

Council Meeting Date: November 26, 2001

Agenda Item: 7(c)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Passage of Resolution No. 181 Adopting Education Access Channel Use Policies
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Kristoff T. Bauer, Assistant to the City Manager

PROBLEM/ISSUE STATEMENT: Last spring, at the City's request, AT&T made cable Channel 26 available for education access. With the assistance of the City, the Shoreline School District began providing some programming for this channel. The Shoreline Community College has also expressed an interest in utilizing Channel 26 to provide programming to Shoreline residents. The City of Lake Forest Park requested that AT&T provide its community with the same Channel 26 resource. A process, and supporting policies, to allocate the use of this resource among local educators is needed.

ALTERNATIVES ANALYZED: Staff research failed to locate an example of similar policies and procedures in use in other communities. Staff is proposing a simple process that accomplishes the following:

- Encourages the users to cooperatively agree on the distribution of channel capacity,
- Establishes a committee composed of City and user representatives to resolve any disputes regarding use allocation, and
- Limits the use of the channel to content that is consistent with the City's franchise and federal law.

FINANCIAL IMPACT: None

RECOMMENDATION

Staff recommends that Council pass Resolution No. 181 Adopting Education Access Channel Use Policies.

Approved By: City Manager  City Attorney 

INTRODUCTION

The City's Cable TV franchise with AT&T allows the City to require AT&T to provide up to seven channels for a combination of Government, Education, and Public access. Last spring, AT&T made Channel 26 available for education access and the City assisted the School District in beginning to provide limited programming. The City did not, however, adopt any policies regarding, or create any governing structure to control, the use of this resource. The Shoreline Community College has approached the City requesting an opportunity to share this resource. The proposed policies are intended to clarify how this resource will be shared among eligible users.

BACKGROUND

The City has been utilizing Channel 21 for Government Access for a little over a year. The reconfiguration of the Cable TV system serving Shoreline last spring created an opportunity for the City to utilize some extra equipment to assist the School District in providing programming for an education access channel. At the City's request, AT&T made Channel 26 available and provided a fiber optic connection to City Hall to carry programming to their cablecast origination location or headend. At the District's request, the City of Lake Forest Park required AT&T to cablecast the Channel 26 signal originating in Shoreline within their city. As a result, the cities of Shoreline and Lake Forest Park currently share an education access channel.

As the School District acquired some additional equipment and began providing content for Channel 26, two issues arose. First, who would be responsible for controlling the content of the education channel programming? The City of Shoreline accomplished this with the government access channel by adopting fairly specific use policies. Second, how would use of the education access channel be shared among educators serving the Shoreline and Lake Forest Park communities?

ANALYSIS

In developing an alternative to address these issues, staff took into consideration the limited City resources available to manage the operation of this second channel. The City's franchise with AT&T also has limitations regarding the use of an education access channel. Ensuring that these limitations are complied with is a key City interest.

Resource Allocation

Staff attempted to keep this proposal as simple as possible. The attached policies establish definitions consistent with the City's franchise with AT&T including who is eligible to make use of the education access channel (i.e. public educational institutions serving the City). Rather than creating a complex structure of process and policies to control how the resource is allocated among potential users, the policies leave this allocation to the users and then sets up what is basically a dispute resolution process. The process utilizes a committee composed of a representative from each user, each city that adopts the proposed policies, and, if necessary to avoid an even number of committee members, a community representative nominated by the other committee members. The committee would resolve any disputes between the users regarding how the resource (programming time on Channel 26) will be allocated.

When staff discussed these policies with staff from the School District and Community College, they agreed preliminarily to share the channel on a 24 hour alternating basis as soon as the Community College has programming available. This is likely to only be an interim solution that should evolve as both agencies develop a better understanding of how they want to use this resource. The intent of the policies is to get the users talking to each other about their needs in order to determine an appropriate sharing schedule rather than looking to the City to make an allocation.

Content Control

The proposed policies include broad restrictions on content to ensure that the use of the channel is consistent with the City's agreement with AT&T, but otherwise leaves the development of specific policies up to each user. The School District has already adopted policies that it will use to control the content of programming during the time that the channel is allocated to their use.

Next Steps

The users and the cities still need to develop further clarity regarding their goals and objectives for developing programming for both the Government and Education Access Channels. They also need to identify the resources that they are able to contribute to meeting those objectives. Once this foundation is completed, we can start to look for opportunities to develop partnerships in several potential areas and determine the best configuration, location, etc. for supporting technology.

STAKEHOLDERS

Staff provided copies of the proposed policies to staff representatives from the School District, Community College, and Lake Forest Park. Staff then reviewed the policies with each, but no comments were provided. All parties seem interested in completing this step, so work on the "next steps" can commence.

RECOMMENDATION

Staff recommends that Council pass Resolution No. 181 Adopting Education Access Channel Use Policies.

ATTACHMENTS

Attachment A: Resolution No. 181, Adopting Education Access Channel Use Policies

RESOLUTION NO. 181

**A RESOLUTION OF THE CITY OF SHORELINE,
WASHINGTON, ADOPTING EDUCATION ACCESS
CHANNEL USE POLICIES**

WHEREAS, the City Council granted TCI Cablevision of Washington (d.b.a. AT&T) a Franchise to provide Cable TV services via Ordinance No. 158 (Franchise) effective July 8, 1998; and

WHEREAS, AT&T is required by that Franchise to make available channel capacity for Educational Access purposes upon request by the City; and

WHEREAS, AT&T has made channel 26 available for Educational Access purposes in response to the City's request; and

WHEREAS, the City of Lake Forest Park, being served by the same school district, has utilized their authority under their Cable TV franchise to request that the same channel 26 be made available for Educational Access purposes in their community; and

WHEREAS, the Shoreline City Council believes that it is in the best interests of the Shoreline community to support the utilization of that channel by local education providers serving the community; and

WHEREAS, the Shoreline City Council believes that it is in the best interests of the Shoreline community that the cities of Shoreline and Lake Forest Park work cooperatively to support the efforts of local education providers to utilize this resource;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

Section 1. Education Access Channel Use Policies Established. The City Council hereby adopts those policies and procedures set forth in the, "Shoreline/Lake Forest Park Education Access Use Policies", a copy of said document being attached hereto as "Exhibit A".

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 26, 2001.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

EXHIBIT A

Shoreline / Lake Forest Park Education Access Channel Use Policies

1) Purpose:

At the request of the City of Shoreline and in accordance with the requirements of its franchise agreement, TCI Cablevision of Washington (AT&T) has made available channel 26 for Education Access programming.

The City of Lake Forest Park, whose residents are also served by the Shoreline School District, requested that their residents also receive channel 26 in recognition of its common interest in educational programming.

The purpose of this document is to memorialize the policies and procedures that both cities agree shall control the use of this community resource.

2) Definitions:

- a) Authorized Educational Programmer (AEP) – Means all Public Educational Institutions authorized by these policies to utilize the Education Access channel.
- b) Cable Services Provider – Means TCI Cablevision of Washington d.b.a. “AT&T Broadband” or successor company, or any other cable franchisee providing channel capacity for Education Access.
- c) City – Means the City or Cities that have adopted these policies by resolution.
- d) Commercial Programming – Means programming, or any content included therein, intended to generate a quantifiable financial benefit to someone other than the AEP.
- e) Education Access – Means a channel provided by a Cable Service Provider in accordance with a City franchise for the purpose of cablecasting educational programming within the City.
- f) Educational Programming – Means cablecast content consisting of any of the following:
 - i) Information regarding the educational programs offered by the AEP
 - ii) Information regarding the operations of the AEP
 - iii) Programming that is a part of the AEP’s curriculum
 - iv) Programming created as result of the AEP’s curriculum
- g) Local Programming – Means programming of specific interest and relevance to City residents, that is; programming addressing local issues, directed at local residents, or regarding the specific local activities of the AEP.
- h) Public Educational Institution – Means any educational institution supported by public tax revenue providing educational services to City residents.

EXHIBIT A

- i) Use Allocation Committee -- Means a committee composed of one representative of each City and AEP. If this results in an even number of members, then those members shall nominate an additional individual to serve on the committee.

3) Use Restrictions:

- a) The Education Access Channel shall only be utilized by Public Educational Institutions to cablecast Educational Programming.
- b) The Education Access Channel shall not be used to cablecast any of the following:
 - i) Commercial Programming
 - ii) Programming that violates any relevant copyright regulation
 - iii) Programming that violates any provision of the franchise agreement between the City and the Cable Services Provider

4) Use Allocation:

- a) The allocation of the use of the Education Access Channel among AEPs will be as decided among the AEPs.
- b) The Use Allocation Committee will meet only as necessary to resolve any dispute regarding use allocation by majority vote of its members.
- c) Each AEP will have exclusive control over the programming cablecast during time slots allocated to their use and shall adopt their own policies regarding the provision and appropriateness of that programming. Provided, however, that all programming must be consistent with these policies.

5) Use Priority:

- a) Local Programming shall be given the highest priority for cablecast on the Educational Access Channel.
- b) Any request by one AEP to replace non-Local Programming scheduled by another AEP with Local Programming will be given every favorable consideration.

6) Use Allocation Committee Activities

- a) In addition to resolving disputes regarding the allocation of programming time between AEP's or identifying new AEP's, this Committee shall be responsible for the periodic general review of the operations of the Education Access Channel to ensure its continued operation in accordance with these policies and the interests of the served community.
- b) The Use Allocation Committee shall meet at least once per year, but may meet as often as necessary to implement these policies.

