Technology advancements, decentralization of resources and training, and broader access to high-quality video equipment have enabled this change from traditional, studio-based content production.

To launch PADNET, a production hub will be established at LBCAP to provide the central storage and distribution services for the wide-array of potential video content producers. LBCAP will work with community partners to provide access to studios, equipment, and production support. It will rely on partnerships with local nonprofits and service providers to deliver training programs and services for content producers. Engaging partners experienced in training youth and adults in digital media arts will enable a quick launch of the network.

As an established 501(c)(3), LBCAP will serve as the lead operator of PADNET. An advisory body of key community partners to include video producers, nonprofit organizations, educational institutions, corporate entities, and the City, will be formed to ensure technical, operational, and community priorities are addressed.

The operating funds to launch PADNET will come from the Community Foundation, via the Knight Foundation grant award totaling \$325,000. Capital funding will be provided from the City's PEG revenues already reserved for Public Access. It is important to reiterate that the Knight Foundation funds are only for two years. LBCAP will need to identify and obtain ongoing operational funding to ensure sustainability. While the City will not be responsible for the day-to-day operations, it will have a significant role in ensuring contractual objectives, performance provisions, and financial audit requirements are met, and the distribution and use of the PEG funds comply with all applicable laws.

This matter was reviewed by Deputy City Attorney Gary Anderson on September 21, 2011 and Director of Financial Management John Gross on September 26, 2011.

City Council action is requested on October 11, 2011. Approval of this request will allow LBCAP to immediately begin restoring Public Access television.

The City Council has taken two previous actions to reserve 33 percent of the 2009 and 2010 PEG revenues, totaling \$524,472, to support Public Access television. On May 5, 2011, the City Council also approved using a portion of these funds as a one-for-one match for the Knight Foundation grant of \$325,000. The grant match of \$325,000 will be provided to the Long Beach Community Foundation, who will then provide the funds to LBCAP, along with the actual grant funds.

Because these funds are currently unbudgeted, an appropriation increase of \$524,472 is requested in the General Services Fund (IS 385) in the Department of Technology Services (TS). The City is not providing any other financial support. There will be local jobs created from this recommendation.

Approve recommendation.

CURTIS TANI
DIRECTOR OF TECHNOLOGY SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER