

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE June 6, 2006	(3) CONTACT/PHONE John Diodati, Administrative Services Officer II, 788-2832	
(4) SUBJECT Request to Approve an Agreement with the San Luis Obispo County Office of Education for a Cable TV Access Grant, and an Associated Budget Adjustment			
(5) SUMMARY OF REQUEST As a result of a June 18, 2002 Board action, the San Luis Obispo County Office of Education is receiving a third payment of one-third of the PEG Trust Fund Account for Cable TV related activities.			
(6) RECOMMENDED ACTION It is our recommendation that your Honorable Board approve and sign the attached Agreement with the San Luis Obispo County Office of Education for a Cable TV access grant and approve an associated budget adjustment (by 4/5 th 's vote) in the amount of \$59,554.59.			
(7) FUNDING SOURCE(S) PEG Trust Fund	(8) CURRENT YEAR COST \$59,554.59	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): San Luis Obispo County Office of Education			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input checked="" type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW <p align="right"><i>OK Leslie Brown</i></p>			

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(6.6.06)*



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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TO: Board of Supervisors

FROM: John Diodati, Administrative Services Officer II

VIA: Paavo A. Ogren, Deputy Director of Public Works

DATE: June 6, 2006

SUBJECT: Request to Approve an Agreement with the San Luis Obispo County Office of Education for a Cable TV Access Grant, and an Associated Budget Adjustment

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Recommendation

It is our recommendation that your Honorable Board approve and sign the attached Agreement with the San Luis Obispo County Office of Education for a cable TV access grant and approve an associated budget adjustment (by 4/5th's vote) in the amount of \$54,554.59.

Discussion

On June 18, 2002 the County Board of Supervisors adopted a policy to allocate the Public, Education and Government (PEG) Trust Funds in thirds to Public Access, Educational Access and Government Access programs. The money in the Trust Fund has been collected from cable T.V. subscribers in the unincorporated areas of the County as a requirement of the County's Franchise Agreement with Charter Communications.

The following is the specific policy language adopted by your Board pertaining to the distribution of the educational portion of the PEG Trust Funds. This policy was supported by the County Office of Education, the district superintendents and the President of Cuesta College.

Board of Supervisors Policy on the Utilization of the Education Portion of the PEG Trust Funds – Effective June 18, 2002

The San Luis Obispo County Office of Education shall be utilized for the Educational Access portion of the PEG Trust Funds under the following criteria:

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- A. The funds must be used for specific cable TV access/telecommunications purposes that promote educational needs programs.
- B. These funds shall not be used to supplant existing funding.
- C. Where possible, partnerships with the government and public access constituents should be developed for joint benefit.
- D. Specific use of the PEG Trust Funds must be reviewed by an appropriate education advisory committee before the annual budgeting of these funds is considered by the County Board of Education.

Your Board distributed the first payment to the County Office of Education on February 25, 2003. The second payment was distributed on January 4, 2005. Both payments were distributed in a similar action. The attached agreement contains the above provisions and has been signed by the County Superintendent of Schools, Julian Crocker.

Other Agency Involvement/Impact

Staff worked with the County Office of Education in developing the agreement, and the agreement has been reviewed by County Counsel. The Auditor-Controller's office has also reviewed the agreement and concurs with the recommended budget adjustment.

Financial Considerations

In order to distribute the funds from the PEG Trust Fund, the associated budget adjustment for \$59,554.59 needs to be approved. The attached adjustment makes these funds available for this transaction.

Results

Approval of the recommended action will allow the County Office of Education to utilize these funds to enhance educational programs for the community. This will facilitate a livable and well-governed community that is enriched through learning.

Attachment: Agreement

File: PEG CF 120.11.01

Reference: 06JUN6-C-1

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AGREEMENT FOR COUNTY PEG GRANT
San Luis Obispo County Office of Education

This Agreement is entered into this ____ day of _____, 2006, by and between the County of San Luis Obispo, a body corporate and politic, hereinafter referred to as "County", and the San Luis Obispo County Office of Education, hereinafter referred to as "Grantee".

WHEREAS, on June 18, 2002, the Board of Supervisors directed staff to administer the disbursement of existing PEG Trust funds equally between public, education and government; and

WHEREAS, the Board directed that the Educational Access portion of the PEG Trust Fund be distributed to the San Luis Obispo County Office of Education using the following criteria: 1) The funds must be used for specific cable TV access/telecommunications purposes that promote educational needs programs, 2) These funds shall not be used to supplant existing funding, 3) Where possible, partnerships with the government and public access constituents should be developed for joint benefit, 4) Specific use of the PEG Trust Funds must be reviewed by an appropriate education advisory committee before the annual budgeting of these funds is considered by the County Board of Education; and

WHEREAS, the Board paid Grantee \$100,393.55, on June 3, 2003, the first Trust disbursement to Grantee, and

WHEREAS, the Board paid Grantee \$17,762.17, on January 4, 2005, the second Trust disbursement to Grantee, and

NOW, THEREFORE, it is mutually agreed between the parties hereto, as follows for payment of the third disbursement:

1. County agrees to pay over, as a grant of County funds, the sum of \$59,554.59 from Budget Unit #853 to the Grantee.
2. Grantee agrees to the criteria set by the Board of Supervisors on June 18, 2002, stated above.

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3. Grantee agrees that the grant funds are not intended to supplant existing funding sources and acknowledges that the grant funds should not be viewed as on-going or yearly source of funding.

4. Grantee agrees to allow the County Administrative Officer, or their agent, to inspect and audit all records pertaining in any way to this grant, including, but not limited to, Grantee's use of the County funds granted herewith. The costs of any such inspection or audit shall be equally shared by the parties.

5. Neither County nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by Grantee under or in connection with this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, Grantee shall fully defend, indemnify and save harmless County and all its officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by Grantee under or in connection with this Agreement.

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IN WITNESS WHEREOF the parties have executed this Agreement as of the day and year first above written.

COUNTY OF SAN LUIS OBISPO

Chairperson of the Board of Supervisors
County of San Luis Obispo
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

APPROVED AS TO FORM AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR. County Counsel

By: *Patricia G. Joren*
Deputy County Counsel

Grantee: San Luis Obispo County
Office of Education

Dated: 5/22/06

By: *Julian D. Crocker*
Dated: May 23, 2006

Print Name: Julian D. Crocker

Title: County Superintendent of Schools

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