

RESOLUTION NO. 750

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 (MACC); and

WHEREAS, the members of the MACC have entered into an Intergovernmental Cooperation Agreement (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, current budget projections show that without an increase in financial support from its member jurisdictions, MACC's Tualatin Valley Community Access Program will need to be drastically curtailed in future years; and


WHEREAS, the City of Wilsonville desires that the Agreement be amended to provide that the Access Program receive funding from the member jurisdictions' franchise fees.

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

1. To reduce the distribution of franchise fees to the member jurisdictions from 60% to 50% of the franchise fee collected within each member's jurisdiction, such reduction to be effective from July 1, 1990, through June 30, 1993, with the 10% difference in franchise fees to be contributed to MACC's Tualatin Valley Community Access Program.
2. To provide for a 52.5% distribution of franchise fees to the member jurisdictions for the period from July 1, 1993, to June 30, 1994, thereby providing a 7.5% franchise fee contribution to MACC's Tualatin Valley Community Access Program.

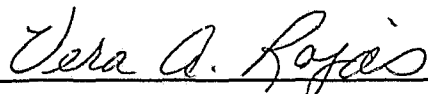
3. That subsequent to June 30, 1994, the member jurisdictions will review that portion of their franchise fee that funds MACC's Tualatin Valley Access Program to determine future levels of franchise fee contributions to the Access Program from the jurisdictions.
4. The Mayor is authorized to file an 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 this 18th day of December, 1989, and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>NO</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>



**Metropolitan Area
Communications Commission**

Cable TV Franchise Regulation • Tualatin Valley Community Access (TVCA) • Public Communications Network (PCN)

December 6, 1989

RECEIVED
FEB 12 1990
CITY OF
WILSONVILLE

TO: Mayor & Members of the City Council
City of Wilsonville

RE: Amendment of Intergovernmental Cooperation Agreement -
Request for Consent

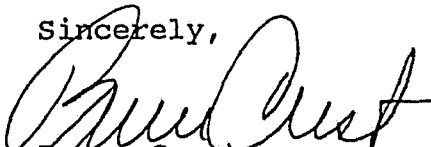
The Board of the Metropolitan Area Communications Commission (MACC) is recommending that member jurisdictions give their consent to an amendment of the MACC Intergovernmental Cooperation Agreement. That amendment, if approved by all sixteen jurisdictions, would change the distribution of franchise fees for the next several years to provide additional support to MACC's Tualatin Valley Community Access Program.

This packet of information contains a report on the recommended amendment and other supportive documentation on the subject. The packet also contains a copy of MACC Resolution 89-08, recommending the change and a "draft resolution" for your review and action.

Paula Manley, Community TV Manager and I have arranged to appear before you soon to formally present this recommendation and answer your questions. Should you have any questions regarding this subject prior to that meeting, please do not hesitate to contact us.

Thank you for your consideration of this important issue.

Sincerely,



Bruce Crest
Administrator

Attachments

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

Prepared by the
Metropolitan Area Communications Commission (MACC)

December 10, 1989

**BACKGROUND REPORT ON MACC COMMISSION
RECOMMENDATION FOR ACCESS FUNDING**

A Brief History

MACC's community access television operation, Tualatin Valley Community Access, was formed on July 1, 1988. TVCA grew out of long-standing efforts on the part of the MACC Commission to improve community access TV services and local programming available in the Columbia Cable of Oregon franchise area which includes Wilsonville. With the recent addition of Gaston, MACC now has 16 member jurisdictions and covers the area bordered by Lake Oswego on the east; Banks, Forest Grove and Gaston to the west; North Plains to the north and Wilsonville to the south.

When MACC assumed management of community access television, a budget for the new Access Program was projected based on a three-way partnership between MACC, Columbia Cable and the MACC jurisdictions. The scope of work, funding level and "Access Evaluation Criteria" for the new Access Program were based on providing two centers to serve all the communities within the franchise area, and an expanded mission to include management of public, education and government access (PEG Access) channels and programming.

The budget originally envisioned for the new Access Program included a majority of funding from the cable company, a 7.5% franchise fee contribution from each of the jurisdictions, and a 10% contribution from the MACC Commission. However, since the 7.5% franchise fee contribution was not approved by each of the jurisdictions as required by the MACC Intergovernmental Agreement (One jurisdiction voted "no"), the third leg of the proposed funding has not been available to the Access Program. This has meant that replacement of worn out access equipment has been postponed and that a budget shortfall for the Access Program is projected as of FY 1990/91.

In addition, the continuation of substantial cable company support of the Access Program is tied to the Access Program's performance according to the Access Evaluation Criteria which were negotiated when MACC took over management of the Access Program. According to these Criteria, the base level of cable operator support will be increased or decreased as of FY 1992/93 depending on the success of the Access Program in meeting performance levels based on such things as the number of hours of community programming developed and the number of new community producers involved.

The success of the Access Program in meeting the Access Evaluation Criteria--which will result in maintaining or increasing cable company support in future years--is critical to the long-term survival of the Program and the availability of community programming on the cable system in the future. In

order to meet the Access Evaluation Criteria, maintaining the Access Program at its current service level is essential. This includes the continued operation of the two Access Centers, located in Aloha and Tigard, and the continuation of outreach efforts and training in order to involve all of MACC's jurisdictions.

MACC Commission Recommended Action

At its November 15, 1989 meeting, the MACC Commission voted unanimously to recommend that all MACC jurisdictions reconsider the original concept of a the three-way partnership for funding the Access Program for the next four years. The Commission's recommendation includes: a 10% franchise fee contribution from jurisdictions for the next three years, followed by a contribution of 7.5% for the following year. During the fourth year, the Commission would review the funding requirements of the Access Program; any requests for additional franchise fee contributions beyond the four year period would be taken back to the jurisdictions at that time.

With the proposed additional franchise fee contributions from jurisdictions for the next four years, the Access Program will be able to maintain both centers, replace much of its worn out equipment, and meet the Access Evaluation Criteria which will mean continuation of substantial cable company funding in future years. Most importantly, the funding from jurisdictions will allow TVCA to maintain current operations while developing a more diverse funding base for the Access Program through grants, corporate contributions, memberships, etc. This may result in less reliance on franchise fee funding in future years.

Without the proposed additional franchise fee contributions from jurisdictions, budget projections indicate that the Access Program will soon need to make major service cutbacks. This would include closure of the Tigard facility and reducing current staff and services by approximately one half.

Accomplishments of the Access Program

The new Access Program has achieved a great deal in its first year and a half of operation. Through TVCA, approximately 100 hours of local programming are now produced each month for the community access channels, including public affairs shows, music and entertainment shows, programs produced by senior citizens, youth, Spanish speakers, and members of the deaf and hearing impaired community.

TVCA teaches television production workshops and makes equipment, facilities, and technical assistance available to the community volunteers who are involved with public access programming. TVCA also produces educational programming in cooperation with

students and area schools, and government programming such as coverage of city council and County Board of Commissioners meetings. One of TVCA's government productions, "Election Coverage '88," was recently recognized with a national award.

TVCA's outreach efforts have created participation in the Access Program by individuals and organizations from throughout the franchise area, including Wilsonville. We would expect participation in the Access Program to continue to grow in the years ahead.

Wilsonville youth involved with **Junior Achievement** and **Columbia River Council Girl Scouts** are currently participating in TVCA's television production training and are developing programs for the community access channels. TVCA is working with City personnel to provide training and equipment for use in videotaping meetings of the **Wilsonville City Council**.

Wilsonville residents participated in TVCA's recent "Community Issues Survey" which will serve as a basis for additional outreach efforts.

FRANCHISE FEE DISBURSEMENT SUMMARY

Fiscal Year 1987 Through Fiscal Year 1990

Table A

Figures below show the amount of franchise fee revenues 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 60% to jurisdictions and 40% to MACC. Columbia Cable revenue projections were used to determine projections for years 1989-1993. Revenue figures for years after 1993 were not available at this time.

JURISDICTION	FY 86/87 ACTUAL DISBURSEMENT (50%)	FY 87/88 ACTUAL DISBURSEMENT (60%)	FY 88/89 ACTUAL DISBURSEMENT (60%)	FY 89/90 PROJECTED DISBURSEMENT (60%)	FY 90/91 PROPOSED DISBURSEMENT (50%)	FY 91/92 PROPOSED DISBURSEMENT (50%)	FY 92/93 PROPOSED DISBURSEMENT (50%)
Banks	\$446.75	\$647.09	\$747.83	\$881.17	\$810.69	\$857.23	\$902.69
Beaverton	43,066.50	66,389.97	80,556.44	90,916.49	83,644.05	88,445.45	93,136.87
Cornelius	4,138.81	6,950.92	7,826.13	9,019.08	8,297.64	8,773.95	9,239.35
Durham	1,064.79	1,739.58	1,972.58	2,073.35	1,907.50	2,017.00	2,123.99
Forest Grove	12,055.01	17,386.87	19,727.76	22,288.53	20,505.67	21,682.75	22,832.87
Hillsboro	32,203.76	48,924.21	55,534.52	62,148.73	57,177.43	60,459.58	63,666.54
King City	2,145.33	3,732.54	4,416.63	4,768.71	4,387.26	4,639.10	4,885.17
Lake Oswego	42,925.26	67,300.82	78,271.40	86,510.61	79,590.60	84,159.33	88,623.40
North Plains	618.65	918.40	1,029.93	1,088.51	1,001.44	1,058.93	1,115.09
Rivergrove	751.45	1,348.68	1,592.37	1,658.68	1,526.00	1,613.60	1,699.19
Sherwood	2,722.52	3,844.43	4,353.61	5,079.71	4,673.38	4,941.65	5,203.77
Tigard	27,071.14	44,563.91	56,586.22	63,289.07	58,226.56	61,568.93	64,834.73
Tualatin	11,465.07	19,382.55	27,104.62	31,359.45	28,851.00	30,507.13	32,125.32
Washington Cty	62,757.60	95,921.22	112,056.39	124,867.62	114,879.43	121,473.83	127,917.18
Wilsonville	4,621.54	7,913.64	10,485.11	12,440.11	11,445.02	12,102.00	12,743.93
TOTALS:	248,054.18	386,964.83	462,261.54	518,338.00	476,923.67	504,300.46	530,050.09

* Figures for Gaston not available at this time

**Recommended Additional 10% Franchise Fee Contribution
From Jurisdictions to the Access Program**

Table B

Figures below show the amount each jurisdiction would contribute annually to support the Access Program as recommended by the MACC Commission. Amounts are determined from projections shown in Table A.

	Percentage of Subscribers	FY 90/91	FY 91/92	FY 92/93
Banks	0.17%	\$162.14	\$171.44	\$180.54
Beaverton	17.54%	16,728.78	17,689.09	18,627.31
Cornelius	1.74%	1,659.53	1,754.79	1,847.86
Durham	0.40%	381.50	403.40	424.79
Forest Grove	4.30%	4,101.12	4,336.55	4,566.56
Hillsboro	11.99%	11,435.46	12,091.91	12,733.26
King City	0.92%	877.45	927.82	977.03
Lake Oswego	16.69%	15,918.09	16,831.86	17,724.61
North Plains	0.21%	200.29	211.78	223.02
Rivergrove	0.32%	305.20	322.72	339.84
Sherwood	0.98%	934.68	988.33	1,040.75
Tigard	12.21%	11,645.29	12,313.78	12,966.90
Tualatin	6.05%	5,770.19	6,101.42	6,425.04
Washington Cty	24.09%	22,975.84	24,294.76	25,583.34
Wilsonville	2.40%	2,289.00	2,420.40	2,548.77

* Figures for Gaston not available at this time

RESOLUTION NO. 89-08

RESOLUTION RECOMMENDING THAT METROPOLITAN AREA COMMUNICATIONS COMMISSION (MACC) MEMBER JURISDICTIONS AUTHORIZE AMENDMENTS TO THE MACC INTERGOVERNMENTAL AGREEMENT

WHEREAS, current budget projections show that without an increase in financial support from its member jurisdictions, MACC's Tualatin Valley Community Access Program will need to be drastically curtailed in future years; and

WHEREAS, it has been proposed that the member jurisdictions make a 10% franchise fee contribution to the Access Program for three years, a 7.5% contribution for the following year, and that in year four the funding level for Access would be reviewed by the jurisdictions to determine future levels of support; and

WHEREAS, a redistribution of the member jurisdictions' franchise fees requires the amendment of the MACC Intergovernmental Cooperation Agreement;

NOW THEREFORE, the Board of Commissioners of the Metropolitan Area Communications Commission resolves and recommends to its member jurisdictions that they consent to and authorize the amendment of the MACC Intergovernmental Cooperation Agreement to redistributed the member jurisdictions' franchise fees in accordance with the proposal as set forth in the second recital above.

ADOPTED by the Board of Commissioners of the Metropolitan Area Communications Commission this 15th day of November, 1989.

/s/ Larry Cole
Larry Cole, Chair

RESOLUTION 89-

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

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

WHEREAS, the members of MACC have entered into an Intergovernmental Cooperation Agreement (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, current budget projections show that without an increase in financial support from its member jurisdictions, MACC's Tualatin Valley Community Access Program will need to be drastically curtailed in future years; and

WHEREAS, the City of _____ desires that the Agreement be amended to provide that the Access Program receive funding from the member jurisdictions' franchise fees,

NOW THEREFORE, BE IT RESOLVED that the City Council hereby consents to and authorizes the amendment of the Agreement as follows:

1. To reduce the distribution of franchise fees to the member jurisdictions from 60% to 50% of the franchise fees collected within each member's jurisdiction, such reduction to be effective from July 1, 1990, through June 30, 1993, with the 10% difference in franchise fees to be contributed to MACC's Tualatin Valley Community Access Program.
2. To provide for a 52.5% distribution of franchise fees to the member jurisdictions for the period from July 1, 1993, to June 30, 1994, thereby providing a 7.5% franchise fee contribution to MACC's Tualatin Valley Community Access Program.
3. That subsequent to June 30, 1994 the member jurisdictions will review that portion of their franchise fee that funds MACC's Tualatin Valley Access Program to determine future levels of franchise fee contributions to the Access Program from the jurisdictions.
4. The Mayor is authorized to file an executed true and correct copy of this Resolution with MACC.

INTRODUCED AND ADOPTED this _____ day of _____, 1989.

City of _____

Mayor

ATTESTED BY: _____



**Metropolitan Area
Communications Commission**

Cable TV Franchise Regulation • Tualatin Valley Community Access (TVCA) • Public Communications Network (PCN)

November 20, 1989

21

Vera Rojas, City Recorder
City of Wilsonville
PO Box 220
Wilsonville, OR 97070

RE: Request to be on your December 18, 1989 Council Agenda

Dear Ms. Hitchcock:

As a follow-up to your recent conversation with our Administrative Secretary, the Metropolitan Area Communications Commission (MACC) formally requests time on your Council agenda to present a resolution for consideration amending the MACC Intergovernmental Cooperation Agreement, of which your City is a member. The specific date requested is December 18.


We suggest that our agenda item be titled, Consideration of Resolution 89- to Amend the Intergovernmental Cooperation Agreement of the Metropolitan Area Communications Commission (MACC). We expect that our presentation to the Council should last approximately 30 minutes.

Please notify us as soon as possible if there is any problem with this date. We will be sending you copies of our presentation materials for each Councilor and other officials of your City so that you may distribute them in advance of our presentation.

We are enclosing a copy of a model resolution for Council consideration that should be reviewed, in advance, by your City Attorney to assure that it is in the form required by your jurisdiction. Please have your attorney contact our legal counsel, Tim Ramis, at 222-4402 if there are any questions about this resolution.

Thank you for your assistance in this matter. Please contact us if you have any questions about our appearance before your Council.

Sincerely,



Bruce Crest
Administrator

Enclosure

cc: Dee Thom, MACC Commissioner

RESOLUTION 89-

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

INTRODUCED AND ADOPTED this _____ day of _____, 1989.

City of _____

Mayor

ATTESTED BY: _____