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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, MARCH 3, 2011 - 2:30 P.M.

ACTION SUMMARY

CALL TO ORDER / ROLL CALL

Chair Morin called the meeting to order at 2:30 p.m. and led the Pledge of Allegiance.

Board Members Present: Andy Morin, Steve Detrick, Darrell Fong, Howard Schmidt (Alternate for Peters), Joe Angeles (Alternate for Serna), Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

Ex-Officio Robert McGarvey arrived at 2:35 p.m.; Kevin McCarty arrived at 2:46 p.m.

Board Members Absent: Roberta MacGlashan, Don Nottoli, Susan Peters, Phil Serna, Jimmie Yee

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

Chair Morin introduced and welcomed new Board Members Darrell Fong and Mel Turner, and new Board Alternates Joe Angeles and Aaron Chong.

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 2:34 p.m. The regular meeting was reconvened at 2:42 p.m. Legal Counsel Harriet Steiner stated there was no reportable action.

ITEM NO. 2) SACRAMENTO EDUCATIONAL CABLE CONSORTIUM'S FIRST ADDENDUM TO BESTNet NETWORK PHASE II CONSTRUCTION AND MAINTENANCE AGREEMENT

Legal Counsel Harriet Steiner provided a history of the BESTNet Phase II Project. Staff met with representatives from SECC, Comcast, and the Elk Grove Unified School District to solidify a plan for BESTNet Phase III to connect elementary schools to the network. To date, the Commission has provided \$3.9 million in funding for BESTNet Phase II.

The First Addendum to the BESTNet Network Phase II Construction and Maintenance Agreement states the Commission will provide up to a total of \$3 million dollars for BESTNet Phase III over a five year period (FYs 2011-12 through 2015-16), to be funded out of the PEG fee budget. Unused funds from BESTNet Phase II (approximately \$900,000) from previous budgets will be used for the first year of BESTNet Phase III.

SECC Executive Director Liz Rhodes reported the last middle school in Phase II was connected yesterday. All parties involved in the joint project are excited about moving forward with the elementary school connections thanks to the continued support of the Commission and Comcast.

Board Action:

On a motion by Sandy Sheedy, seconded by Steve Detrick, the Board approved the Sacramento Educational Cable Consortium's First Addendum to the BESTNet Network Phase II Construction and Maintenance Agreement, to provide connection for the identified elementary school sites (Phase III) to the network.

AYES: UNANIMOUS VOICE VOTE:

Andy Morin, Steve Detrick, Darrell Fong, Kevin McCarty, Howard Schmidt (Alternate for Peters), Joe Angeles (Alternate for Serna), Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Roberta MacGlashan, Don Nottoli, Susan Peters, Phil Serna, Jimmie Yee

ABSTAIN: None

ITEM NO. 3) SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION JOINT POWERS AUTHORITY REVIEW

As directed by the Board, Executive Director Bob Davison reported staff met with member agencies to discuss the status and relevancy of the JPA, to address any concerns or questions the agencies may have, and to reacquaint Commission staff with agency staff in light of staffing changes over the last several years.

Feedback received was support and continuance of the JPA structure, as it is an efficient and effective model to address cable company matters, issues, and resolve cable subscriber complaints for all the member agencies.

Board Action:

The Board received and filed the Sacramento Metropolitan Cable Television Commission Joint Powers Authority review.

ITEM NO. 4) SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION'S BOARD GOVERNANCE STRUCTURE

Executive Director Bob Davison provided an overview of the Board Governance's structure.

Board Action:

The Board concurred with staff's recommendation to remain status quo and to not make any changes to the existing Governance structure based on the reasons identified:

- 1) The Commission Board members have historically viewed cable TV policy globally and have respected each others' views;
- 2) There are no foreseeable major policy actions required of the Board;
- 3) The Commission meets only 3-5 times a year; and
- 4) In the last six years (CYs 2005-2010), only 3 voting instances out of 89 have not been unanimous.

Chair Morin stated he will work with the City of Rancho Cordova to rotate the City of Folsom's seat on the Commission Board.

ITEM NO. 5) SACRAMENTO COUNTY'S CALENDAR YEAR 2011 INVESTMENT POLICY FOR THE POOLED INVESTMENT FUND

As the Commission is a Pooled Investment Fund participant, Executive Director Bob Davison indicated the Board's action to receive and file the County's Investment Policy constitutes consideration at a public meeting, as recommended by Government Code Section 53646(a)(2).

Board Action:

The Board received and filed the County of Sacramento's Calendar Year 2011 Investment Policy for the Pooled Investment Fund.

ITEM NO. 6) VICE-CHAIR ELECTION

Executive Director Bob Davison informed the Board it would be necessary to elect a Vice-Chair for the remainder of Fiscal Year 2010-11 due to the appointment of Citrus Heights' Councilmember Mel Turner to the Commission Board in January 2011, in place of Councilmember Steve Miller.

Mel Turner indicated he would be happy to serve out the rest of term as Vice-Chair on the Commission Board.

Board Action:

On a motion by Kevin McCarty, seconded by Sandy Sheedy, the Board elected Mel Turner to serve as Vice-Chair for the remainder of Fiscal Year 2010-11.

AYES: UNANIMOUS VOICE VOTE:
Andy Morin, Steve Detrick, Darrell Fong, Kevin McCarty, Howard Schmidt (Alternate for Peters),
Joe Angeles (Alternate for Serna), Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Roberta MacGlashan, Don Nottoli, Susan Peters, Phil Serna, Jimmie Yee

ABSTAIN: None

ITEM NO. 7) STAFF ADMINISTRATION REPORT

Executive Director Bob Davison reported staff is drafting a letter to Congresswoman Doris Matsui asking for her support of the CAP Act. The Act was introduced in 2009 and deals with PEG issues and support of PEG channels. Staff can prepare speaking points on the CAP Act for Board members attending Cap-to-Cap; members attending Cap-to-Cap on Commission business are eligible for travel reimbursements. The FY

2010-11 franchise fee payments received thus far are healthy; staff will look to offset past General Fund expenses to the PEG Fee Fund to increase annual revenue distributions to member agencies.

The Board agreed with staff's recommendation to schedule the April and May meetings on an as needed basis; meetings will be cancelled with the Chair's concurrence. The annual budget hearing is scheduled for June 2, 2011.

ITEM NO. 7) FRANCHISEE / LICENSEE PRESENTATIONS

Philip Arndt, Comcast's Director of Government Affairs had nothing to report.

ITEM NO. 8) CHANNEL LICENSEE / GRANTEE PRESENTATIONS

David Lowe, KVIE's General Manager expressed concerns regarding the vote taken in February by the United States House of Representatives to eliminate all federal funding for public broadcasting nationwide. This would impact KVIE's budget by 20% if funding is not restored. Mr. Lowe thanked the Commission for the continued support of KVIE and of public broadcasting.

Ron Cooper, Access Sacramento's Executive Director provided an update of Access's activities and upcoming events and emphasized the need to update local elected officials on the importance of the CAP Act, which will allow for greater flexibility for the usage of PEG fee funds.

Liz Rhodes, SECC's Executive Director expressed gratitude for the Board's previous action related to BESTNet. She provided an update of SECC programs and activities and invited the Board to attend the 2011 SEVA Award Night, scheduled for Monday, May 9th at 7:00 p.m.


ITEM NO. 9) PUBLIC OPPORTUNITY TO DISCUSS MATTERS NOT ON THIS AGENDA BUT WITHIN COMMISSION JURISDICTION

There were no requests to speak from the public.

ADJOURNMENT

With no additional business to conduct, Chair Morin adjourned the meeting at 3:40 p.m.

Respectfully submitted,



Karen Liu, Administrative Services Officer
Sacramento Metropolitan Cable Television Commission