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3
4 AN ORDINANCE amending 111.34, Cable Fund Access Board in
5 Chapter 111: Cable Television Regulations in the Fort Wayne
6 Municipal Code of Ordinances in the funding of access originator grants
7 and non-access originator grants.
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9 **WHEREAS**, for forty years the local access originators have provided education, information, and
10 entertainment to Fort Wayne residents; and
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12 **WHEREAS**, since 1995 the Cable Television Regulations have provided the means to fund cable
13 access channels in Fort Wayne and to provide grants to non-access originators, such as local teachers,
14 to create content for our local channels; and
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16 **WHEREAS**, because industry trends and new technologies have led to a decline of funds available for
17 local access television, the City of Fort Wayne must reallocate the cable franchise fees use to fund local
18 access television.
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20 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF**
21 **THE CITY OF FORT WAYNE, INDIANA:**

22 **SECTION 1.** That sections (B), (C), and (D) in Chapter 111.34, Cable Fund Access
23 Board, are replaced as follows and are effective January 1, 2024:

24 (B) *Purpose.*

25 (1) The Cable Fund Access Board (CFAB) will administer the grant process through which
26 public, education and government access channel originators and non-access channel originators
27 receive city franchise fee revenues.

28 (2) The Cable Fund Access Board will allow citizen input and oversight to ensure that
29 the city franchise fee revenues are being used effectively.

30 (C) *Access channel originator grants.*

31 (1) The City of Fort Wayne shall, with the approval of City Council, annually budget
32 franchise fee dollars from Grantee(s), as defined in the Ordinance, for public access dollars
33 ("access dollars"), according to the following schedule:

34 (a) In the 2024 budget 45% of franchise fee dollars, but not to exceed \$900,000.

35 (b) In the 2025 budget 55% of franchise fee dollars, but not to exceed \$900,000.

36 (c) In the 2026 budget 65% of franchise fee dollars, but not to exceed \$900,000.

37 (d) In the 2027 budget 75% of franchise fee dollars, but not to exceed \$900,000.

38 (e) In the 2028 budget 85% of franchise fee dollars, but not to exceed \$900,000.

39 (f) In the 2029 budget 95% of franchise fee dollars, but not to exceed \$900,000.

(g) In subsequent years budget 100% of franchise fee dollars, but not to exceed \$900,000.

(2) Eighty-four percent (84%) of the "access dollars," upon Common Council approval, will be annually designated and divided up equally for the Access Channel Originators (ACOs), as identified below. Each ACO shall provide a 10% cash match for the grant dollars received.

(a) Allen County Public Library;

(b) Fort Wayne City Government;

(c) Fort Wayne Community Schools; and

(d) Purdue Fort Wayne.

(3) Grant funds shall be used for the production and cablecasting of access programming.

(4) Eligibility guidelines. The ACO must annually document and provide to the CFAB:

(a) Evidence that it provides ample opportunity for the public to have their programming produced and cablecast;

(b) Evidence that Grant dollars were used to sustain or increase the number of access programs produced and cablecast.

(c) Evidence that the ACO responded to complaints or concerns about their operations in a timely fashion and reported those responses annually in a public hearing held by the Cable Fund Access Board.

(d) Financial statements detailing the income and expenses of the ACO including the annual cash match.

(e) Evidence that, in accepting grant funds, the ACOs pledge to spend the grant money according to the criteria in this ordinance.

(5) Non-originator access programming grants.

(a) Eleven percent 11% of the city's "access dollars" will be set aside annually as non-access channel originator ("non-ACO") grants for access programming by not-for-profit agencies or accredited teachers for the purpose of creating content for the cable channels. With the exception of accredited teachers, Access Channel originators are not eligible for these grants.

(b) Non-ACO grants will be available to any not-for-profit, educational, governmental agency or accredited teachers within the City of Fort Wayne (except Allen County government offices as Allen County government receives cable television franchise fees).

(c) Grant money may be utilized for operational expenses in the production of access programming including hiring production services. Grants to first time non-ACOs may be limited until the non-ACO produces content for channels.

(d) Qualified non-ACOs will annually submit grant requests to the Cable Fund Access Board, pursuant to an application established by the Board. The CFAB will recommend grant awards, with final approval granted by the Common Council.

(e) Eligibility guidelines:

1. Non-ACO grants will be given to support the creation of content for the cable channels. The application must explain how the grant will be used in the production of the cable access programming.

2. Upon acceptance of a non-ACO grant, said non-ACO shall enter into a contract with the City of Fort Wayne in which the recipients pledges to spend the grant money in the manner approved by City Council and to provide proof of the expenditures. Grants will only be disbursed upon the submission of receipts for said expenditures. These receipts shall be submitted for reimbursement by June 30 of the next calendar year.

3. All non-ACO grants will be subject to approval by the Common Council.

(D) *Cable television franchise management expenses.*

(1) Five percent 5% percent of the "access dollars" will be used by the city for cable television franchise management expenses, which would include industry publications, equipment for the production of governmental programming, hiring of consultants to provide federal cable law expertise and advise if the franchisor is fulfilling its franchise commitments.

(2) Access dollars not used for franchise management or utilized for non-ACO grants will remain for use the following year.

(E) *Duties of the Cable Fund Access Board.*

(1) Annual review.

(a) Before the grant application process begins, the Cable Fund Access Board will annually meet to review the way ACOs and non-ACO's have used their grant funding to enhance the quality and quantity of local public, education and government access programming.

(b) The Cable Fund Access Board will annually hold a public hearing to review how grants have been spent and to listen to concerns, ideas or problems the public may express regarding the operations and programming of grant recipients.

(c) The Cable Fund Access Board may determine that an ACO is not meeting the city's criteria and may recommend to City Council that the ACO's annual grant be reduced. The amount of the reduction would be distributed evenly among the remaining ACOs.

(d) Establish and implement a review form and grading system which fairly evaluates each grant recipient which could also be used when considering future grant requests.

SECTION 2. That this Ordinance shall be in full force and effect after any and all necessary approval by the Mayor.

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Sharon Tucker, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney