



**Legislative Department  
Seattle City Council  
Memorandum**

Date: June 13, 2011  
To: Councilmembers Bruce Harrell, Richard Conlin, and Nick Licata  
Energy, Technology and Civil Rights (ETCR) Committee  
From: Martha Lester, City Council Central Staff  
Subject: **C.B. 117204 to Designate New Public Access Television Operator:  
June 15, 2011, ETCR Committee Meeting**

As you know, the City is embarking on a new model for providing public access television in Seattle. This memo provides background, and outlines C.B. 117204, which will be before the Energy, Technology and Civil Rights (ETCR) Committee on June 15, 2011, for discussion and possible vote. It also describes two amendments for Councilmember consideration.

## **Background**

New model: Under the new model for providing public access television in Seattle, the Department of Information Technology (DoIT) worked with the Citizens Telecommunications and Technology Advisory Board (CTTAB) to develop a Request for Proposals (RFP), inviting organizations to submit proposals to operate the City's public access cable television channel and to provide related community digital media production services. As part of this process, DoIT and CTTAB released a questionnaire (and evaluated responses), conducted a survey, and held a public meeting to solicit input from interested parties. DoIT also reflected guidance that the Council provided last fall through Statement of Legislative Intent 37-1-A-1. The ETCR Committee was briefed by DoIT staff at its March 16, 2011, committee meeting, and DoIT issued the RFP on March 21.

Seattle Community College District selected: At the ETCR Committee meeting two weeks ago, on June 1, DoIT presented the results of its RFP process, and introduced Seattle Community College District VI as the "apparent successful proposer." DoIT has now submitted proposed legislation to the Council. C.B. 117204 would designate Seattle Community College District VI as the "Designated Access Manager" for public access television and would authorize the Chief Technology Officer (CTO) to enter into a contract for services through June 30, 2014. The Community College District currently operates its own cable television channel (SCCtv), and under this contract with the City will operate a second channel, which it plans to call "Seattle Community Media."

Budgeted amount: Last fall, the Executive proposed an annual budget of \$100,000 for public access television services. The Council concluded that more funding might be warranted. To provide additional funding, the Council increased the cable franchise fee (from 4.2 percent to 4.4 percent of cable operators' gross revenues generated from the provision of cable services) and stated that a portion of the new revenue might be allocated to the new public access television operator. CTTAB and DoIT now recommend that an additional \$87,000 per year be allocated to public access television, for a total of \$187,000 per year. C.B. 117204 would appropriate this additional amount.

Remaining cable fee revenue: As a side note, this would leave about \$95,000 per year of unallocated cable fee revenue. CTTAB recommended that the funding for Technology Matching Fund (TMF) grants be increased by this amount. The TMF was funded at \$300,000 in 2010. For 2011, the Mayor reduced the funding to \$225,000. If the additional \$95,000 from the cable fee increase were allocated to the TMF,

it would bring 2011 TMF funding to \$320,000. The Mayor has not yet made a recommendation about spending the remaining \$95,000 of cable fee revenue.

### Key Elements of C.B. 117204

- Designate Seattle Community College District VI as the Designated Access Manager for public access television (superseding and terminating the previous designation of SCAN).
- Authorize the Chief Technology Officer to execute an agreement with Seattle Community College District VI.
- Appropriate an additional \$87,000 from cable franchise fee revenue in 2011 for the public access operator.

### Selected Highlights of Proposed Agreement

Section(s)	Description
--	Agreement effective June 1 (ordinance includes ratify-and-confirm clause).
5.2	Provides for transition services from SCAN (which is providing services until June 30); Seattle Community College District VI (SCC) will cablecast starting July 1.
5.3	By September 30, 2011, SCC will: <ul style="list-style-type: none"> <li>– take City equipment that it wants (Exhibit A includes list);</li> <li>– provide management plan for City’s review;</li> <li>– provide three-year revenue-generation plan for City’s review;</li> <li>– adopt policies including acceptable use of equipment, facilities, and channel; handling obscene and illegal content; enforcement and appeal; complaint procedures.</li> </ul>
5.5, 5.6	SCC will conduct outreach and provide training, targeting people who used SCAN, as well as youth, people of color, immigrant and refugee communities, and disadvantaged communities.
5.14	User fees may be charged for membership, studio space, editing space, equipment, training. <ul style="list-style-type: none"> <li>– SCC will submit fee schedule to City for review.</li> <li>– Fees must be reasonable, and cannot substantially impede person’s ability to use channel.</li> <li>– SCC will provide discounts or free use to low-income people.</li> <li>– No fee for channel time.</li> </ul>
5.15	SCC may solicit sponsorships, and underwriting is allowed (but <i>producers</i> cannot promote commercial products or services).
6	SCC must meet performance standards, including minimum hours of: <ul style="list-style-type: none"> <li>– local programming;</li> <li>– studio and editing suite time;</li> <li>– training and outreach.</li> </ul>
9	9.1: Compensation of \$187,000 per year for cablecasting, plus \$93,500 to cover transition. 9.2: SCC submits monthly performance reports to DoIT. 9.3: If SCC is not in compliance with agreement, City may withhold payment.
31	CTO may agree to amendments on City’s behalf (could include extending duration of agreement).
40.1	Either party may terminate by giving 120 days written notice. City may terminate due to non-appropriation of funds.

## **Amend 117204 to Add Missing Exhibits to Agreement**

Attachment 1 to C.B. 117204 is the proposed agreement between DoIT and Seattle Community College District VI. Section 1 of the agreement states, “The Request for Proposal (“RFP”), its Addenda, and the Public Access Manager’s Proposal are explicitly included as Attachments.”

However, none of these documents was actually included with the proposed legislation. I recommend that Councilmembers amend C.B. 117204 as follows:

Amend the second sentence of Section 1 of Attachment 1 to C.B. 117204 as follows:

The Request for Proposals (“RFP”), its Addenda, and the Public Access Manager’s Proposal are explicitly included as Exhibits B through G (~~Attachments~~).

Amend the list on page 4 of C.B. 117204 to include all exhibits to Attachment 1, as follows:

Attachment 1: Agreement for Public Access Cable Television Channel Manager

Exhibit A: List of City-owned equipment

Exhibit B: Request for Proposals (RFP)

Exhibit C: Amendment #1 to RFP

Exhibit D: Amendment #2 to RFP

Exhibit E: Amendment #3 to RFP

Exhibit F: Insurance Requirements Transmittal Form

Exhibit G: Public Access Manager’s (Seattle Community Colleges Television’s) Proposal

Amend the list on page 18 of Attachment 1 to C.B. 117204 as follows:

Exhibits (~~Attachments~~): Exhibit A: List of City-owned equipment

Exhibit B: Request for Proposals (RFP)

Exhibit C: Amendment #1 to RFP

Exhibit D: Amendment #2 to RFP

Exhibit E: Amendment #3 to RFP

Exhibit F: Insurance Requirements Transmittal Form

Exhibit G: Public Access Manager’s (Seattle Community Colleges Television’s) Proposal

Add the documents listed as Exhibits B through G to the jacket for C.B. 117204.

## **Amend C.B. 117204 Related to Minimum Amount of Local Programming**

In response to a question that I asked DoIT about this proposal, DoIT stated that “75% of programming will be locally originated.” SCC will cable-cast 24/7, yielding about 720 hours of cable-casting per month (30 days at 24 hours per day). If 75 percent were local programming, that would mean about 540 hours per month of local programming.

However, the proposed agreement between DoIT and SCC, in Section 6.2, requires that SCC cable-cast a minimum of only 420 hours of local programming per month.

The Council could consider an amendment to the proposed agreement to require the higher minimum amount of local programming.

Amend Section 6.2 of Attachment 1 to C.B. 117204 as follows:

Cable-cast a minimum of 540 (~~420~~) hours of programming per month that are produced by local producers or submitted by local producers.