



Channel 8 Intergovernmental Agreement

April 2, 2018

Purpose

- Provide background on franchise agreement and Channel 8 operations
- Review key elements of new draft intergovernmental agreement with Adams 14 School District
- Next steps

Background: What is Channel 8?

- Part of programming category known as public, educational, and government access television (also known as local/government access)
- Public policy governed by [47 U.S.C. § 531](#) and enforced by the Federal Communications Commission
- Cable systems are privately-owned entities so the must-carry requirement for government access television is incorporated in local franchising agreements for the municipality or county of operation

Background: Franchise History

- In 1995, Commerce City granted a nonexclusive franchise to Mountain States Video Inc. dba TCI of Colorado
- City Council extended 1995 franchise to Dec. 31, 2013 through a 2010 ordinance
- City Council approved a new 10-year franchise agreement (Ordinance 1988) on Dec. 2, 2013

Background: Franchise Elements

- Two SD channels (8 and 22) available to City for PEG programming
- One HD channel within 120 days of request; second HD not earlier than five years from Jan. 1, 2014
- Requires an average of more than 38 hours per week over a six month period of unduplicated programming
 - Programming repeated on an access channel up to two times per day shall be considered unduplicated programming
 - Character-generated programming shall be included for the purpose of this section may be counted towards the total average hours
- Franchise fee paid to the City (approx. \$30,000/year). can only be used for capital costs associated with PEG programming – no operations/personnel.



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Background: Current Operations

- Commerce City and Adams 14 School District reached intergovernmental agreement (IGA) in 2000 to operate Channel 8
- Commerce City expended \$19,000 to upgrade Adams 14 equipment, excluding Comcast transmission equipment, to facilitate live broadcasts of council meetings and meet franchise requirements in 2010
- Generally, overall lack of strategy to maximize franchise agreement, operations and maintenance

Key IGA Elements: Future Operations

- Two SD Channels
 - Channel 8: Government Access
 - Channel 22: Educational Access
- City will operate and program Channel 8 from Civic Center; designate Adams 14 as operator/programmer for Channel 22
- Annually certify programming requirements of the Franchise are being met on an annual basis
- Complete a one-time upgrade of equipment to ensure franchise compliance for both channels
 - District is responsible for future operations and maintenance costs
 - Must maintain to standards that align with Franchise requirements

Key IGA Elements: Future Operations

- Allows City to inspect and audit equipment, with an established cure period for any deficiencies
- Uses PEG funding for capital investments as required; does not obligate funding if requirements change
- Provides a portion of PEG funds to district to maintain capital investments.
- Holds each party harmless for unfulfilled 2000 IGA commitments

Next Steps

- Board of Education meeting April 10, 2018
- Complete software and hardware upgrades
- Branding and education campaign
- Begin two-channel operation by June 2, 2018
- Expand programming