

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO
DISTRIBUTE PUBLIC, EDUCATION, AND GOVERNMENTAL ACCESS CAPITAL
FUNDS TO THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS PROVIDER
FOR THE COUNTY COASTSIDE AREA**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, Comcast has been operating under a State issued Franchise Agreement (Franchise Agreement) since April 2021 for the provision of cable television access and in accordance with the Franchise Agreement, Comcast must remit to the County Public, Education, and Governmental (PEG) Capital Fees to be used for PEG capital expenses to support PEG programming; and

WHEREAS, the County has discretion in terms of how the PEG capital funds are to be used provided they support the intended PEG capital expenses; and

WHEREAS, the County may determine the use of the PEG fund, which can be used for items such as the Board Chambers' audio, visual, and recording systems, which systems are necessary and required for any PEG provider to air the Board Meetings on their PEG channels; and

WHEREAS, prior to the Franchise Agreement the County had a local 15-year agreement with Comcast that expired in April 2021, which stipulated PEG capital fee payments during the term of the agreement; and

WHEREAS, on June 7, 2011 the Board executed Resolution No. 071437 authorizing an agreement with Pacifica Community Television, now Pacific Coast

Television (PCT), for the provision of PEG television services to the County coastside area; and

WHEREAS, on June 7, 2011 the Board executed Resolution No. 071438, which authorized \$68,160 in PEG capital funds to the coastside PEG provider or PCT subject to signed purchase orders or receipts for PEG capital equipment requested and purchased by the coastside PEG provider and to date the coastside PEG provider has requested reimbursement of \$6,613.91 in PEG capital funds leaving an unbilled balance of \$61,546.09; and

WHEREAS, the Board may consider the use of PEG funds received pursuant to the Franchise Agreement and determine whether any, a portion of, or the PEG funds received from the County coastside subscribers should be allocated to PCT after the County's receipt of the PEG funds from Comcast; and

WHEREAS, currently the County coastside Comcast subscribers represent approximately 35% of the County Comcast subscribers; and

WHEREAS, the following represents the PEG funds received by the County and the pro-rata share of the PEG funds from the County coastside area under the State Franchise:

| Calendar Year | PEG Funds Received by County under Franchise Agreement (April 2021-Dec. 2024) | Calculated pro-rata share of PEG funds associated with coastside PEG revenue |
|----------------------|--|---|
| 2021 | \$ 78,533.06 | \$ 27,529.12 |
| 2022 | \$105,399.52 | \$ 36,802.59 |
| 2023 | \$101,032.93 | \$ 35,119.82 |
| 2024 | \$ 93,867.37 | \$ 32,773.91 |
| Total | \$378,832.88 | \$132,225.44 |

WHEREAS, the Director of Public Works recommends that PEG funds be used for County PEG eligible expenses and the Board consider whether any or a portion of the County received PEG funds should be paid to the coastside County PEG provider.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that:

1. The Director of Public Works is hereby directed to distribute PEG funds as authorized by the County of San Mateo Board of Supervisors to the County coastside PEG access provider designated by the County to provide such services after payments are made to the County by Comcast as provided by Comcast State Franchise Agreement.
2. Available PEG funds for the coastside PEG access provider shall be based on a pro-rata share of the PEG funds generated from the coastside County subscribers.
3. The Director of Public Works or their designee shall inform the coastside PEG access provider by March 31 on an annual basis of the pro-rata share of PEG funds from the coastside County subscribers for the prior calendar year.
4. The distribution of PEG funds to the County coastside PEG access provider may be made an annual basis after the County receives funds from Comcast and after the County coastside PEG access provider has submitted signed purchase orders or receipts for eligible PEG capital equipment requested and purchased by the County coastside PEG access provider.

5. The PEG funds as described herein and made available to the coastsides PEG access provider will be available for a two year period after being received by the County for the calendar year, after which the annual PEG funds will no longer be available to the coastsides PEG provider and will be instead used for County PEG fund eligible expenses for the provision of PEG access and no longer available to the County coastsides PEG access provider.

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