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SACRAMENTO METROPOLITAN Cable Television Commission

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ROBERT A DAVISON, EXECUTIVE DIRECTOR

**SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION
REGULAR BOARD MEETING
Sacramento County Board Chambers – 700 H Street, Suite 1450
Sacramento, California**

THURSDAY, JUNE 2, 2011 - 2:30 P.M.

ACTION SUMMARY

CALL TO ORDER / ROLL CALL

Chair Morin called the meeting to order at 2:32 p.m. and led the Pledge of Allegiance.

Board Members Present: Andy Morin, Steve Detrick, Ted Wolter (Alternate for MacGlashan), Howard Schmidt (Alternate for Peters), Phil Serna, Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee); and Ex-Officio Robert McGarvey.

Directors Darrell Fong and Don Nottoli arrived at 2:37 p.m.

Board Members Absent: Roberta MacGlashan, Kevin McCarty, Susan Peters, Jimmie Yee

Staff Present: Executive Director Bob Davison, Legal Counsel Harriet Steiner, and Administrative Services Officer Karen Liu

Chair Morin welcomed Board Member Phil Serna. Director Serna introduced his Chief of Staff Panorea Avdis, who will be stepping in as necessary during the meeting.

ITEM NO. 1) CLOSED EXECUTIVE SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to subdivision (a) of Government Code Section 54956.9) – CITY OF LOS ANGELES, SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, and CITY OF EL SEGUNDO vs. PACIFIC BELL TELEPHONE COMPANY, d/b/a SBC PACIFIC BELL TELEPHONE COMPANY, d/b/a AT&T CALIFORNIA, Los Angeles Superior Court, Central District, Case No. BC414272.

The Board adjourned to a closed session at 2:35 p.m. The regular meeting was reconvened at 3:03 p.m. Legal Counsel Harriet Steiner announced there was no reportable action.

ITEM NO. 2) RESOLUTION NO. 2011-001, DELEGATING AUTHORITY TO THE SACRAMENTO COUNTY'S RISK AND CONTROL DIVISION MANAGER AND THE COUNTY OF SACRAMENTO'S LIABILITY AND PROPERTY INSURANCE SUPERVISOR AS ALTERNATE, TO ACT ON BEHALF OF THE COMMISSION FOR MATTERS RELATING TO THE CA STATE ASSOCIATION OF COUNTIES - EXCESS INSURANCE AUTHORITY

Executive Director Bob Davison stated as the Sacramento Metropolitan Cable Television Commission utilizes the CA State Association of Counties (CSAC) Excess Insurance Authority's (EIA) insurance programs through the County's Risk Management Office, EIA wanted the Commission to secure a Board Resolution to formalize the delegation of the County's Risk and Loss Control Division Manager and the Liability and Property Insurance Supervisor as Alternate, to act in all matters relating to the Commission and the EIA, that did not involve substantial changes to risk or coverage.

Board Action:

On a motion by Director Andy Morin, seconded by Director Steve Detrick, the Board approved Resolution No. 2011-001, Delegating Authority to the Sacramento County's Risk and Control Division Manager and the County of Sacramento's Liability and Property Insurance Supervisor as Alternate, to act on behalf of the Sacramento Metropolitan Cable Television Commission for matters relating to the California State Association of Counties - Excess Insurance Authority.

AYES: UNANIMOUS VOICE VOTE:

Andy Morin, Steve Detrick, Darrell Fong, Ted Wolter (Alternate for MacGlashan), Don Nottoli, Howard Schmidt (Alternate for Peters), Phil Serna, Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Kevin McCarty, Roberta MacGlashan, Susan Peters, Jimmie Yee

ABSTAIN: None

ITEM NO. 3) RESOLUTION NOS. 2011-002 AND 2011-003, ADOPTING THE FISCAL YEAR 2011-12 PROPOSED/FINAL BUDGETS FOR THE GENERAL FUND (094A) AND PEG FEE FUND (094B)

Executive Director Bob Davison provided highlights of the five components of the Fiscal Year 2011-12 Proposed/Final Budget for the General Fund (094A), and the highlights and proposed FY 2011-12 funding plan for PEG projects from the PEG Fee Fund (094B).

Director Phil Serna left the dais at 3:31 p.m. Panorea Avdis, his appointed Alternate, filled in during his absence. Director Serna returned to the dais at 4:02 p.m.

Board Action:

After some discussion, the Board directed staff to increase the FY 2011-12 Proposed Franchise Free Revenue by \$300,000, from \$11,700,000 to \$12,000,000. Staff will move that through the budget and appropriate as revenue distribution to the member agencies accordingly. On a motion by Director Andy Morin, seconded by Director Steve Detrick, the Board approved Resolution No. 2011-002, Adopting the Fiscal Year 2011-12 Proposed/Final General Fund (094A) Budget, to include the change to the franchise fee revenue, along with the following documents:

- Resolution No. 2011-004, Confirming the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act;

- Resolution No. 2011-005, Approving an Amendment to the Commission Legal Counsel Retainer Agreement;
- Resolution No. 2011-006, Approving an Amendment to the Commission Consulting Services Agreement;
- Channel Licensee Annual Funding and Performance Agreements;
- RCCTV Annual Performance Agreement; and
- Fiscal Year 2011-12 Staffing and Full-time Positions.

The Board also approved Resolution No. 2011-003, Adopting the Fiscal Year 2011-12 Proposed/Final PEG Fee Fund (094B) Budget, to include the following documents:

- Resolution No. 2011-007, Approving and Authorizing Execution of the Funding Agreement for Member Agencies of Sacramento Metropolitan Cable Television Commission;
- Pro forma Funding Agreement for member agencies.

Executive Director Bob Davison was authorized to execute the Funding Agreements, with allowance for changes, so long as the changes fall within the approved budgeted amount for each member agency.

AYES: UNANIMOUS VOICE VOTE:

Andy Morin, Steve Detrick, Darrell Fong, Ted Wolter (Alternate for MacGlashan), Don Nottoli, Howard Schmidt (Alternate for Peters), Phil Serna, Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Kevin McCarty, Roberta MacGlashan, Susan Peters, Jimmie Yee

ABSTAIN: None

Directors Sandy Sheedy and Ted Wolter left the dais at 4:03 p.m.

ITEM NO. 4) RESOLUTION NO. 2011-008, IN SUPPORT OF H.R. 1746, THE COMMUNITY ACCESS PRESERVATION ACT (CAP) ACT

Executive Director Bob Davison indicated staff recommends approval of the Resolution as H.R. 1746, the Community Access Preservation (CAP) Act addresses several fundamental issues of concern to the Commission related to PEG channels.

Board Action:

On a motion by Director Mel Turner, seconded by Director Steve Detrick, the Board adopted Resolution No., 2011-008, In support of H.R. 1746, the Community Access Preservation (CAP) Act.

AYES: UNANIMOUS VOICE VOTE:

Andy Morin, Steve Detrick, Darrell Fong, Don Nottoli, Howard Schmidt (Alternate for Peters), Phil Serna, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Kevin McCarty, Roberta MacGlashan, Ted Wolter (Alternate for MacGlashan), Susan Peters, Sandy Sheedy, Jimmie Yee

ABSTAIN: None

ITEM NO. 5) FISCAL YEAR 2009-10 PROCUREMENT CARD PROGRAM COMPLIANCE REVIEW

Executive Director Bob Davison explained since the Sacramento Metropolitan Cable Television Commission is a participant in the Sacramento County's Procurement Card Program, a review was performed on the usage of the County credit cards in Fiscal Year 2009-10. The finding identified in the review states staff did not calculate and pay the sales tax on applicable online purchases. The oversight was corrected and payment was issued in the amount \$6.11 to the County. Staff will continue the practice of calculating and paying sales taxes for future online purchases.

Board Action:

The Board received and filed the Sacramento Metropolitan Cable Television Commission's Procurement Card Program Compliance Review for Fiscal Year 2009-10.

ITEM NO. 6) FISCAL YEAR 2011-12 CHAIR AND VICE-CHAIR ELECTION

After some discussion of the election of a new Chair and Vice-Chair, it was determined the current Chair and Vice-Chair will continue their tenure for Fiscal Year 2011-12.

Board Action:

On a motion by Director Andy Morin, seconded by Director Steve Detrick, the current Chair and Vice-Chair will continue their tenure in Fiscal Year 2011-12.

AYES: UNANIMOUS VOICE VOTE:

Andy Morin, Steve Detrick, Darrell Fong, Don Nottoli, Howard Schmidt (Alternate for Peters), Phil Serna, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Kevin McCarty, Roberta MacGlashan, Ted Wolter (Alternate for MacGlashan), Susan Peters, Sandy Sheedy, Jimmie Yee

ABSTAIN: None

ITEM NO. 7) STAFF ADMINISTRATION REPORT

Executive Director Bob Davison reported on the following items:

- a) Enhancements were made to the Commission's website, allowing users to access specific staff reports from the Board meeting packet posted;
- b) The July 7, 2011 Board meeting will be cancelled due to the summer recesses of the County Board of Supervisors and Sacramento City Council; the Board concurred with the recommendation. The August & September meetings will be scheduled on an as needed basis, with the Chair's concurrence.

Legal Counsel Harriet Steiner announced Best Best & Krieger (BB&K) LLP is acquiring Miller & Van Eaton, one of the nation's leading telecommunications law firms based in Washington D.C. effective July 1, 2011. Joe Van Eaton currently serves as special Counsel for the AT&T PEG Litigation. The new venture will be beneficial for the Commission to have that type of expertise in both Sacramento and in Washington.

ITEM NO. 8) STATE FRANCHISEE/LICENSEE REPORTS

Philip Arndt, Comcast's Director of Government Affairs announced the appointment of a new Regional Vice President of Government Affairs. Rachelle Chong, a former Commissioner with the FCC and the PUC will be based out of the Regional office in Livermore.

Comcast is launching a new broadband adoption initiative in the fall with school districts called Comcast Internet Essentials, aimed at closing the digital divide and increasing broadband adoption. The initiative will offer a new low-cost program to provide high-speed Internet access to low-income families. Comcast will be partnering with school districts to offer its high-speed Internet service for \$9.95 per month to homes where students are eligible for free lunches under the National School Lunch Program. In addition, the program will offer those same families the opportunity to purchase a personal computer for \$150 so students can access digital literacy training and programs.

Director Steve Detrick informed Mr. Arndt he would be glad to assist in this endeavor in Elk Grove.

ITEM NO. 9) CHANNEL LICENSEE/GRANTEE REPORTS

David Lowe, General Manager of KVIE thanked the Board for passing the budget. A documentary produced by KVIE called A Crisis in Caring: California's School Nursing Shortage, has won three awards and was nominated for an Emmy.

Liz Rhodes, Executive Director of SECC thanked the Board for approving the budget. Liz reported over 1,200 parents, teachers, and visionaries attended the 2011 SEVA Awards Night held at Sacramento State College on May 9th. Gail Desler, representing the Elk Grove Unified School District showed a video clip of Teach 21, a project funded by the K-12 schools for the purpose of providing educators with a vision for the meaningful integration of technology into the core curriculum and reinforcing 21st Century learning skill. She thanked the Board for their support which allows for partnerships and collaborative efforts to implement such programs.

Ron Cooper, Executive Director of ACCESS Sacramento thanked the Board for their continued support. He provided highlights of ACCESS Sacramento's activities and upcoming programs.

ITEM NO. 10) PUBLIC COMMENTS

There were no public comments received.

ADJOURNMENT

With no additional business to conduct, Chair Morin adjourned the regular meeting at 4:28 p.m.

Respectfully submitted,



Karen Liu, Clerk/Secretary to the Board
Sacramento Metropolitan Cable Television Commission