

RESOLUTION NO. 1112

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE METROPOLITAN AREA COMMUNICATIONS COMMISSION AND ITS MEMBER JURISDICTIONS.

WHEREAS, the City of Wilsonville is a member of the Metropolitan Area Communications Commission (hereinafter MACC); and

WHEREAS, the members of MACC have entered into an Intergovernmental Cooperation Agreement (hereinafter Agreement), and Section 9.E of the Agreement requires that its terms shall not be amended without the written authorization of the governing bodies of all the member jurisdictions; and

WHEREAS, the members of MACC have, for the last four years, contributed a portion of their franchise fee distribution to support Tualatin Valley Community Access (hereinafter TVCA); and

WHEREAS, the MACC Board of Commissioners has recommended to its member jurisdictions that they continue to contribute a portion of their franchise fees to support TVCA through the life of the current cable television franchise agreement (February 10, 1999); and

WHEREAS, the City of Wilsonville desires that the Agreement be amended to continue providing TVCA with funding from the member jurisdictions' franchise fees.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. That the Wilsonville City Council hereby consents to and authorizes the amendment of the Agreement as follows:

A. To amend Section 2 by adding a new subsection 6.D, to read as follows:

[6.D.] (1) Beginning with the fiscal year that starts on July 1, 1994, each jurisdiction shall contribute 7.5% of its franchise fee distribution to be used by the Commission for financial support for the programs and operating costs of TVCA.

(2) The 7.5% contribution shall continue for three (3) years.

(3) Beginning with the fiscal year that shall start on July 1,

1997, each jurisdiction shall contribute 5.0% of its franchise fee distribution to support TVCA.

(4) Franchise fee contributions to TVCA shall end on February 10, 1999, unless continued by action of MACC, after approval of each jurisdiction that contributes franchise fees during the fiscal year ending June 30, 1999.

(5) A jurisdiction may suspend its contributions to support TVCA, or may reduce its contribution for any fiscal year beginning after July 1, 1995, if it gives notice to MACC no later than the immediately preceding March 1, of such decision by its governing body for each fiscal year it chooses to suspend contributions.

B. The Mayor is authorized to file an executed true and correct copy of this Resolution with MACC.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 20th day of June, 1994, and filed with the City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Benson	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Sempert	<u>AYE</u>

ADMINISTRATION DEPARTMENT
STAFF REPORT AND RECOMMENDATION

DATE: JUNE 20, 1994

TO: HON. MAYOR AND CITY COUNCIL

FROM: DAVE KANNER, PUBLIC AFFAIRS DIRECTOR

SUBJECT: RESOLUTION CB-R-804-94, A RESOLUTION CONTINUING
WILSONVILLE'S VOLUNTARY FRANCHISE FEE
CONTRIBUTION TO TVCA

SUMMARY

Resolution CB-R-804-94 continues the city's practice of voluntarily contributing a small portion of its cable television franchise fees to support the operations of Tualatin Valley Community Access, as we have done since 1989. This contribution would amount to 7.5% of our franchise fee revenues for three years, declining to 5% a year for the final two years of the agreement. This agreement takes effect only if all 16 member jurisdictions of the Metropolitan Area Communications Commission approve of this arrangement.

RECOMMENDATION

Adopt Resolution CB-R-804-94.

BACKGROUND

Wilsonville is a member of the Metropolitan Area Communications Commission (MACC), which, by intergovernmental agreement, administers the cable TV franchise for 16 jurisdictions in Washington and Clackamas Counties. MACC collects a franchise fee from the region's cable TV operator (Columbia Cable of Oregon), and distributes the franchise fees to member jurisdictions on a pro-rata basis. A portion of the franchise fees collected by MACC are used to support the agency's administrative overhead and another portion of MACC's revenue is used to support Tualatin Valley Community Access (TVCA), the public, education and government access television operation which Columbia Cable was required to establish and fund as part of its franchise agreement with MACC.

Shortly after TVCA was established, it became apparent that the funding provided by Columbia Cable plus the revenue provided by MACC was inadequate to support its operations. Member jurisdictions were asked to provide an additional contribution amounting to 10% of their franchise fees for three years and 7.5% of their franchise fees for the current fiscal year. An agreement to do so was approved in 1989. This agreement expires on June 30, 1994.

At its meeting of March 30, 1994, the MACC commission approved a resolution requesting that member jurisdictions continue their voluntary support of TVCA by returning 7.5% of their franchise fee revenue to TVCA for three years and by returning 5% of their franchise fee revenue for two years after that. TVCA is in the process of spinning itself off into a private non-profit organization separate from MACC. It is anticipated that alternative funding sources will be identified before this new agreement expires.

Additional information about TVCA and the services it provides are contained in an attached memo from Paula Manley, MACC's community access meeting, who will also be present at your meeting to answer questions.

**Report to the Wilsonville City Council
on MACC Commission
Recommendation for Access Funding**

Prepared by the
Metropolitan Area Communications Commission

Paula Manley, Community Television Manager
Tualatin Valley Community Access

June 2, 1994

BACKGROUND REPORT ON MACC COMMISSION RECOMMENDATION TO CONTINUE ACCESS FUNDING

■ A Brief History

Wilsonville is one of 16 jurisdictions participating in the Metropolitan Area Communications Commission (MACC), our area cable TV regulatory agency. Community access television is a requirement of most modern cable franchises including MACC's franchise with Columbia Cable of Oregon. MACC's community access television operation, Tualatin Valley Community Access, was established in 1988 to provide public, education and government (PEG) access programming on the cable system. TVCA was the result of long-standing efforts on the part of the MACC Commission to improve community access TV services and local programming in the area.

Funding for TVCA was negotiated as part of the sale of the cable system to Columbia Cable. The budget planned for TVCA for the life of the franchise (through 1999) included a three-way funding split with the majority of funding coming from Columbia, a 10% contribution from the MACC Commission, and an additional 7.5% franchise fee contribution from each of the jurisdictions. However, since the additional 7.5% franchise fee contribution was not originally approved by each of the jurisdictions as required by the MACC Intergovernmental Agreement (one jurisdiction voted "no"), the third leg of the proposed funding was not immediately available to TVCA.

The third leg of the funding did become available for TVCA in 1989, when all 16 jurisdictions participating in MACC, including Wilsonville, approved a resolution to reinstate the three-way access funding scenario. This leg of the franchise fee funding was established for four years (at a 10% level for three years and a 7.5% level for this year, FY 93/94). According to the 1989 resolution, before June 30, 1994, "the member jurisdictions will review that portion of their franchise fee that funds Tualatin Valley Community Access to determine future levels of franchise fee contributions to the Access Program from the jurisdictions."

■ MACC Commission Recommended Action

At its March 30, 1994 meeting, the MACC Commission approved a resolution requesting that the 16 jurisdictions participating in MACC continue franchise fee support to TVCA at a status quo level (7.5%) for the next three years, followed by a reduced contribution (5%) for the final two years of the current franchise with Columbia Cable of Oregon. The reduced contribution in the final two years anticipates that TVCA, which will be established as a tax-exempt nonprofit organization as of October 1, 1994, will eventually develop alternative fund raising methods to offset the loss.

■ **About the Access Program**

TVCA provides a unique service to cable subscribers: a diversity of non-commercial local programming including coverage of local government meetings such as the Wilsonville City Council, programs developed in cooperation with area educators and schools, extensive voter information through the *Video Voters Guide*, and programs that address specific constituencies such as the *Oye Como Va* (What's Happening) series which is geared for the Hispanic community.

Through TVCA, training in television production and media literacy is available to the public, and video equipment and technical assistance is provided to those interested in developing their own community programming for the cable system. TVCA's Volunteer Directory is available to those who have a program idea but are not interested in the "hands-on" television production experience.

■ **Wilsonville Involvement**

In addition to the City's involvement with coverage of Council meetings, several Wilsonville residents have been certified through TVCA's training program. These volunteers are involved in developing a wide range of community-oriented programming. Volunteers from Wilsonville have been involved in programs such as: "Fox Fire," which chronicles a group of Wilsonville children's development of a book about the lives and times of Wilsonville senior citizens; "Wilsonville School Spring Concert," including songs and performances by first graders; "Project Playground," a public service announcement promoting a community playground, and "NW Science Expo," providing coverage of the Science Fair for high school and middle school students. Volunteer Carol Berger was recognized recently by the City Council for her assistance in developing an informational video about the City of Wilsonville's serial levy.

In addition to volunteer-produced productions, TVCA staff produce "Outreach Productions" in cooperation with local governments and community groups in order to assure geographically diverse coverage of events and activities throughout the service area. A video currently in production which profiles the recreational opportunities available through the Recreation Round-Up, Inc. organization is an example of an outreach production.

TVCA's mission is "to increase participation in public life by promoting understanding and informed use of media tools for individual expression and community dialogue." The continuing support of local governments will make it possible for TVCA to continue to make training and community programming available throughout the MACC/Columbia Cable of Oregon service area.

■ **Attachments**

A summary of estimated franchise fee disbursements to each of the MACC jurisdictions is attached as "Table A." A summary of recommended continuing franchise fee contributions from jurisdictions to the Access Program is attached as "Table B." The model resolution from MACC requesting continuation of franchise fee funding for TVCA is attached as "Attachment C."

FRANCHISE FEE DISBURSEMENT SUMMARY

TABLE A

Figures below show actual franchise fee revenue distributed to MACC member jurisdictions in the last three years, the projected amount this year and proposed amounts for the next three years. The current distribution ratio of the 5% franchise fee paid by Columbia Cable is 52.5% to the jurisdictions, 30% to MACC, 10% to Access and the additional 7.5% to Access. We are proposing that this level of funding be maintained for FY 96/97. Projections for FY 98 - 99 show 55% of the franchise fee to the jurisdictions, 30% to MACC, 10% to Access, and the additional 5% to Access. Columbia Cable revenue projections were used to determine projections for years 1994 - 1998.

JURISDICTION		FY 90/91 ACTUAL 50%	FY 91/92 ACTUAL 50%	FY 92/93 ACTUAL 50%	FY 93/94 PROJECTED 52.5%	FY 94/95 PROJECTED 52.5%	FY 95/96 PROJECTED 52.5%	FY 96/97 PROJECTED 52.5%	FY 97/98 PROJECTED 55%	FY 98/99 PROJECTED 55%
BANKS	0.15%	\$748	\$834	\$857	\$986	\$1,121	\$1,239	\$1,359	\$1,553	\$1,658
BEAVERTON	17.17%	\$86,415	\$96,077	\$105,384	\$117,698	\$127,620	\$141,012	\$154,705	\$176,825	\$188,823
CORNELIUS	1.72%	\$8,083	\$9,271	\$10,023	\$11,683	\$12,758	\$14,097	\$15,466	\$17,677	\$18,877
DURHAM	0.31%	\$1,772	\$1,827	\$2,011	\$2,171	\$2,297	\$2,538	\$2,784	\$3,182	\$3,398
FOREST GROVE	4.21%	\$20,547	\$23,025	\$25,285	\$28,614	\$31,286	\$34,569	\$37,926	\$43,349	\$46,290
GASTON	0.18%	\$952	\$1,059	\$1,078	\$1,220	\$1,340	\$1,481	\$1,625	\$1,857	\$1,983
HILLSBORO	12.30%	\$58,878	\$66,330	\$73,215	\$83,075	\$91,430	\$101,023	\$110,833	\$126,681	\$135,276
KING CITY	1.18%	\$5,198	\$6,025	\$6,947	\$7,941	\$8,799	\$9,723	\$10,667	\$12,192	\$13,019
LAKE OSWEGO	14.67%	\$79,205	\$86,915	\$93,118	\$100,874	\$109,017	\$120,456	\$132,153	\$151,049	\$161,297
NORTH PLAINS	0.25%	\$1,180	\$1,319	\$1,485	\$1,678	\$1,870	\$2,066	\$2,267	\$2,591	\$2,767
RIVERGROVE	0.13%	\$778	\$756	\$803	\$884	\$980	\$1,083	\$1,188	\$1,357	\$1,449
SHERWOOD	1.32%	\$4,640	\$5,554	\$6,991	\$8,732	\$9,832	\$10,864	\$11,918	\$13,623	\$14,547
TIGARD	11.74%	\$59,505	\$65,974	\$71,444	\$79,505	\$87,254	\$96,409	\$105,771	\$120,895	\$129,098
TUALATIN	6.02%	\$29,836	\$35,067	\$38,355	\$41,538	\$44,739	\$49,433	\$54,234	\$61,988	\$66,194
WASH CO	24.77%	\$119,559	\$134,885	\$148,225	\$168,393	\$184,136	\$203,458	\$223,215	\$255,131	\$272,442
WILSONVILLE	3.88%	\$15,688	\$19,408	\$23,434	\$26,489	\$28,839	\$31,865	\$34,960	\$39,958	\$42,670
TOTALS	100%	\$492,985	\$554,328	\$608,655	\$681,480	\$743,319	\$821,315	\$901,070	\$1,029,910	\$1,099,790

**RECOMMENDED FRANCHISE FEE
CONTRIBUTION FROM JURISDICTIONS
TO THE ACCESS PROGRAM**

TABLE B

Figures below reflect the continuation of the jurisdictions' contribution of 7.5% for years 1995-97 and 5.0 % for years 1998-99 to support the Access Program as recommended by the MACC Commission. Amounts are determined from projections shown in Table A.

JURISDICTION		94/95 7.5%	95/96 7.5%	96/97 7.5%	97/98 5%	98/99 5%
BANKS	0.1508%	\$160.14	\$176.94	\$194.12	\$141.19	\$150.77
BEAVERTON	17.1690%	\$18,231.42	\$20,144.56	\$22,100.62	\$16,074.99	\$17,165.74
CORNELIUS	1.7164%	\$1,822.62	\$2,013.87	\$2,209.42	\$1,607.03	\$1,716.07
DURHAM	0.3090%	\$328.13	\$362.55	\$397.76	\$289.31	\$308.94
FOREST GROVE	4.2090%	\$4,469.46	\$4,938.46	\$5,417.99	\$3,940.80	\$4,208.20
GASTON	0.1803%	\$191.47	\$211.55	\$232.09	\$168.81	\$180.27
HILLSBORO	12.3002%	\$13,061.34	\$14,431.95	\$15,833.31	\$11,516.43	\$12,297.86
KING CITY	1.1838%	\$1,257.06	\$1,388.96	\$1,523.83	\$1,108.37	\$1,183.58
LAKE OSWEGO	14.6662%	\$15,573.74	\$17,208.00	\$18,878.92	\$13,731.67	\$14,663.41
NORTH PLAINS	0.2516%	\$267.18	\$295.20	\$323.87	\$235.57	\$251.55
RIVER GROVE	0.1317%	\$139.86	\$154.52	\$169.53	\$123.31	\$131.67
SHERWOOD	1.3227%	\$1,404.56	\$1,551.94	\$1,702.63	\$1,238.42	\$1,322.45
TIGARD	11.7384%	\$12,464.77	\$13,772.78	\$15,110.14	\$10,990.43	\$11,736.17
TUALATIN	6.0188%	\$6,391.25	\$7,061.92	\$7,747.64	\$5,635.28	\$6,017.66
WASH CO.	24.7722%	\$26,305.10	\$29,065.47	\$31,887.77	\$23,193.72	\$24,767.49
WILSONVILLE	3.8798%	\$4,119.88	\$4,552.21	\$4,994.23	\$3,632.58	\$3,879.06
TOTALS	100.00%	\$106,188.00	\$117,331.00	\$128,724.00	\$93,628.00	\$99,981.00