

RULES & GOVERNMENT

FEB 17 2009

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City's 12 functioning Public, Educational and Governmental Access (PEG) studios including the Boyle Heights Technology Center have been closed to the public for PEG access as a result of changes to State law affecting the operation and funding of Public Access TV studios; and

WHEREAS, effective January 1, 2009, and pursuant to California's Digital Infrastructure and Video Competition Act (DIVCA), California law no longer requires the City's cable TV franchisees (Time Warner and Cox Communications) to operate and financially support Public Access TV studios for the City; and

WHEREAS, also under DIVCA and pursuant to federal law (Cable Act of 1984) the use of revenue from a 1% gross revenue PEG Access franchise fee (1% fee) paid to the City by state franchisees is restricted to PEG related capital expenses; and

WHEREAS, DIVCA has shifted the financial burden to support the operation of local Public Access TV studios to the City, yet DIVCA and federal law restrictions do not allow for the use of the 1% fee revenue for PEG related operational expenses, such as rent and staffing; and

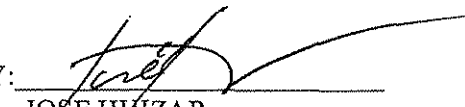
WHEREAS, the City estimates that it will receive \$5 million from the 1% fee in 2009, but the law prohibits applying these revenues to the operation of recently closed PEG access facilities; and

WHEREAS, the Alliance for Community Media, a nonprofit national membership organization that represents over 3,000 PEG organizations and the interests of the public, has proposed legislation to Congress to amend the federal Cable Act of 1984 to allow the 1% fee to be applied to any PEG related activity; and


WHEREAS, PEG access has been available to City residents since 1972 to ensure the opening of new outlets for local expression, the promotion of diversity in television programming, the advancement of education and instructional television, and increased informational services of local government;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2009-2010 Federal Legislative Program SPONSORSHIP/SUPPORT for legislation that would amend the Cable Act of 1984 to allow revenue collected from the 1% gross revenue franchise fee to be used for any Public, Educational and Governmental Access (PEG) related activities which would assist the City in the provision of PEG access activities.

PRESENTED BY:


JOSE HUIZAR
Councilmember, 14th District

SECONDED BY:


TONY CARDENAS

09-0002-519

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