

RESOLUTION NO. _____, SERIES 2003

**RESOLUTION BY THE CITY COUNCIL SETTING STANDARDS
FOR MEETING COMMUNITY NEEDS IN THE FRANCHISE CONTRACT
BETWEEN THE CITY OF DAVIS AND COMCAST**

WHEREAS, communities in California have recently and successfully negotiated strong, state-of-the-art contracts with Comcast and other cable companies that have provided substantial and vital public-interest benefits for city residents and civic institutions; and

WHEREAS, a 10-year contract with the City of Davis will likely generate in excess of \$100 million in gross revenues for Comcast; and

WHEREAS, in order to deliver their services to the homes and businesses in Davis, Comcast requires access to easements and public rights-of-way, which the City is authorized to regulate on behalf of residents; and

WHEREAS, federal law permits cities to require cable operators using these easements compensate the city in an amount up to 5 percent of their gross revenues; and

WHEREAS, cities may also negotiate community benefits as part of this rent, including channel capacity, equipment, facility and transmission support for public, educational and government (PEG) access programming and services; and

WHEREAS, the City of Davis, as required by the cable franchise renewal process, underwent an exhaustive and thorough community needs assessment which resulted in a detailed ascertainment report that details the community's needs and interests; and

WHEREAS, these needs and interest form the basis for the City's negotiating positions; and

WHEREAS, the Davis community strongly values local, community-based media which are well-supported and offers modern, digital equipment and facilities to enhance communication services in our town; and

WHEREAS, non-commercial community media represents one of the last great bastions of true democratic communication, in a climate of unprecedented media consolidation; and

WHEREAS, the Davis community has developed and supported exemplary public access, educational and government channels which have provided an important source of cohesion and identity for our community; and

WHEREAS, the government channel is a vital component of Davis, tradition of open, participatory government; the education channel has offered coverage of student performances,

sports and graduation ceremonies; and DCTV's community access programming has provided a key means of expression, education and outreach for Davis, diverse internal communities; and

WHEREAS, to remain competitive in the marketplace, Comcast needs to replace the existing cable infrastructure in Davis with one capable of providing modern, high-speed, interactive services and broadband Internet access; and

WHEREAS, Comcast has an enormous opportunity to grow its cable TV business in Davis because only around 50% of the homes and apartments in Davis subscribe to cable now -- while other cities in the region have up to 80% subscription rates; and

WHEREAS, a major advantage that Comcast has over its largest competitor -- satellite TV -- is that Comcast offers local public, educational and government access programming; and

WHEREAS, if properly supported and promoted, high quality public, educational and government digital television programming will be an attraction that will increase the number of Comcast subscribers in Davis; and

WHEREAS, during the life of the next franchise, broadcast and cable television will make the transition to digital, high-definition, on-demand and interactive television formats, and it is vital that our PEG channels be able to provide community content with the same digital and interactive capability as commercial programming, which will require substantial equipment and facilities funding; and

WHEREAS, deployment of a parallel Institutional Network will enhance and streamline critical municipal services, and improve and decrease the long-term cost of communication for and between key government and educational institutions, as well as provide the capacity for live telecasts from remote locations, essential for live coverage of community events and meetings; and

WHEREAS, the existing City cable franchise provided for an Institutional Network (INET) that was never completed; and

WHEREAS, outcomes of a successful negotiation with Comcast could include an upgraded digital broadband infrastructure, a dynamic community media center, a well-designed Institutional Network and other community benefits, all of which are today's basic telecommunications services that are essential for modern communities, and are vital economic development tools that would serve to attract and retain businesses in Davis in the years ahead; and

WHEREAS, the City of Davis has historically shown its commitment to public, educational and government access television by allocating the entire franchise fee paid by the cable operator to the support of these local channels; and

WHEREAS, City expenditures to provide and maintain PEG equipment and facilities have consistently been greater than that provided for in the existing franchise;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVIS, that the franchise renewal contract between the City of Davis and Comcast should be designed to meet the community's cable-related needs as identified in the Telecommunications Task Force's preliminary report. In particular, the contract should:

1. Upgrade cable infrastructure to meet the community's need for true broadband services including high-definition, interactive television and high-speed Internet;
2. Provide service throughout the City, including to businesses and the downtown;
3. Allocate adequate channels, cable system capacity and functionality for local Public access, Educational and Government (PEG) broadcast and Institutional Network (INET) purposes, including:
 - additional channels required to meet identified needs
 - future conversion of PEG channels to full high-definition, interactive, on-demand capability on par with the capabilities of commercial broadcasters.
4. Provide PEG and INET equipment and facilities funding sufficient to revitalize facilities and equipment to provide for a transition to high-definition digital, high-speed voice, data and video transfer and on-demand transmission.
5. Provide, as the cable infrastructure is upgraded, fiber-optic capacity and fiber-optic links dedicated for use as a high-speed Institutional Network connecting major public-access, educational and governmental sites.

PASSED AND ADOPTED by the City Council of Davis on this _____, day of _____, 2003, by the following votes:

AYES:

NOES:

ABSENT:

SUSIE BOYD
Mayor

BETTE RACKI, City Clerk