Resolution Requesting San Francisco's Congressional and State Legislative Delegations Reform Laws Governing use of Public, Education and Government Cable Access System Funds.

WHEREAS, The Digital Infrastructure and Video Competition Act OF 2006 (DIVCA) removed cable television franchising from the jurisdiction of local governments and transferred that authority to the California Public Utilities Commission thereby subverting local authority to guarantee resources to produce programming for the benefit of and directly addressing the specific issues, needs and concerns of local communities; and

WHEREAS, The opportunity for municipalities to negotiate future operational funding for the Public, Education and Government (PEG) cable access system in San Francisco and California is prohibited by DIVCA; and,

WHEREAS, The Federal Communications Act of 1934 and DIVCA permit franchising authorities to require capital funds for PEG channels, but prohibits these funds from being used for providing video and electronic media training to the public and as well as support for the necessary operations of PEG access channels; and,

WHEREAS, As a result of the these restrictions under the Federal Communications Act of 1934 and DIVCA, significant operational funding for public access television in San Francisco will be eliminated with the expiration of the Comcast Cable Franchise on December 31, 2009; and,
WHEREAS, These restrictions gravely threaten the very existence of public access and the PEG access in not only San Francisco, but across the State of California as well; and

WHEREAS, PEG, access channels and community media centers that provide electronic media tools and training in how to use those tools exist as a result of the regulatory frame work for cable television that has been in place at the federal level for over 30 years; and

WHEREAS, PEG access is and has been an essential component in our public media "greenspace" where community issues and concerns can be discussed and debated without the interference of commercial values; and

WHEREAS, Electronic media remains at the core of all information delivery and exchange; and

WHEREAS, Civic participation on the part of the underserved is greatly aided by gaining access to locally managed opportunities; and,

WHEREAS, Public access television and the PEG system is a valuable telecommunications resources for the citizens and government of the City and County of San Francisco; and,

WHEREAS, The City and County of San Francisco could lose millions of dollars worth of production facilities and cable channel capacity without funding for operations of said facilities; and

WHEREAS, Public access channels and access training and services in San Francisco are managed by a nonprofit organization called the San Francisco Community Television Corporation (CTC), doing business as "Access SF"; and

WHEREAS, Access SF annually provides over 2,500 hours of local, grassroots, community-based programming for, by and about San Franciscans as well as providing
training, community media services and specialized workforce development to local
nonprofits organizations and the public; and,

WHEREAS Educational access channels are operated by the San Francisco
Community College District as “EATV”; and

WHEREAS EATV provides innovative educational programming to meet the changing
needs of the diverse San Francisco community, as well as City College of San Francisco and
San Francisco Unified School District students, faculty, families, staff, administrators, and
their Boards; and

WHEREAS EATV serves a larger educational mission for San Francisco by providing
information about community resources; by being an outlet for student video, film and
multimedia productions; by providing training and internship opportunities; by broadcasting
San Francisco Unified and Community College Board meetings; and, by offering access to
information and education to those who are physically challenged or housebound; and

WHEREAS Government access channels are operated by SFGTV within the City’s
Department of Technology; and

WHEREAS SFGTV provides live cablecasts of all of the Board of Supervisors
meetings, City commission meetings, Mayoral Press conferences as well as many other
community events and video programming that provides essential information about City
government services and programs; and

WHEREAS Access SF, EATV and SFGTV remain the only alternatives for cable
television viewers that offer exclusively local, noncommercial, and diverse programming about
San Francisco and San Franciscans; and,

WHEREAS, January 6, 2009 has been proclaimed “San Francisco Community
Television Corporation Day” by Mayor Gavin Newsom in recognition of its 20th Anniversary;
now, therefore, be it

Supervisor Mirkarimi, Avalos, Mar, Campos, Daly, Maxwell
BOARD OF SUPERVISORS

12/30/2008
RESOLVED, That the Board of Supervisors of the City and County of San Francisco requests that its United States Congressional Delegation initiate reform legislation that would allow states and their municipalities to determine the best use of PEG support — whether for people, facilities or equipment and eliminate an outdated unnecessary distinction in the Communications Act of 1934; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco submits that the necessary changes to the Federal Communication Act of 1934, as amended, which would address this issue are simple legislative changes to 47 U.S.C. 542 specifically amending Section 542(g)(2)(B) by striking the words in: “in the case of any franchise in effect on October 30, 1984”; by striking Section 542(g)(2)(C) in its entirety, and by renumbering the subsequent sections as appropriate; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco requests that its California State legislative delegation initiate hearings on the failure of DIVCA to protect, and do no harm, to the PEG system in California and to reform DIVCA in a manner that would not in any way restrict the use of PEG support in the event that the proposed changes in federal law are enacted remove restriction regarding the permissible uses of PEG funding derived from video providers in California; and, be it

FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed to transmit a fully conformed copy of this resolution to both the United States Congressional and California State legislative delegations representing the City and County of San Francisco.
File Number: 090008  Date Passed:

Resolution requesting San Francisco's Congressional and State Legislative Delegations reform laws governing use of Public, Education and Government Cable Access System Funds.

March 3, 2009  Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009  Board of Supervisors — ADOPTED AS AMENDED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on March 3, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

3-13-09
Date Approved

UNSIGNED

Mayo Gavin Newsom

Date: March 13, 2009

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Clerk of the Board