

**City of Iowa City**  
cable television administrator

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September 14, 2009

TO: City Council/Iowa City Telecommunications Commission

FM: Bob Hardy, Cable Television Administrator

RE: Contract Renegotiations With Public Access Television

Introduction

The Agreement between the City of Iowa City and Public Access Television, Inc. (PATV) for funding, operation and management of the local public access function have been renegotiated and discussions have been concluded. As you may know, PATV has served as the designated non-profit organization to operate the local public access channel, function and service since 1990. The following is a summary of the significant changes in the Agreement that has resulted from this renegotiation.

Agreement Changes

1. Recital number 4 was rewritten and expanded to more clearly define the meaning of the term "public access" for the purposes of this Agreement. Examples demonstrating this definition were added.
2. Recital number 5 was rewritten and expanded to more clearly define the meaning of the term "community programming" for the purposes of this Agreement. Examples demonstrating this definition were added.
3. Section 1 (C) was rewritten to more clearly identify to whom use of equipment and facilities will be provided and conditions by which non-Iowa City residents may use the facilities.
4. Section 1 (K) was rewritten to increase the minimum number of monthly programming hours on the channel dedicated to cablecasting community programming to 40% of the total number of program hours cablecast.
5. Section 4 was rewritten to include a requirement that PATV notify the City in writing upon notification of copyright violation by a program cablecast on the public access channel.
6. Section 5 was rewritten to strengthen PATV's rights to cablecast programming produced with PATV equipment, facilities or support.
7. Section 6 (A) was rewritten to allow for additional distribution opportunities for public access and community programming produced by or at PATV on "new media" outlets such as the Internet.
8. PATV's insurance obligations, defined in Section 8, were reviewed by the City's Revenue and Risk Manager and rewritten to require coverage levels considered appropriate to protect the City.

9. Section 12 was rewritten to clarify PATV's periodic and annual reporting obligations.

10. Section 18 (C) was substantially rewritten to make this Agreement's "transfer of assets" language consistent with language found in the "Agreement Between the City of Iowa City and Public Access, Inc. For Partial Funding of a Programming Facility At 730 South Dubuque Street." The City Attorney's Office found the replacement language to be superior to previous language in protecting the City's interest and long-term investments in public access services in the event PATV could no longer function as a non-profit organization or fulfill the obligations of this Agreement.

The PATV Board of Directors has approved and accepted the new Agreement.

If you have questions or concerns, please contact me.

cc:

Dale Helling, Acting City Manager

Sue Dulck, Asst. City Attorney