

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE
FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE
CITY COUNCIL.**

ORDINANCE

**APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE
CITY OF SAN ANTONIO AND THE ALAMO COMMUNITY
COLLEGE DISTRICT FOR THE CONTINUED OPERATION
OF THE CITY'S EDUCATIONAL ACCESS CHANNEL;
INCLUDING ANNUAL COMPENSATION CONSISTENT
WITH CHAPTER 66 OF THE PUBLIC UTILITIES
REGULATORY ACT.**

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WHEREAS, effective September 7, 2005 the Public Utilities Regulatory Act (PURA) was revised by adding Chapter 66 to the Texas Utilities Code, which removed the authority of local governments to grant cable franchise agreements and authorized the Texas Public Utility Commission to issue certificates of authority for the delivery of cable and video services in the State of Texas; and

WHEREAS, Chapter 66 of PURA shifted the responsibility of the operation, management and control of Public, Educational, and Government (PEG) Access Channels from cable service providers to municipalities; and

WHEREAS, Chapter 66 of PURA mandates that cable service providers pay municipalities 1% of gross revenues to support the operation of PEG Access Channels (in addition to a franchise fee of 5% of gross revenues for ROW access); and

WHEREAS, PEG funds may only be used for capital expenditures that support the PEG Access Channels; and

WHEREAS, San Antonio College (SAC), a member institution of the Alamo Community College District, has historically equipped a studio for the purpose of developing and cable-casting original educational programming for the Educational Access Channel; has coordinated with other local educational institutions for the purpose of airing their educational programming on the Educational Access Channel; and has contributed significant original educational programming, including distance learning college courses that are integrated into SAC's educational curriculum; and

WHEREAS, the Alamo Community College District has operated the Educational Access Channel on behalf of the City since January 1, 2006, and the current Interlocal Agreement between the City and the Alamo Community College District, entered into in

February 2010, expires June 2019; and

WHEREAS, this Ordinance will approve a 5 year Interlocal Agreement (with two, 2 year renewal options) with the Alamo Community College District for the continued operation of the Educational Access Channel by SAC, and establish a budget process for providing financial assistance to SAC for capital expenditures from eligible PEG funds; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Interlocal Agreement between the City of San Antonio and the Alamo Community College District (Interlocal Agreement) for the continued operation of the Educational Access Channel is approved.

SECTION 2. The Director of the Government & Public Affairs Department is authorized to use PEG funds in the amount up to \$200,000.00 to support the Alamo Community College District capital expenditures associated with the operation of the Educational Access Channel for Fiscal Year 2019.

SECTION 3. The transfer of PEG funds to the Alamo Community College District in support of the Educational Access Channel under this Ordinance are authorized from the City's appropriate PEG Fund.

SECTION 4. The City Manager or designee is hereby authorized to execute the Interlocal Agreement, a copy of which is attached to this Ordinance as **Exhibit A**.

SECTION 5. This Ordinance shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10th) day after passage thereof.

PASSED AND APPROVED this 16th day of May, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

Exhibit A