



Text File

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Bill No: 2013-1911, **Version:** 2

Committee: Committee on Performance and Asset Management

Status: Passed Finally

Resolution amending Resolution 552 of 2009 entitled "Providing for the creation of the Verizon Franchise Trust Fund (VFTF) and directing the Pittsburgh Cable Communications Advisory Committee to work with CIS, PCTV and PPS in the creation of a plan for the strategic use of the resources provided pursuant the Verizon Franchise Agreement" so as to remove unnecessary language, clarify the operation of the Trust Fund, change the title of the bill to its original title, and make the Verizon Trust Fund consistent with the Comcast Trust Fund.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Resolution 552 of 2009, which currently reads as follows:

Providing for the creation of the Verizon Franchise Trust Fund (VFTF) and directing the Pittsburgh Cable Communications Advisory Committee to work with CIS, PCTV and PPS in the creation of a plan for the strategic use of the resources provided pursuant the Verizon Franchise Agreement

Whereas, the City of Pittsburgh ("City") has entered into a Cable Franchise Agreement ("Agreement") with Verizon Pennsylvania Inc. ("Verizon") subject to approval by City Council; and

Whereas, Section 5 of the Agreement provides for the payment of grants from Verizon to the City for public, educational and governmental ("PEG") access channel support ("Grants") according to the terms and conditions set forth in such Sections of the Agreement; and

Whereas, the funds are restricted by federal law and therefore must be deposited, maintained, and disbursed in a manner that is consistent with federal law and separate and distinct from the general funds of the City.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. That the City Controller is hereby authorized and directed to create a trust fund entitled "Verizon Franchise Trust Fund" (VFTF) into which shall be deposited any funds received by Verizon. Funds shall be deposited into the Verizon Franchise Trust Fund (VFTF) account 466150, fund 2880, organization code 103000, budget year 2009, Mayor's Office, City Information Systems.

Section 2. Council charges the Pittsburgh Cable Communications Advisory Committee (PCAC) in conjunction with the Pittsburgh Department of Information Services (CIS) with developing a process for articulating a strategic plan for the development and use of the resources provided by the cable franchise agreement with Verizon for public, educational and governmental (PEG) channel support.

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Section 3. Council directs the PCAC and CIS to engage relevant community partners, including but not limited to Pittsburgh Community Television (PCTV) and the Pittsburgh Public Schools (PPS), in the process of developing the strategic plan.

Section 4. Council directs the PCAC to approve a strategic plan by July 31, 2010 and submit it to the Council immediately thereafter.

Section 5. Council directs CIS to use the strategic plan as the foundation for renewing the agreement between the City of Pittsburgh and PCTV as the City's public access administrator.

Section 6. Funds shall be allocated pursuant to the strategic plan and PCAC shall receive semi-annual updates from PCTV on progress towards achieving the strategic goals and will hold the PCTV accountable for fulfilling the strategic plan.

Section 7 . The funds from the grants paid by Verizon to the City shall be deposited into Verizon Franchise Trust Fund (VFTF). The Mayor and Director of City Information systems are hereby further authorized to enter into an Agreement(s) or Contract(s) and /or utilize existing Agreement(s) and/or Contract(s), in form approved by the City solicitor, and to make all legitimate expenditures required under the terms and conditions of the Agreement. These expenditures will be used to support the purchase, acquisition, and maintenance of Cable and network communications equipment, including but not limited to cameras, editing suites, switches, routers, training, travel, and related hardware, software, licensing fees, and professional services. Expenditures shall be chargeable to and payable from Verizon Franchise Trust Fund (VFTF), account 526100, fund 2880, organization code 103000, sub 600, budget year 2009, Mayor's Office, City Information Systems.

Section 8. The grants shall be disbursed from the Verizon Franchise Trust Fund (VFTF) in accordance with Section 5 of the Agreement and in accordance with the distribution schedules contained in such Sections.

Section 9. Any and all disbursements from the Verizon Franchise Trust Fund (VFTF) to a public access channel administrator in the City shall be in accordance with a separate agreement between the City and such public access channel administrator. The Mayor and the Director of City Information Systems are hereby authorized to make all legitimate disbursements from the Verizon Franchise Trust Fund (VFTF) to such public access channel administrator such agreement shall be subject to approval of Council.

Section 10. If any section, subsection, sentence, clause, phrase or word of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this resolution invalid.

IS HEREBY AMENDED TO READ AS FOLLOWS:

Providing for the creation of the Verizon Franchise Trust Fund (VFTF) and setting conditions for the deposit and expenditure of such funds.

Section 1. That the City Controller is hereby authorized and directed to create a trust fund entitled “Verizon Franchise Trust Fund” (VFTF) into which shall be deposited any funds received by Verizon. Funds shall be deposited into the Verizon Franchise Trust Fund (VFTF) ~~account 526100, fund 2880, organization code 103000, sub 600, budget year 2009, JDE ACCOUNT # 1030288000,~~ Mayor's Office, City Information Systems.

Section 2. The funds from the grants paid by Verizon to the City shall be deposited into Verizon Franchise Trust Fund (VFTF). The Mayor and Director of City Information systems are hereby further authorized to enter into an Agreement(s) or Contract(s) and /or utilize existing Agreement(s) and/or Contract(s), in form approved by the City solicitor, and to make all legitimate expenditures required under the terms and conditions of the Agreement. These expenditures will be used to support the purchase, acquisition, and maintenance of Cable and network communications equipment, including but not limited to cameras, editing suites, switches, routers, training, travel, and related hardware, software, licensing fees, and professional services. Expenditures shall be chargeable to and payable from Verizon Franchise Trust Fund (VFTF), ~~account 526100, fund 2880, organization code 103000, sub 600, budget year 2009, JDE ACCOUNT # 1030288000,~~ Mayor's Office, City Information Systems.

Section 3. The grants shall be disbursed from the Verizon Franchise Trust Fund (VFTF) in accordance with Section 5 of the Agreement and in accordance with the distribution schedules contained in such Sections.

Section 4. Any and all disbursements from the Verizon Franchise Trust Fund (VFTF) to a public access channel administrator in the City shall be in accordance with a separate agreement between the City and such public access channel administrator. The Mayor and the Director of City Information Systems are hereby authorized to make all legitimate disbursements from the Verizon Franchise Trust Fund (VFTF) to such public access channel administrator such agreement shall be subject to approval of Council.

Section 5. If any section, subsection, sentence, clause, phrase or word of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this resolution invalid.