



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2022-1364

**Type:** Resolution                      **Status:** Passed

**File created:** 1/20/2022                      **In control:** Metropolitan Council

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**Title:** A resolution to approve an intergovernmental agreement to allow Nashville Public Library to assume the Nashville Education, Community and Arts Television Corporation's responsibilities for operating and programming the Metro-owned cable channels for art, education and public community access.

**Sponsors:** Jeff Syracuse, Burkley Allen, Tonya Hancock, Russ Bradford, Ginny Welsch, Jennifer Gamble

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement Exhibit

Date	Ver.	Action By	Action	Result
2/2/2022	1	Mayor	approved	
2/1/2022	1	Metropolitan Council	adopted	
2/1/2022	1	Public Facilities, Arts, and Culture Committee	approved	
2/1/2022	1	Government Operations and Regulations Committee	approved	
1/31/2022	1	Budget and Finance Committee	approved	
1/25/2022	1	Metropolitan Council	filed	

A resolution to approve an intergovernmental agreement to allow Nashville Public Library to assume the Nashville Education, Community and Arts Television Corporation's responsibilities for operating and programming the Metro-owned cable channels for art, education and public community access.

WHEREAS, Metro government has been granted four Public, Educational and Government Access (PEG) channels through its cable franchise agreement, approved by Metro Ordinance, and three channels are designated as iQTV (education), Music City Arts (arts) and Access Nashville (public access); and,

WHEREAS, historically, the Nashville Education, Community and Arts Television Corporation (NECAT), an independent, nonprofit corporation, was created by Metro ordinance to oversee the production of programming on the arts, education and public access channels, such that these channels may be free of censorship, partisan politics, and available for all forms of public expression, community information, and educational programming for persons of all ages, pursuant to Metro Code Section 13.08.080.G.; and,

WHEREAS, NECAT's current mission is to provide access to arts and education programming created both locally and around the world as well as create a platform for individuals and organizations to develop production and programming skills; and,

WHEREAS, it is the current intent of the Metropolitan Government to ensure that the public access, arts and education channels continue to be made available to the public; and,

WHEREAS, NPL has developed NPL Universe to expand access to library programming and resources using a variety of video production methods; and,

WHEREAS, NPL's mission is to Advance Learning, and

WHEREAS, in order to facilitate this goal and increase the sustainability of the arts, education and public access channels, Nashville Public Library has agreed to take over the programming of these channels, along with the management of the Metro PEG Studio (previously handled by staff of the Metropolitan Department of Information Technology Services); and,

WHEREAS, it is currently contemplated that this delegation of NECAT's authority to Nashville Public Library would be done for a temporary assessment period, to assess whether that is an efficient and creative way to enhance the programming content of these channels and serve the related public needs; and,

WHEREAS, towards the end of that assessment period, it is anticipated that a determination would be made as to whether more permanent changes need to be made to the PEG channel operations, and action could then be taken on same, as necessary; and,

WHEREAS, in order to enable NECAT to delegate its authority to oversee the programming of these channels to these other parties, Metro needs to enter into an agreement with NECAT; and,

WHEREAS, pursuant to the Interlocal Cooperation Act, Tenn. Code Ann. § 12-9-104:

. . . the Agencies of political subdivisions that have governing boards separate from the governing bodies of the political subdivisions may make agreements for joint or cooperative action with other such agencies and with other public agencies. The power to make joint or cooperative agreements includes any power, privilege or authority exercised or that may be exercised by each of the agencies that is a party to the agreement. Agreements between agencies of political subdivisions that have separate governing boards and other such agencies and agreements between such agencies and public agencies shall substantially conform to the requirements of this chapter. The governing bodies of such political subdivisions shall require agreements made by their agencies pursuant to this chapter to be submitted to the governing body for approval before the agreements take effect;

and,

WHEREAS, the Interlocal Cooperation Act further allows such agreements to be approved by Council by Resolution; and,

WHEREAS, NECAT is an agency of a political subdivision that has a separate governing board, as referenced in TCA Section 12-9-104, allowing it to enter into an Intergovernmental or Interlocal agreement with Metro; and,

WHEREAS, the Library Board, the Department of Information Technology Services and the NECAT Board have all reviewed and approved the attached proposed agreement; and,

WHEREAS, it is accordingly in the best interest of the Metropolitan Government area that the attached agreement be approved.

NOW, THEREFORE, it is hereby resolved by the Council of the Metropolitan Government of Nashville and Davidson county:

Section 1. That the Intergovernmental Agreement between the Metropolitan Government and the Nashville Education, Community and Arts Television Corporation, which is attached hereto as Exhibit A, is hereby approved and authorized for execution.

Section 2. That this resolution shall become effective immediately upon its execution, the public welfare

requiring it.

### Analysis

This resolution approves an intergovernmental agreement between the Nashville Public Library (NPL) and the Nashville Education, Community and Arts Television Corporation (NECAT). Pursuant to the agreement NPL would assume NECAT's responsibilities for operating and programming the Metropolitan Government-owned cable channels for art, education, and public community access.

Under the agreement, NECAT would delegate certain functions from the NECAT Board to NPL. This would include the establishment and administration of all rules, regulations, and procedures pertaining to the use and schedule of the public and educational access channels; hiring and supervision of NECAT staff, development of sources of funding from private and public sources, defining the missions for education, community and arts television channels, and performing other functions relevant to the public and educational access channels as may be appropriate.

Public, Educational and Government Access (PEG) studio equipment and assets, the lease for the PEG studio, staff resources, and PEG studio maintenance funds would be transferred from the Department of Information Technology Services (ITS) to NPL. A former employee of NECAT would also be hired by NPL on a contract basis.

This agreement is for a three year term, although it may be terminated by mutual agreement of the parties at any time after ninety business days from their agreement to terminate. The three year term could be extended by mutual consent of the parties for two additional terms of one year each.

*Fiscal Note: The PEG Studio lease expenses, ITS staff resources, PEG Studio maintenance funds and recurring expenses for the production and maintenance of programming software and operations will be budget neutral Metro since the funds are transferred from Information Technology Services Department to Nashville Public Library.*