

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** City/County Cable Television Office

**DATE:** June 26, 2018

**REQUESTED ACTION:** Designation of TV ETC and CVTV, respectively as the Education and Government Access Providers on the Cable Television System

Consent    Hearing    County Manager

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## BACKGROUND

The City of Vancouver ("City") and Clark County ("County") have a cable television franchise agreement with Comcast of Washington, V LLC ("Comcast") that was effective on July 1, 2013 and with Qwest Broadband Services, Inc. dba CenturyLink ("CenturyLink") that was effective on January 22, 2016. Under the terms of those agreements, Comcast and CenturyLink provide channels for Public, Education and Government (PEG) programming and it is the responsibility of the City and County to designate authorized entities to provide programming on those channels.

Organizations that are designated as access providers have authorization to broadcast programs over assigned channels on the Comcast and CenturyLink cable systems. They are also able to apply for annual PEG grants, administered by the City, for equipment and other capital expenses associated with producing and broadcasting programming. CenturyLink also allows PEG grant funds to be used for operating expenses by designated providers but very few PEG funds have been generated by the CenturyLink franchise so far.

TV ETC is a consortium of K-20 educational institutions operated by Educational Service District 112 and is the current educational access provider for Vancouver and Clark County. CVTV, operated by the City/County Cable Television Office, is the current government access provider for Vancouver and Clark County.

The City/County Telecommunications Commission ("Commission") recommends organizations to serve as access providers to the Clark County Board of Councilors, per County Code 36.04.220(7). The Commission met on June 6, 2018, to review designation applications and annual reports and to receive presentations from the applicants. Based on their review, the Commission is recommending re-designation of TV ETC and CVTV, respectively, as the education and government access providers for Vancouver and Clark County.

## COUNCIL POLICY IMPLICATIONS

Adoption of the resolution continues to make local government and educational cable television programming available to the residents of Vancouver and Clark County. This action supports organizations which have proven track records of providing professional, high quality programs that are of interest to the local community.

**ADMINISTRATIVE POLICY IMPLICATIONS**

Designated access providers can apply for PEG grants which are administrated through the City/County Cable Television Office.

**COMMUNITY OUTREACH**

The City/County Telecommunications Commission held a public hearing, on June 6, 2018 to review the re-designation requests.

**BUDGET IMPLICATIONS:** No direct budget impact.

YES	NO	
		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

**BUDGET DETAILS**

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	
Company Name	

**DISTRIBUTION:**

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

*Jeanette M. Bader*

Jeanette M. Bader  
Program & Policy Development Manager

APPROVED: *May Bader*  
CLARK COUNTY, WASHINGTON  
BOARD OF COUNTY COUNCILORS

DATE: *6-26-18*



SR# 116-18

**APPROVED:** \_\_\_\_\_  
**Robert Stevens, Deputy County Manager**

DATE: \_\_\_\_\_

# BUDGET IMPACT ATTACHMENT

## Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

## Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
<b>Total</b>						

II. A – Describe the type of revenue (grant, fees, etc.)

## Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
<b>Total</b>							

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
<b>Total</b>						

**RESOLUTION NO. 2018-06-11**

A RESOLUTION relating to cable television and to the designation of The Vancouver Educational Telecommunications Consortium (“TV ETC”) as the educational access provider on the Comcast and CenturyLink cable systems for Vancouver and Clark County.

1           **WHEREAS**, Section 9 of the June 1, 2013 cable television franchise agreement between  
2 Comcast of Washington, V LLCC (“Comcast”), the City of Vancouver (“City”) and Clark  
3 County (“County”) and Section 9 of the January 22, 2016 cable television franchise agreement  
4 between Qwest Broadband Services, Inc. d/b/a CenturyLink (“CenturyLink”) the City and  
5 County, allows the Grantor (City and County) to designate authorized entities to manage the  
6 Public, Educational and Government (“PEG”) Access use channels on the cable system; and

7           **WHEREAS**, a consortium of K-20 educational institutions (public and private) operating  
8 as The Vancouver Educational Telecommunications Consortium (“TV ETC”) and funded  
9 through contributions from member institutions/districts, is operating ten channels on the local  
10 cable system as the designated educational access channels; and

11           **WHEREAS**, all designated access providers (public, educational, and government) are  
12 evaluated and reviewed annually by the City/County Telecommunications Commission  
13 (“Commission”); and

14           **WHEREAS**, TV ETC submitted an application to the Commission on April 25, 2018  
15 seeking to be re-designated as the educational access provider; and

16           **WHEREAS**, the Commission reviewed the application on June 6, 2018 and finds that  
17 TV ETC has fully complied with the criteria and expectations for the educational access provider  
18 and recommends that the Vancouver City Council and Clark County Council designate TV ETC  
19 as the educational access provider for Vancouver and Clark County for the next year; now,  
20 therefore,

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**BE IT ORDERED AND RESOLVED BY THE CLARK COUNTY COUNCIL,  
STATE OF WASHINGTON as follows:**

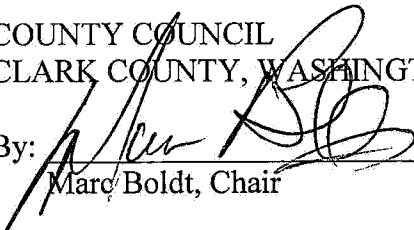
- 1. As recommended by the City/County Telecommunications Commission in Resolution 2018-02 attached hereto as Exhibit "A", TV ETC is hereby designated as the educational access provider on the Comcast and CenturyLink cable systems in Vancouver and Clark County.
- 2. TV ETC will continue to be allocated four channels, channels 27, 28, 29 and high definition channel 328 on the Comcast cable system for educational access use.
- 3. TV ETC will continue to be allocated six channels, channels 8022, 8023, 8024 and high definition channels 8522, 8523 and 8524 on the CenturyLink cable system for educational access use.
- 4. TV ETC will be eligible to apply for and receive PEG Capital Support Funds pursuant to Ordinances M-3335 and M-3372.
- 5. Acts taken pursuant to this resolution but prior to its approval are hereby ratified and confirmed.

ADOPTED this 26th day of June, 2018.

Attest:

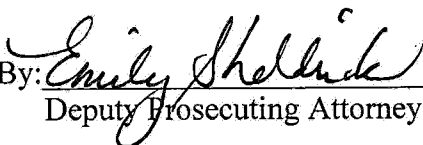
  
Clerk to the Board

COUNTY COUNCIL  
CLARK COUNTY, WASHINGTON

By:   
Marc Boldt, Chair

Approved as to form only:  
ANTHONY F. GOLIK  
Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By:   
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Eileen Quiring, Councilor

Attachment: Exhibit "A" – Telecommunications Commission Resolution 2018-02



## City/County Telecommunications Commission

### RESOLUTION 2018-02

#### Regarding Annual Review of Educational Access Programming and Re-Designation of TV ETC as Educational Access Cable Provider

##### Section 1. Findings

- 1.1 Section 9 of the cable television franchise agreement, effective June 1, 2013, between Comcast of Washington, V LLCC ("Comcast"), the City of Vancouver ("City") and Clark County ("County") requires that the Grantor (City and County) designate authorized entity or entities to manage or co-manage the Public, Educational and Government ("PEG") Access use channels on the cable system.
- 1.2 A consortium of K-20 educational institutions (public and private) operating as The Vancouver Educational Telecommunications Consortium (TV ETC) and funded through contributions from member institutions/districts, operates three channels on the local cable system which are the designated educational access channels. The Commission originally approved the designation under the cable television franchise agreement via Resolution 1998-09 on December 3, 1998. TV ETC has been re-designated annually as the Educational Access Provider since that time.
- 1.3 All designated access providers (public, educational, and government) will be evaluated and reviewed annually by the Commission consistent with the provisions of Section 9 of the cable franchise agreement, Section 5.19.300 of the Vancouver Municipal Code and Clark County Code 36.12.160 and Section 1.6 of this Resolution.
- 1.4 TV ETC submitted an application to the Commission seeking designation as the authorized educational access provider on April 25, 2018 (attached as EXHIBIT A).
- 1.5 The Commission reviewed the TV ETC request for re-designation and representatives from TV ETC made a presentation to the Commission on June 6, 2018 in support of the re-designation and to review programming on the local educational access channels.
- 1.6 The performance criteria for designation is to include, but is not limited to the following:
  - a) Number of hours of locally produced original video programming/week per channel;
  - b) Number of hours of locally scheduled video programming/week per channel;
  - c) Number of days and hours per week the channel is programmed with locally produced and locally scheduled video programming;
  - d) Amount of operating budget which meets or exceeds the criteria of operating funds to capital funds established in section 9.6 of the franchise agreement with Comcast Corporation;
  - e) Extent to which locally produced and locally scheduled video programming focuses on the designated access category;



- f) Extent to which the locally produced and locally scheduled video programming provides value added to cable television subscribers in meeting the demonstrated needs established in the community ascertainment study.
- g) Number of hours produced by each TV ETC member;
- h) Number of hours scheduled for each TV ETC member;
- i) Total number of local programs produced and airing on one of the three channels and by which providers/members, as well as by which grade level (elementary, middle school, high school) as appropriate, for airing on TV ETC channel.

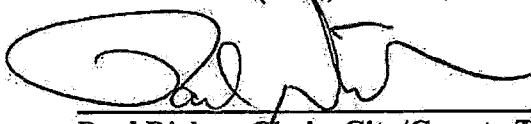
1.7 The Commission finds that TV ETC, as the designated educational access provider since June 7, 2017, has fully complied with the criteria and expectations for designation (as documented in the TV ETC Annual Report 2017 – EXHIBIT B) and recommends that the designation should remain in effect and that the designation will be reviewed and evaluated annually by the Commission

**NOW THEREFORE BE IT RESOLVED:**

Section 2.

- 2.1 The City/County Telecommunications Commission, through this Resolution, recommends the continued designation of TV ETC as the educational access provider for the Comcast cable system, subject to annual review by the Commission as outlined in Section 1.3 and Section 1.6 of this Resolution.
- 2.2 The Commission recommends that TV ETC continue to be allocated four channels, channels 27, 28, 29 and high definition channel 328 on the Comcast cable system for educational access use.
- 2.3 Staff is directed to forward this Resolution to the Vancouver City Council and Clark County Council.

**APPROVED (Date): June 6, 2018**



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**Paul Dicker, Chair, City/County Telecommunications Commission**

**Exhibits:**

**Exhibit A** –Designated Access Provider Application Form from TV ETC, dated April 27, 2018

**Exhibit B** –TV ETC Annual Report for 2017, submitted April 25, 2018

**RESOLUTION NO. 2018- 0612**

A RESOLUTION relating to cable television and to the designation of Clark/Vancouver Television (“CVTV”) as the government access provider on the Comcast and CenturyLink cable systems for Vancouver and Clark County.

1           **WHEREAS**, Section 9 of the June 1, 2013 cable television franchise agreement between  
2 Comcast of Washington, V LLCC (“Comcast”), the City of Vancouver (“City”) and Clark  
3 County (“County”) and Section 9 of the January 22, 2016 cable television franchise agreement  
4 between Qwest Broadband Services, Inc. d/b/a CenturyLink (“CenturyLink”) the City and  
5 County, allows the Grantor (City and County) to designate authorized entities to manage the  
6 Public, Educational and Government (“PEG”) Access use channels on the cable system; and

7           **WHEREAS**, the City and County jointly fund and operate three access channels on the  
8 local cable system, Clark Vancouver Television (“CVTV”); and

9           **WHEREAS**, all designated access providers (public, educational, and government) are  
10 evaluated annually by the City County Telecommunications Commission (“Commission”); and

11           **WHEREAS**, CVTV submitted an application to the Commission on April 26, 2018  
12 seeking to be re-designated as the government access provider; and

13           **WHEREAS**, the Commission reviewed the application on June 6, 2018 and finds that  
14 CVTV has fully complied with the criteria and expectations for the government access provider  
15 and recommends that the Vancouver City Council and Clark County Council designate CVTV as  
16 the government access provider for Vancouver and Clark County for the next year; now,  
17 therefore,


18           **BE IT ORDERED AND RESOLVED BY THE CLARK COUNTY COUNCIL,**  
19 **STATE OF WASHINGTON as follows:**

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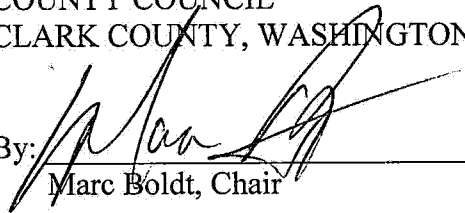
- 21 1. As recommended by the City/County Telecommunications Commission in Resolution  
22 2018-03, attached hereto as Exhibit "A", Clark/Vancouver Television is hereby  
23 designated as the government access provider on the Comcast and CenturyLink cable  
24 systems in Vancouver and Clark County.
- 25 2. CVTV will continue be allocated three channels, channels 21 and 23 and high  
26 definition channel 323, on the Comcast cable system for government access use.
- 27 3. CVTV will continue to be allocated four channels, channels 8020 and 8021 and high  
28 definition channels 8520 and 8521, on the CenturyLink cable system for government  
29 access use.
- 30 4. CVTV will be eligible to apply for and receive PEG Support Funds pursuant to  
31 Ordinances M-3335 and M-3372.
- 32 5. Acts taken pursuant to this resolution but prior to its approval are hereby ratified and  
33 confirmed.

34 ADOPTED this 26th day of June, 2018.  
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Attest:

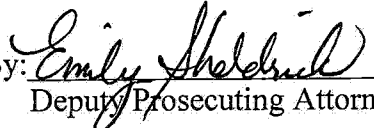
  
Clerk to the Board

COUNTY COUNCIL  
CLARK COUNTY, WASHINGTON

By:   
Marc Boldt, Chair

Approved as to form only:  
ANTHONY F. GOLIK  
Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By:   
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Eileen Quiring, Councilor

Attachment: Exhibit "A" – Telecommunications Commission Resolution 2018-03



**City/County Telecommunications Commission**

**RESOLUTION 2018-03**

**Regarding Annual Review of Government Access Programming and Re-Designation of City/County Cable Television Office as Government Access Cable Provider**

**Section 1. Findings**

- 1.1 Section 9 of the cable television franchise agreement, effective June 1, 2013, between Comcast of Washington, V LLCC ("Comcast"), the City of Vancouver ("City") and Clark County ("County") requires that the Grantor (City and County) designate authorized entity or entities to manage or co-manage the Public, Educational and Government ("PEG") Access use channels on the cable system.
- 1.2 The City and County jointly fund and operate two access channels on the local cable system (Clark/Vancouver Television – CVTV) which is the designated local government access channel. The Commission originally approved the designation under the cable television franchise agreement via Resolution 1998-04 on February 18, 1998.
- 1.3 All designated access providers (public, educational, and government) will be evaluated and reviewed annually by the Commission consistent with the provisions of Section 9 of the cable franchise agreement, Section 5.19.300 of the Vancouver Municipal Code and Clark County Code 36.12.160 and Section 1.6 of this Resolution.
- 1.4 The City/County Cable Television Office submitted an application to the Commission seeking designation as the authorized government access provider on April 26, 2018 (attached as EXHIBIT A).
- 1.5 The Commission reviewed the City/County Cable Television Office's request for re-designation and representatives from City/County Cable Television Office made a presentation to the Commission on June 6, 2018, in support of the re-designation and to review government programming on CVTV.
- 1.6 The performance criteria for government access designation includes but is not limited to the following:
  - a) Number of hours of locally produced original video programming/week per channel;
  - b) Number of hours of locally scheduled video programming/week per channel;
  - c) Number of days and hours per week the channel is programmed with locally produced and locally scheduled video programming;
  - d) Amount of operating budget which meets or exceeds the criteria of operating funds to capital funds established in section 9.6 of the franchise agreement with Comcast Corporation;
  - e) Extent to which locally produced and locally scheduled video programming focuses on the designated access category;

- f) Extent to which the locally produced and locally scheduled video programming provides value added to cable television subscribers in meeting the demonstrated needs established in the community ascertainment study.

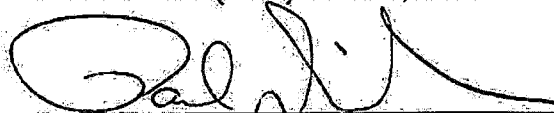
1.7 The Commission finds that the City/County Cable Television Office, as the designated access provider for government since June 7, 2017, has fully complied with the criteria and expectations for designation (as documented in the CVTV Annual Production Reports 2017 – EXHIBIT B) and recommends that the designation should remain in effect in accordance with the originally established criteria.

**NOW THEREFORE BE IT RESOLVED:**

Section 2.

- 2.1 The City/County Telecommunications Commission, through this Resolution recommends, the continued designation of the City/County Cable Television Office as the government access provider for the Comcast cable system, subject to annual review by the Commission as outlined in Section 1.3 and Section 1.6 of this Resolution.
- 2.2 The Commission recommends that the City/County Cable Television Office continue to be allocated three channels, channels 21 and 23 and high definition channel 323, on the Comcast cable system for government access use.
- 2.3 Staff is directed to forward this Resolution to the Vancouver City Council, and the Clark County Council.

**APPROVED (Date): June 6, 2018**



**Paul Dicker, Chair, City/County Telecommunications Commission**

**Exhibits:**

**Exhibit A** –Designated Access Provider Application Form completed by the City/County Cable Television Office, dated April 27, 2018

**Exhibit B** –CVTV Annual Report for 2017, submitted April 26, 2018