



Legislation Details (With Text)

File #: 17-1306 **Version:** 1 **Name:**
Type: Resolution **Status:** Mayor's Office
File created: 10/18/2017 **In control:** City Council
On agenda: 11/28/2017 **Final action:** 11/28/2017
Title: A resolution approving an Intergovernmental Agreement (IGA) between SCETC and the City of Colorado Springs

Presenter:
Bret Waters, Deputy Chief of Staff

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution 17.1306 SCETC_RES-2017-10-20, 2. Exhibit A RES 17.1306 SCETC Restated and Amended IGA-MOU, 3. Signed Resolution 138-17

Date	Ver.	Action By	Action	Result
11/28/2017	1	City Council	adopted	Pass
11/13/2017	1	Council Work Session	referred	

A resolution approving an Intergovernmental Agreement (IGA) between SCETC and the City of Colorado Springs

Presenter:
Bret Waters, Deputy Chief of Staff

Summary:

Under the current intergovernmental agreement ("IGA") between the Southern Colorado Educational Television Consortium ("SCETC") and the City, SCETC received 20% of the franchise fee revenue received under what became the Comcast of Colorado/Pennsylvania/West Virginia LLC ("Comcast") cable television franchise and 10% of the franchise fee revenue under cable franchises with Century Link and Falcon Broadband. Under that agreement, SCETC was required to acquire, maintain, and operate production facilities, generate educational programming to air over the cable systems' educational access channels and manage those channels on behalf of the City.

The proposed IGA now before Council would replace and supersede the existing agreement between the parties. The key elements of the new IGA are as follows:

- SCETC would be paid \$218,354/year in 2018 for its services, identical to what is currently being paid under the current agreement. This amount would be increased 2% for each subsequent calendar year. However, if franchise fee revenue ever fell below \$1,091,770 in any year, the payment to SCETC would be reduced to 20% of the franchise fees actually received.

- The term of the IGA would be for the term of the Comcast franchise, including any extensions or renewals thereof.
- SCETC would manage the use of five (5) Standard Definition channels provided on the cable system. In the event a switch by Comcast to High Definition (“HD”) channels is made for Educational Access channels, SCETC would be entitled to use the replacement HD channels.
- City will make a one-time payment to SCETC no later than December 31, 2020 in the amount of \$336,000 of franchise fees to be used by SCETC to fund fiber infrastructure to connect SCETC members to an existing Fiber Ring.
- SCETC may continue using the City’s I-Net fiber system.

Previous Council Action:

The City and the SCETC entered into a Joint and Cooperative Intergovernmental Agreement dated November 7, 2000, which was subsequently amended on October 23, 2007.

The City and the SCETC entered into a Memorandum of Understanding dated August 16, 2004.

Background:

The City has a longstanding agreement and relationship with SCETC under which SCETC managed and provided programming for the Educational Access channels (the “E” in Public, Educational and Governmental access channels known as “PEG” channels) made available to the public under the cable television franchises granted by the City. SCETC is a non-profit governmental entity organized by its members, to include the University of Colorado-Colorado Springs, Pikes Peak Community College, the Pikes Peak Library District and all public school districts in Colorado Springs. The consortium meets monthly.

Financial Implications:

SCETC would be paid \$218,354/year in 2018 for its services, identical to what is currently being paid under the current agreement. This amount would be increased 2% for each subsequent calendar year. However, if franchise fee revenue ever fell below \$1,091,770 in any year, the payment to SCETC would be reduced to 20% of the franchise fees actually received. In addition, the City will make a one-time payment to SCETC no later than December 31, 2020 in the amount of \$336,000 of franchises fees to be used by SCETC to fund fiber infrastructure to connect SCETC members to an existing Fiber Ring.

Board/Commission Recommendation:

N/A

Stakeholder Process:

The City has coordinated with SCETC extensively regarding this agreement. SCETC has coordinated with their stakeholders, who are in favor of the proposed IGA.

Alternatives:

Do not approve the IGA between SCETC and the City.

Proposed Motion:

Approve the resolution the IGA between SCETC and the City; to replace and supersede the existing

agreement between the parties.

N/A