

TO: City Council
FROM: Ann Cook, Communications Manager
DATE: June 28, 2022
SUBJECT: Interlocal Agreement to solicit RFPs for a designated service provider(s) for PEG access channels

1) Recommended Action:

This is a briefing in anticipation of asking Council to authorize the Mayor to sign an Interlocal Agreement, substantially in the form submitted subject the approval of the City Attorney, with the cities of Lacey, Olympia, and Thurston County to solicit RFPs for a designated PEG provider(s).

2) Background:

In January of 2021, the City Council approved a 10-year cable franchise agreement between the City of Tumwater and Comcast Cable Communications Management, LLC. A cable franchise is a contract between the cable operator and the local government that the cable operator serves. In consideration for a cable operator's right to locate its facilities in the public rights of way, the City or County requires the cable operator to enter into a franchise agreement.

Federal law limits negotiations to public, educational and governmental (PEG) access channels, local control of its rights-of-ways, and other Comcast compliance obligations with the franchise, particularly its financial obligations. The agreement addresses only the provision of cable (video) service as the City does not have authority to negotiate basic cable rates, internet and phone service, channel placement, and à la carte options.

The franchise agreement includes a reasonable level of capital cost support for PEG expenditures, access to local channels, including our own Tumwater TV channel, and provisions for high definition channels in the future.

The Interlocal Agreement allows jurisdictions to make the most efficient use of their resources by collaborating to solicit request for proposals and enter into separate contracts with a designated service provider or service providers to manage public, education, and government (PEG) access funds and operate PEG access channels, facilities, and equipment, and provide noncommercial PEG access services.

The City of Lacey shall serve as the lead agency and will collect submitted requests for proposals and coordinate the review of submitted requests for proposals with each party to this agreement.

Noncommercial PEG access services include public access programming; education access programming; and government access programming; and cablecasting public, educational and governmental programming on access channels.

3) Policy Support:

2021-2026 Strategic Priority: Refine and Sustain a Great Organization

- Increase connections and partnership opportunities with other organizations, governments, and partners
 - Encourage greater community involvement by employees and officials
 - Continue to expand and explore effective methods to market Tumwater, tell our story, and engage citizens and businesses in City government and civic organizations
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4) Alternatives:

- ☐ Amend and authorize the Mayor to sign the agreement.
 - ☐ Do not authorize signature
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5) Fiscal Notes:

There is no common budget for this ILA, and no payments shall be made between jurisdictions. This agreement as no provisions for personal or real property is to be jointly acquired or held.

Comcast pays a franchise fee to the City of Tumwater for the use of public property. Federal law caps the maximum amount at 5% of Comcast's gross revenues from and related to the provision of cable and video services.

PEG fees charged to cable subscribers are remitted to the City and may be used for capital expenses related to the cable-delivery of Public, Education, and Government programming. The PEG fee will remain at .30 per subscriber per month. The City reserves the option to increase the fee, as needed, for capital improvements.

6) Attachments:

A. Interlocal Agreement to solicit RFPs for PEG Service Provider.