

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 10/14/02
Department Name: County Administrator
Department No.: 012
Agenda Date: 11/12/02
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
FROM: Michael F. Brown, County Administrator
STAFF CONTACT: Scott Ullery, Deputy County Administrator
Zandra Cholmondeley, Administrative Analyst
SUBJECT: Operating Agreement for the South Coast Community Media Access Center

Recommendation(s):

That the Board of Supervisors:

- A. Approve an agreement recognizing the South Coast Community Media Access Center (Access Center), a non-profit corporation, as the entity designated to manage the Public and Educational Access channels and facilities, for the period January 1, 2003 to January 10, 2015, unless extended for two additional years pursuant to the franchise agreement with Cox Communications.
- B. Authorize the Treasurer Tax Collector to purchase directed long-term investments with maturity not to exceed 12 years for the \$1,000,000 endowment held by the non-profit Santa Barbara Fund for Public and Educational Access (SBFPEA), with the duration of the endowment coinciding with the term of the franchise agreement.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 6. A County Government that is Accessible, Open, and Citizen-Friendly.

Executive Summary and Discussion:

Purpose: The purpose of this Grant Agreement is to recognize the South Coast Community Media Access Center as the entity designated by the Franchise Agreement with Cox Communications to manage Public and Educational Access channels (Channels 17 and 21); to coordinate and assist educational institutions requesting access on a non-discriminatory basis in accordance with the Cable Act; to manage a video production facility and equipment; to expend public and educational access funds and to establish the conditions under which the Access Center will receive funds for public and educational access provided through the County's Franchise Agreement and Additional Commitments with Cox.

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Background: On January 10, 2002 the County granted a cable television franchise agreement to Cox Communications for the unincorporated area of South Santa Barbara County. Under the new franchise, it was agreed that an independent non-profit corporation would be designated by the County and the City of Santa Barbara to manage the public access channel formerly managed by Cox, the education access channel, and associated facilities and resources. To accomplish the transition of management responsibility from Cox to the Access Center, a Transition Team was established comprising one representative each from the County, the Cities of Santa Barbara and Carpinteria, the County Office of Education, the Public Access Advisory Committee and Cox. The Transition Team recruited and oriented the Access Center's Board of Directors, assisted the Board of Directors with the hiring of an Executive Director and completed the incorporation process. Cox has continued to manage public access during the transition period, which will terminate December 31, 2002. The Transition Team has now completed its work and the agreement before your Board outlines the terms under which the Community Media Access Center will assume responsibility for the operation of the Center.

Funding for the Center, as provided in the County's Franchise Agreement and Additional Commitments with Cox, includes a capital endowment for public and education access equipment and facilities of \$1,000,000, the interest from which may be used solely for capital purposes, a voluntary donation of \$1,700,000 to be used for operational or capital purposes, and a grant of \$250,000 for capital purposes. These funds have been received by the non-profit Santa Barbara Fund for Public and Educational Access, and will be invested by the County Treasurer. Your Board serves as the Board of Directors for this Fund and it is a part of the County entity. Under the operating agreement, the Access Center will submit an annual budget by December 1, 2002 and annually on March 1 thereafter. Disbursements from the SBFPEA to the Center will commence on January 1, 2003, by an advance of quarterly payments in the amounts stated in the Center's annual budget. The payments from SBFPEA will be incorporated into the County's annual budget. The Center will also receive unspent public access funds, estimated at \$300,000 and all access center equipment and furnishings. In addition, Cox will provide a grant to the Center of \$200,000 for capital purposes no later than January 1, 2003.

Funding for the Access Center will also be provided by the City of Santa Barbara commencing on January 1, 2003 and terminating June 30, 2006, and thereafter, funding will be provided on an annual basis for the next four years to June 30, 2010. The City has agreed to provide grants to the Access Center in amounts equal to no less than \$293,592 per year, with annual CPI increases commencing April 1, 2003 pursuant to the City's Grant Agreement with the Access Center. It is also anticipated that additional funding for the Center will be provided under the City of Carpinteria's franchise agreement with Cox.

Pursuant to the Franchise agreement, the County also agreed to make available, if needed, a site for the future location of Access Center facilities. The site will be free of charge to the Center, at a location selected by the County, for the Center to construct or locate a building or buildings for its use consistent with the purposes outlined in the operating agreement and the Franchise Agreement.

Fiscal and Facilities Impacts:

Fiscal impacts will include the value of a site to be selected by the County. In addition, the County will contribute staff time to the Center. The County Treasurer will invest the initial endowment, donation and

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grant of \$2,950,000 for the Access Center and a representative from the County Administrator's Office will sit as a non-voting *ex officio* member of the Board of Directors of the Access Center.

Special Instructions:

Please mail one signed copy of the operating agreement to: Hap Freund, Executive Director, South Coast Community Media Access Center, c/o Cox Communications, South Fairview Avenue, Goleta, CA 93117.

Concurrence: Treasurer Tax Collector

Auditor-Controller

County Counsel

Attachment: Members of the Board of Directors, Community Media Access Center

CC: CMAC Executive Director, Hap Freund