



COUNCIL REPORT

DATE: December 13, 2022

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Agreement with Mountain View Community Television (KMVT) for Public and Government Access Channel Management**

RECOMMENDATION

Authorize the City Manager or designee to execute an agreement with Mountain View Community Television for public and government access channel management.

BACKGROUND

The City of Mountain View currently contracts with Mountain View Community Television (KMVT) for public and government access channel management, including recording and cablecasting services.

Key KMVT service areas include:

- Government Access: Recording and cablecasting of City events, public meetings, and emergency alert services.
- Electronic Bulletin Board: Display of community messages on the City's community access channel.
- Community Access: Producing and providing public access programming.
- Production Training: Providing facilities and instruction for residents to produce programs.
- Equipment Maintenance: Preventative maintenance, repair, and replacement.
- Technical Assistance: Advise City and community on video production.

The City's current agreement with KMVT commenced in March 2017 and was amended in March 2022 shortly before its expiration to extend the agreement for nine months through December 31, 2022.

ANALYSIS

KMVT provides a variety of programs and services that are important to the City. The proposed agreement reflects KMVT and the City's commitment to providing high-quality access to government and community information as well as video facilities. It maintains the service levels from the March 2017 agreement and is for a five-year term through December 2027.

The key terms of the agreement include:

- The scope of services indicated in the service areas listed in the Background section above.
- A five-year term: January 1, 2023 to December 31, 2027.
- Payment of \$48,000 per year for recording and broadcasting City Council and Environmental Planning Commission meetings and City event video productions, with a 3% Consumer Price Index (CPI) increase. (KMVT provides these services for Rental Housing Committee through a separate agreement.)
- Payment of up to \$147,000 per year in Public, Educational, and Governmental (PEG) Fund for public and government access for video/cable for PEG-related capital costs in accordance with Federal and State law, including the Digital Infrastructure and Video Competition Act (DIVCA). This payment is contingent upon continued quarterly PEG payments from cable providers and the availability of PEG funding. KMVT shall return to the City any PEG funding remaining unexpended by the end of the five-year agreement term.
- Quarterly report provided by KMVT on governmental access channel live meetings, event programming produced by KMVT for the City, listing of unique programming on the Mountain View public access channel, community training, PEG-funded capital purchases, and miscellaneous activities in support of management of the public and governmental access channels.
- The City or KMVT may terminate the agreement at any time by providing a 60-day advance written notice to KMVT or the City.

FISCAL IMPACT

For the term of this agreement, the City will pay \$48,000 per fiscal year from the General Operating Fund for recording and broadcasting City Council and Environmental Planning Commission meetings and City event productions. The annual amount will be subject to a CPI increase of up to 3% for Year 2 through Year 5. The agreement also authorizes the City to pay

KMVT up to \$147,000 per fiscal year from the designated PEG Fund for public and government access for video/cable for allowed PEG-related capital costs.

In total, over the five-year term of the agreement, the fiscal impact is a not-to-exceed amount of \$254,838.53 from the General Operating Fund and up to \$735,000 from the PEG Fund. PEG fees are collected by cable providers from customers and transmitted to the City for allowed PEG-related capital costs, and the amount collected is variable based on the number of cable subscribers. Therefore, the funding amount under this agreement for PEG support is contingent upon continued quarterly payments from cable providers. The agreement is subject to termination should quarterly payments from cable providers cease or if sufficient funds are unavailable for any reason. KMVT shall return to the City any PEG funding remaining unexpended by the end of the five-year agreement term.

ALTERNATIVES

1. Direct staff to assess alternative methods for providing PEG access and services.
2. Provide other direction.

PUBLIC NOTICING

The Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. A copy of the report has been provided to KMVT.

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