

RESOLUTION NO.

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

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**RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE MEMBERS OF THE
AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT DATED
JUNE 9, 2009, RELATING TO THE ADMINISTRATION OF CABLE TELEVISION AND
VIDEO FRANCHISES**

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

WHEREAS, this Board of Supervisors did, on July 19, 1983, adopt Resolution No. 044754, which authorized execution of Joint Exercise of Powers Agreement (JPA Agreement) with the City of Palo Alto (Palo Alto), City of Menlo Park, City of East Palo Alto, Town of Atherton, County of San Mateo, and County of Santa Clara (JPA members) for the purpose of obtaining cable television services within these jurisdictions; and

WHEREAS, only portions of the County are covered by the JPA Agreement; and

WHEREAS, this Board of Supervisors did, on November 18, 2008, adopt Ordinance No. 04453, which repealed and replaced sections of the San Mateo County Ordinance Code Governing Cable Television Franchises to conform to the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) and established the Public, Educational, and Government (PEG) access fees to be collected by cable franchise holders from subscribers on a monthly basis; and

WHEREAS, this Board adopted Ordinance No. 4806 on November 6, 2018, which reauthorized the PEG fee upon the expiration of state franchises to ensure continued collection of PEG fees; and

WHEREAS, the JPA Agreement gives Palo Alto the sole authority to act on behalf of the JPA members and includes franchise and PEG access fee collection, PEG oversight, customer service issue oversight, and related activities with respect to all state franchise holders; and

WHEREAS, the Midpeninsula Community Media Center, Inc. (Media Center) operates and manages the PEG channels in the JPA area and is the designated PEG access provider in the JPA area; and

WHEREAS, federal law restricts the use of PEG fees to capital expenditures; and

WHEREAS, the Palo Alto auditor issued the Cable Franchise and PEG Fee Audit in May 2016, which included a finding that the Media Center had been using PEG fees for operating expenses, rather than solely for capital expenses; and

WHEREAS, PEG fees may be used for capital expenditures by the Media Center or JPA member projects that start to provide for, or upgrade to enhance, the cablecasting of government meetings on the government channels (i.e., broadcast systems including cameras, switchers, captioning and supporting equipment; audio visual systems including speakers, microphones, and supporting infrastructure; broadcast lighting; glare reduction film at windows; blackout shades, etc.); and

WHEREAS, the JPA member agencies have developed an MOU that would provide for JPA member agencies to grant the Media Center unrestricted funds in the amount of the PEG-related capital expenditures by the JPA member agency; and

WHEREAS, given the projects to be undertaken by the JPA members that include the use of PEG eligible fees, it is anticipated that the Media Center would receive funds for their operational costs for approximately five years; and

WHEREAS, Palo Alto, the City of Menlo Park, and the Town of Atherton have executed the MOU and execution of the MOU by the City of East Palo Alto and County of Santa Clara is pending.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of the Board of Supervisors shall be, and is hereby, authorized and directed to execute a Memorandum of Understanding between the Members of the Amended and Restated Joint Exercise of Powers Agreement dated June 9, 2009, Relating to the Administration of Cable Television and Video Franchises.

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