

# SPECIAL COMMITTEE OF ACCESS CORPORATION CONVENERS

Geoffrey Cowan, Chair • Kathryn Edwards, Ph.D. • John Gibbs • Van Gordon Sauter • Charles Winner • Ellen Stern Harris (ex officio)

TO: Mayor Tom Bradley  
Members of the Los Angeles City Council

FROM: Special Committee of Access Conveners

Geoffrey Cowan, Chair  
Kathryn I. Edwards, Ph.D.  
John F. Gibbs  
Van Gordon Sauter  
Charles Winner  
Ellen Stern Harris, ex officio

DATE: July 2, 1992

RE: Educational and Public Access Cable Television in Los Angeles

---

Our Special Committee of Access Conveners was created by the City Council to recommend a structure and a plan for the control and implementation of up to two new citywide cable channels offering public and educational access programming. After a year of hearings and deliberations, we are pleased to present you with our proposals.

In view of the city's current financial difficulty, our plan is relatively modest. Nevertheless, we are confident that it can provide a vital service to cable customers in Los Angeles, particularly as we move forward in rebuilding this great city. The citywide channel(s), and the supporting nonprofit access corporation, afford cable customers in Los Angeles an unprecedented vehicle through which to secure quality educational experiences; learn about the availability of jobs, vital resources and helpful community services; and to learn about one another while building a stronger sense of community in our diverse urban environment.

The recent unrest in the city is just one of many compelling reasons to finally inaugurate interconnected educational and public access originally contemplated by cable television franchise ordinances dating back to 1987. Another important feature of the planned access corporation and interconnected citywide channel(s) is that the city's money will be leveraged by much larger private and cable company contributions already in place. These include:

## Channels

- o Los Angeles cable operators have already agreed to create the new citywide interconnected public and educational

directors. The Conveners envision keeping a regular schedule for board meetings and posting this schedule in access facilities around the city as well as in the access corporation newsletter. They also envision setting aside a portion of each meeting for public comment.

- o A bi-annual programming and management audit. The Conveners envision the access corporation retaining the services of an independent professional(s) familiar with organizational behavior and access programming. This person or persons will be detailed to provide feedback on management effectiveness, potential systems and procedural improvements, and other areas that will best assist the board and staff in governing and operating the organization. Unless portions of the audit deal directly with confidential personnel or legal issues, the Conveners envision a summary form of this audit being made available to the public.
- o A periodic community ascertainment process. Effective educational and public access outreach and programming efforts will rely heavily on candid, direct input from community organizations, institutions and individuals. The Conveners envision a staff-directed community ascertainment effort on an annual or bi-annual basis to inform the direction of future outreach and training efforts and any special programming directions which may benefit the community. The Conveners envision a summary form of the ascertainment being made available to the public.
- o Periodic live call-in shows inviting viewer/user comment and responses. The Conveners envision a session at which viewers and users can directly meet members of the staff and governing board responsible for the interconnected educational and public access channels. The Conveners have stated that such a show should be scheduled at least once a year. However, sentiment among the group was that the more often it is done, the better, short of over-using precious channel programming time.

In addition, the access corporation staff on an ongoing basis may wish to survey users and viewers in more systematic ways regarding their views on programming preferences, viewing habits, rating of support services at local access facilities and their level of satisfaction with support services for the interconnected channels.

be contributed by cable operators once the interconnected citywide channel(s) have been activated. However, it is reasonable to estimate that if the city were to try to duplicate the resources available to the access corporation -- including those which currently exist and which will exist with activation of the interconnected channels -- the cost to the city for the channel(s), their operation and their maintenance would range from \$5 million to \$10 million a year.

In short, the relatively small operational and capital investment which will be made by the city to develop the recommendations we have made in this report will leverage an enormous investment of people, material, time and energy that has already been made with little or no city expenditure whatsoever. We believe that such an investment will elevate educational and community service programming in Los Angeles new levels of capability and effectiveness.

### Background

Under terms of franchise agreements renegotiated with the city in 1987, cable operators are required to provide up to three local and three citywide access channels: local and citywide government channels, educational channels, and public access channels. Without regulating content and on the basis of a non-commercial, non-discriminatory "first come, first served" policy, cable television companies are entitled to control the local channels themselves. However, franchise agreements place control of citywide public and educational access in the hands of a newly created nonprofit "access corporation" whose work will be funded, in whole or in part, by revenues generated from franchise fees paid to the city by cable television companies. These franchise fees currently total approximately \$11 million per year.

Pursuant to Los Angeles City Ordinance #160873 (February, 1986), the City Council has determined that funding for citywide access programming will come from the Telecommunications Development Account, funded by cable franchise fees, which is specifically intended to be spent for "public access, educational access and governmental access programming and other telecommunications uses in the city."

To control the citywide government channel, the city created a Municipal Access Corporation. That corporation, of course, is now functioning and government programming is currently transmitted on Channel 35. The creation of a corporation to control the educational and public access channels, however, was considered a more sensitive matter.

In order to "ensure that the city does not interfere with First Amendment rights of access users," the City Council created our Special Committee and gave us the responsibility for proposing the

board composition, governance structure, and an "initial implementation plan for the Access Corporation." The Council authorized special funding for our work in late 1990.

We held our first meeting in May 1991. Since then, with the help of Project Manager Paul Vandevanter, and consultants Susan Miller Buske and Jay April, and a few part-time or volunteer staff members, we have:

- o conducted a major survey of educational and public access in other U.S. cities;
- o documented the current status of access in Los Angeles;
- o interviewed scores of civic leaders, educators and telecommunications experts;
- o held a series of five focus groups with people directly involved in educational and public access in Los Angeles, including public access producers, cable company access coordinators, educators and representatives of nonprofit community-based organizations;
- o held two public hearings and several public meetings;
- o participated in conferences and seminars on educational and public access; and,
- o developed a plan that has been circulated for comment to some 150 individuals and groups that have expressed an interest in or made a contribution to our work.

Franchise agreements state that cable companies must activate the first of two citywide channels for public and/or educational use at the request of the Department of Telecommunications no later than 120 days after being notified of the creation of the access corporation. With the adoption of this report and its various elements, we would like to propose that activation of the first channel be undertaken within the more flexible timeline and work plan we have designed.

Under our plan, channel activation is scheduled to occur somewhere between Month 4 and Month 11. To allow for the careful pre-planning we believe is necessary for successful channel activation, we suggest that it be the responsibility of the new access corporation's board of directors to notify the Department of Telecommunications long enough in advance of the board's planned channel activation date for cable operators, in turn, to respond within the 120 day notice period.

This memorandum will briefly describe the important educational and community services we envision the new citywide channel(s) will

provide. The bulk of our work, however, is contained in a series of documents that fulfill the city's mandate to our group. Those documents set forth:

- o governing documents for the new access corporation, including signed Articles of Incorporation as well as corporate by-laws and policy recommendations for community accountability;
- o a first-year operating plan which includes key outreach and training activities;
- o a three-year operating and capital budget;
- o a comprehensive set of financial policies for the access corporation;
- o an inventory of existing local access facilities and equipment in Los Angeles;
- o a summary of the criteria and procedures we suggest be used for evaluating the performance of the corporation in the years ahead.

We have also formulated a comprehensive set of programming proposals that we will forward to the new access corporation's board of directors once they are appointed. In accordance with the Council's expressed desire to remain removed from programming issues, however, we have not included those proposals in the materials transmitted herewith. Nonetheless, we feel that it is critical that the Council have an overview of the promise and opportunity that will attend the eventual activation of the channel(s).

#### Educational Programming

At a time when our educational institutions are in a period of financial and structural crisis, citywide educational access will be able to provide a unique service to the people of Los Angeles. It will offer instructional programming for students of all ages, from elementary school through community college, vocational, and continuing education or educational retraining. It will offer courses in English as a second language and such survival skills as teaching people how to fill out tax returns, apply for immigration papers, perform CPR, or find an insurance policy.

With educational resources dwindling, many teachers and educators are convinced that citywide educational access can offer a life raft for thousands of people. Our meetings with representatives from the educational community have produced a number of programming suggestions for the channel. These include:

- o Live, interactive telecourses cablecast to K-12 public schools that, for example, might augment classroom instruction in math or the sciences by providing demonstrations led by "master teachers" of complex experiments or geometry problems which otherwise would be difficult to present well in a classroom.
- o College degree completion programs to further extend services now provided on a limited basis by local institutions that are part of the CSU system.
- o Telecourses in English as a Second Language (ESL) to make access to language instruction easier than it now is for immigrants and others.
- o Live, call-in style shows -- a sort of video talk radio with enormous graphic capability -- for adolescent teens wanting answers to sensitive questions.
- o Programs focussing on job readiness skills and the fundamentals of resume writing, filling out applications, interviewing and where current job opportunities might be.
- o Hotlines which allows students to call in and talk with a teacher who can help them with thorny homework problems by using visual aids on the screen.
- o Citizenship education for people in the process of becoming U.S. citizens.
- o Parent education programs that offer everything from instruction on balancing a checkbook to guidance in child discipline.
- o Using citywide educational access as an outlet for school children learning about themselves and their community through school-based courses in video literacy.
- o Call-in programs on any number of subjects around which live interaction is important to the learning process.
- o Bringing important lectures, workshops, seminars and debates being held around the city directly into people's homes.

Clearly, the opportunities of citywide educational access are as numerous and variable as are the subjects people want and need to learn about. We believe that the best programming mix will evolve from careful, periodic assessment and priority setting for local educational needs by the access corporation board and staff. This is why we have provided in the corporate by-laws (see Section A,

**Item 3)** for an Educational Advisory Committee to assist the board in setting a program agenda for the channel. In our key governance recommendations (see Section A, Item 1), we have also suggested that, as a matter of policy, the board routinely conduct an ascertainment of community needs.

### Public Access Programming

We envision citywide public access as taking a significant step beyond the typical public access fare currently seen on local cable channels in Los Angeles. Our study showed that while a great deal of useful information gets transmitted daily over local access channels, there are other exceptionally useful formats that exist in a number of U.S. cities which the access corporation can easily and inexpensively make available in Los Angeles. Our proposed capital and operations budgets for the access corporation call for the following:

- o **A Hotline Studio** fashioned after a highly successful model designed by and now in use at Chicago Access Corporation. The studio is a small, 1-2 person, walk-in space open to nonprofit community groups and other agencies which provide services to the public. Groups schedule use of the fully-automated studio in half-hour blocks for periods up to 13 weeks. They bring along simple graphics and cablecast live using a multi-line telephone for interaction with viewers.

In Chicago, the studio is regularly scheduled by such groups as the public schools for homework hotlines, by the IRS to demonstrate how to fill out tax forms, and by health and environmental groups providing advice and referrals. The studio can be equipped for about \$60,000.

We envision this service being a low-cost, high-profile flagship community service over the interconnected channel(s) which, from the outset, will distinguish them from virtually all other access, cable and broadcast offerings currently operating in Los Angeles.

- o **Response TV**, an advanced computer-driven, character-generated information service now in use in several cities including Chicago and Sacramento. Viewer/callers interact with the system using touch-tone telephone technology and get information and referral to nonprofit community resources right on the television screen. Chicago Access Corporation, which dedicates a round-the-clock channel to Response TV, logs some 1,500 to 2,000 calls daily.

One Chicago organization serving the African-American

community listed jobs for employment-ready adults and received hundreds of calls in the first week alone. Some 200 people showed up for interviews, 150 were deemed qualified and 50 eventually got work.

We envision this informational service, the hardware for which costs about \$20,000, being programmed during late evening, weekend daytime and early-morning hours.

- o **Mobile Field Production Units** which can take live and/or taped production capability directly into communities and neighborhoods of the city. Local cable operators own a total of three such units, each of which, in theory, should be available to access users. However, all three are available only to limited areas of the city; moreover, they are dedicated in significant part to producing cable company sponsored local origination programs which are required by franchise agreements. To alleviate this conflict, we have recommended expenditures of \$180,000 in both Years 2 and 3 of the access corporation capital budget to acquire this mobile capability and restrict it exclusively to produce citywide public and educational access programming.

Access corporations in both Boston, MA and Dallas, TX own mobile field production units which they note are constantly booked. They provide live public access capability for on-site events and other time-sensitive, site specific situations which could not possibly occur in the confines of an access studio. These often include public meetings, issues debates, conferences, sporting and cultural events, community ethnic festivals and other activities that could not be effectively brought to television with the inherent limits of less sophisticated equipment or facilities.

Vans provide the capability of taking access live into the community in a way that live or taped productions from fixed studios and playback facilities simply cannot. Furthermore, they do so in ways which allow access producers to create programs in ways that portapaks, of which there are many at local access facilities in Los Angeles, for all their flexibility, economy and general ease of use, do not permit. Employed with an eye to making access highly visible in the community, with everything from assertive signage, to a use policy that maximizes their live, rather than taped capabilities, vans bring the community up close to viewers and people closer to the means of communicating with potentially large audiences.

- o **A Production Contracts and Grants** program beginning in

Year 2 to encourage local access producers and permit the access corporation to develop focussed programming on issues of citywide importance. We envision the access corporation periodically issuing requests for proposals to create programming on citywide themes which might range from neighborhood rehabilitation to community policing. We see these contracts and grants as a way of providing the kind of nominal, though critical support to access producers which will secure high-quality programming for the interconnected channel(s). Such funds might also be used to produce periodic live public forums from a variety of locations in the city addressing important issues and building vital links among otherwise geographically separated communities.

We see this program as the video producers' equivalent of the grants program with which the Los Angeles Cultural Affairs Department, in league with the community-based technical assistance agency known as ARTS, Inc., provides opportunity to local artists. Cultural Affairs' grants of public funds to artists, distanced from the city and potential First Amendment problems by the intermediation of ARTS, Inc., allows government to encourage artistic expression and demonstrate a civic commitment to the arts. The new access corporation would play a role similar to that now played by ARTS, Inc.

In addition to these four new formats and modes of access, we expect the access corporation to work with local cable companies so that their facilities and personnel can be used to help produce original shows of citywide importance. Finally, the interconnected public and educational access channel(s) will carry some of the diverse programming that is already being produced for local access channels in Los Angeles.

We realize that limited channel space needs careful management and, therefore, will encourage the access corporation board of directors to hold public hearings designed to develop a fair and open process for granting programming time on the channel to locally produced shows. We have also provided in the by-laws for a Public Access Advisory Committee to assist the board in establishing public access programming priorities and guidelines.

### Conclusion

We want to thank you for the opportunity you have given us to serve the people of Los Angeles. While the final product is ours, what we have set forth in this report draws upon the comments and suggestions of more than 150 people who have been kind enough to help with our work during the last year. We have been heartened by the focus and sense of serious purpose that each of them has contributed to this effort.

We hereby recommend full adoption of our plan for the access corporation, for citywide educational and public access, and for use of the interconnected channels contemplated in franchise agreements that will make citywide access possible. Further, we request that the City of Los Angeles:

- o endorse our proposed method of selecting the founding board of directors and future board members of the access corporation;
- o officially recognize the access corporation which we have duly incorporated;
- o endorse or approve, as appropriate, all elements contained in this report including recommendations for community accountability, the first-year operating plan, the operating and capital budgets, the recommended financial policies, and evaluation criteria and procedures; and,
- o vest it with authority and responsibility for making all policies governing the scheduling, operation and management of citywide educational and public access cable television channel(s), and, to the maximum extent consistent with applicable law, for selecting all programming to be cablecast on those channel(s).

Within 60 days of being approved by the Mayor and City Council and funded according to our proposed budget, the founding access corporation board can be in place and the search for a qualified professional to lead the staff can be well underway.

Should you for any reason need to contact a member of the Special Committee of Access Conveners, please phone the committee chair, Geoffrey Cowan, at 310/476-4343.

cc: Board of Telecommunications Commissioners  
Department of Telecommunications

## ACCESS CORPORATION

### GOVERNANCE AND POLICY

#### A. INTRODUCTION

The following reflects key decisions made during several public sessions of the Special Committee of Access Conveners between June, 1991 and May, 1992. These decisions pertain to the creation of a nonprofit organization to schedule, operate and manage interconnected citywide educational and public access channels serving the citizens of Los Angeles.

Governance recommendations have been incorporated into the by-laws which accompany this report, as have statements about the role and purpose of the access corporation. Recommendations regarding community accountability are included here and should be affirmatively adopted by the access corporation board of directors in order to stand as access corporation policy.

#### B. ROLE AND PURPOSE OF THE CITYWIDE ACCESS CORPORATION

The conveners envision an access organization that will become a model of telecommunications leadership and innovation, providing the people of Los Angeles with new ways of experiencing and achieving community.

A model access organization will use cable television technology as a means of facilitating and maximizing public opportunities to experience, learn about, relate to, reflect upon, enjoy and act affirmatively in their lives and their communities.

A model access organization for Los Angeles should have at least four key purposes, which include:

- o scheduling, operating and managing the interconnected citywide public and educational access cable channels;
- o directly delivering vital informational, educational, instructional and other services to the public;
- o providing a means by which the widest possible viewership can learn about, understand, and act upon public, educational and cultural issues vital to the healthy growth and development of a diverse urban community; and,
- o providing a vehicle for free expression and creativity through which people can participate in the essential dialogue of democracy.

### C. GOVERNANCE

The Conveners recommend the following:

#### Corporate Structure:

- \* A single nonprofit corporation to administer the interconnected citywide educational and public access channel(s).

#### Role of the Access Corporation Board of Directors:

The access corporation board shall have responsibility for making all policies governing the scheduling, operation and management of citywide educational and public access cable television channel(s). To the maximum extent consistent with applicable law, the board will be responsible, through staff where appropriate, for selecting all programming to be cablecast on the citywide channel(s). The Conveners shall make every effort to assure that program scheduling provides for the widest possible diversity of voices and views.

#### Process for Appointing Founding Board:

A seven-member founding board will be appointed as follows:

- o The Conveners will name **four members**.

In addition,

- o Los Angeles Community Access Television, Inc. (LATV) will name **one member** familiar with the concerns of public access.
- o The Conveners will appoint **one member** familiar with the concerns of education and educational access television based on the recommendation of educational and instructional television practitioners, including but not limited to those who participated in focus groups and other study sessions undertaken by the Conveners during the period of June, 1991 through March, 1992.
- o Los Angeles Cable Operators Association (LACO) will name **one member** who, as described below, shall have no connection to the cable television industry.

None of the members appointed by the Special Committee of Access Conveners or any of three appointing entities may be a member of the board or staff of the entity, nor may they be employed by or an agent of the entity. In the case of the

educational and instructional television practitioners, they shall not appoint one of their number.

The Conveners will notify members of the three entities as soon as the Mayor and City Council have approved the process recommended here. If within 30 days of having received notice any group is unable to agree upon an individual to appoint to the founding board, the Conveners will make the appointment.

**Future and Additional Board Members:**

Except as described in the paragraphs below, all board vacancies will be filled through an internal nominating process.

In addition to the internal nominating process for board members mentioned in the paragraph above, three (3) board members shall be appointed as follows:

- o Los Angeles Community Access Television, Inc. (LATV) shall appoint one (1) member;
- o The Educational Advisory Committee which shall be named by the access corporation's board of directors shall appoint one (1) member; and,
- o Los Angeles Cable Operators Association (LACOA) shall appoint one (1) member.

Los Angeles Community Access Television, Inc. (LATV) will be responsible for naming a member familiar with the concerns of public access.

The Educational Advisory Committee will be responsible for naming a member familiar with the concerns of education and educational access television.

With the exception of the three appointments described above, any open seats and all future vacancies will be filled through an internal nominating and election process based upon recommendations from a Nominating Committee of the board. Groups and individuals may submit petitions to the Nominating Committee containing suggestions and recommendations for board nominees to fill vacant seats.

The Los Angeles Telecommunications Commission may appoint one ex officio member. The ex officio member will not have a vote, will not count toward a quorum, and will not participate in executive sessions of the board.

**Size of Board:**

The board of directors shall have seven (7) initial members, and will have the power to expand up to 15 members.

**Board Member Terms:**

Board members may serve a maximum of two consecutive three-year terms. After serving the maximum number of consecutive terms, individuals must take a one-year break from board service before being re-considered for membership.

**First Board Meeting, Election of Chair, Decisions on Term Lengths:**

The Conveners will call the first meeting of the seven founding access corporation directors. Consistent with term lengths mentioned above, the Conveners shall have the power to set term lengths for founding board members consistent with the start-up needs of the corporation. The Conveners shall have the power to name the individual to chair the board.

**Board Membership Qualifications:**

During their term of service, all members of the board of directors must:

- o reside in the City of Los Angeles, and,
- o subscribe to cable television in the franchise area where they reside if cable television is available.

If a board member's economic circumstances make subscribing to cable television a hardship, the board may elect to remedy the hardship in any way it deems desirable.

In addition, nomination and selection of all founding and ongoing board members will be based on considerations of:

- o the leadership and skill needs of the access corporation at any given time (e.g. legal, accounting, media, public relations, community involvement, etc.);
- o familiarity with the concerns of public and educational access;
- o a demonstrated commitment to the democratic principles of citizen participation, free speech, social diversity and tolerance; and,
- o a balance consistent with city policy and reflective of the diverse character and geography of the City of Los Angeles.

**Restrictions on Board Membership:**

No member of the board may be employed by, or a supplier to, or be an agent, officer or director of, or receive

compensation from a cable company providing service in the City of Los Angeles. For purposes of this restriction, "supplier" shall be defined as anyone who has significant, ongoing financial transactions with a Los Angeles city cable television franchise holder.

Subject to the provisions of the state of California's Nonprofit Law, other applicable law and all provisions of the by-laws which address board membership and restrictions, no member of the Board shall have any substantial investment in any cable company providing service in the City of Los Angeles, nor be an employee, officer or director, agent or otherwise receive compensation from any other company in which any cable company providing service in the City of Los Angeles has a substantial investment.

The board shall establish and periodically review a set of rules designed to assure that board members are not named who may have material or recurring conflicts of interest.

No member of the board may be an official or employee of the City of Los Angeles except as provided in the by-laws for ex-officio members of the board.

The sole fiduciary obligation of any access corporation board member shall be to the access corporation. No member shall be allowed to serve on the board whose economic interests are likely to be affected by access corporation decisions in any significant or continuing way. None of the above shall be so construed as to exclude cable television subscribers from board membership.

#### **Advisory Committees:**

Advisory committees will be non-voting bodies of up to 15 members each providing input and periodic suggestions to the board through appropriate access corporation staff liaison. The board will name up to 15 members each of:

- o A Citywide Public Access Advisory Committee comprised in part of access television producers using local access facilities in Los Angeles.
- o A Citywide Educational Advisory Committee comprised in part of individuals who are working locally in the field of educational and instructional television.

Besides the considerations above, the access corporation board, in naming members of advisory committees, will use the same criteria it would use in naming directors.

The board shall make reasonable efforts to notify interested individuals of its intent to name advisory committees to the corporation and encourage those individuals to place their names in nomination for advisory committee appointments. At a minimum, the access corporation shall post such notice on the public bulletin boards of all Los Angeles access facilities.

**D. COMMUNITY ACCOUNTABILITY:**

Policy recommendations regarding community accountability are included here as recommendations which should be affirmatively adopted by the access corporation board of directors. The following methods for achieving and maintaining community accountability have not been included in the corporate by-laws. However, Section 2.1(e) of the by-laws contains the following expressed objective for the corporation:

"...evaluating on a regular basis and through a variety of means the effectiveness with which access television in general and the interconnected educational and public access channels in particular are providing meaningful service to the citizens of Los Angeles;..."

The Conveners recommend the following methods for assuring that the access corporation remains responsive and accountable:

All meetings of the access corporation board of directors shall be open to the public.

In addition, every two years the board shall select and contract with an independent consultant and cause to be completed a programming and management audit of the access corporation and its activities. Annually, the board shall cause to be completed a financial audit of the corporation by an independent certified public accounting firm.

Every one or two years, the board shall conduct, complete and make publicly available the results of a community ascertainment process exploring the needs of the people of Los Angeles and how such needs might be met through the access corporation.

The access corporation shall make public the results of all independent audits and invite public feedback.

In addition, no less than once a year, the access corporation shall schedule and conduct a live call-in program on the citywide channel(s) during which viewers and others may phone and express their views about any aspect of the access corporation's business. Members of the access corporation

board and staff shall be available during this program to respond and discuss issues raised.

The following methods shall be used to publish results of the audit and to otherwise get feedback about the access corporation's activities and responsiveness to community needs:

- o A written annual report.
- o The annual live call-in program.
- o An annual meeting open to the public.
- o Notice in the access corporation newsletter of the annual report's availability and advance notice in any available program guide(s) of the date and time of the live call-in program.
- o Postings at access facilities.