

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

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A Joint Powers Agency Representing Sacramento County and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova and Sacramento

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION REGULAR BOARD MEETING JUNE 28, 2018

Sacramento County Board Chambers
700 H Street, Suite 1450
Sacramento, California

ACTION SUMMARY

CALL TO ORDER / ROLL CALL

Chair Detrick called the meeting to order at 2:32 p.m., and asked the Clerk to call roll.

Board Members Present: Steve Detrick, Albert J. Fox, Susan McKee (Alternate for Patrick Kennedy), Lisa Nava (Alternate for Phil Serna), Sarah Pollo (Alternate for Eric Guerra), Matt Read (Alternate for Steve Hansen), Howard Schmidt (Alternate for Susan Peters), Ex-Officio Garrett Gatewood

Board Members Absent: Matt Bryant (Alternate for Larry Carr), Vice Chair Matt Hedges (Alternate for Sue Frost), Lori Heuer, Don Nottoli

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

Director Nava led the Pledge of Allegiance.

Chair Detrick introduced Matt Read, who was appointed Board Alternate in place of Consuelo Hernandez by Councilmember Steve Hansen.

Legal Counsel Harriet Steiner announced that Item No. 9 will be deferred until the October 2018 Board meeting.

ITEM NO. 1) CONFERENCE WITH LEGAL COUNSEL

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9
Name of Case: Comcast of Sacramento I, LLC, ET AL. v. SMCTC
Case No. 2:16-CV-01264-WBS-EFB

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9
Name of Case: SMCTC v. Comcast Cable Communications Management, LLC
Case No. 2:18-CV-00500

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9
Name of Case: SMCTC v. Comcast Cable Communications Management, LLC
Case No. 2:18-AT-00694

Board Action:

The Board adjourned to a closed session at 2:36 p.m.

Chair Detrick reconvened the meeting at 2:48 p.m. Legal Counsel Harriet Steiner announced there was no reportable action.

ITEM NO. 2) FISCAL YEAR 2018-19 GENERAL FUND & PEG FEE FUND PROPOSED BUDGETS

Executive Director Bob Davison provided an overview of each component of the Fiscal Year 2018-19 proposed budgets for the General Fund and the PEG Fee Fund.

Board Action:

On a motion by Director Schmidt, seconded by Director Fox, the Board approved the Fiscal Year 2018-19 General Fund and PEG Fund Proposed Budgets, to include the following Resolutions, Exhibits, and Agreements as presented with the staff report:

- Resolution No. 2018-001, Adopting the Fiscal Year 2018-19 Proposed General Fund (094A) Budget;
- Resolution No. 2018-002, Adopting the Fiscal Year 2018-19 Proposed PEG Fee Fund (094B) Budget;
- Fiscal Years 2017-18 Budgeted/Actuals and 2018-19 Proposed General Fund Budget;
- Fiscal Years 2017-18 Budgeted/Actuals and 2018-19 Proposed PEG Fee Fund Budget;
- Fiscal Year 2018-19 PEG Fee Funding Proposals for Member Agencies, Metro Cable, and Channel Licensees;
- Resolution No. 2018-003, Approving an Amendment to the Commission Legal Counsel Services Retainer Agreement;
- Fiscal Year 2018-19 Amendment to the Legal Counsel Retainer Agreement;
- Resolution No. 2018-004, Approving an Amendment to the VITAC Agreement;
- Fiscal Year 2018-19 Amendment to the Closed Captioning Services Agreement;
- Agreement for Closed Captioning Services with Caption Colorado;
- Resolution No. 2018-005, Approving and Authorizing Execution of the PEG Fee Funding Agreement for Member Agencies of the SMCTC;
- Fiscal Year 2018-19 Pro Forma PEG Fee Funding Agreement for Member Agency;
- Resolution No. 2018-006, Approving and Authorizing Execution of the Annual Funding and Performance Agreement for Channel Licensees of SMCTC;
- Fiscal Year 2018-19 Pro Forma Annual Funding & Performance Agreement for Channel Licensee;
- Fiscal Year 2018-19 Annual Funding & Performance Agreement for SECC;

- Third Addendum to the BESTNet Network Phase II Construction and Maintenance Agreement;
- Resolution No. 2018-013, Approving the Third Addendum to the BESTNet Phase II Construction and Maintenance Agreement;
- Fiscal Year 2018-19 Annual Performance Agreement for Interfaith Service Bureau DBA Sacramento Faith TV;
- Fiscal Year 2018-19 Proposed Staffing;
- Fiscal Year 2018-19 PEG Fee funding requests from Members Agencies; and
- Fiscal Year 2018-19 PEG Fee funding requests from Channel Licensees and Metro Cable.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)

NOES: None

ABSTAIN: None

ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 3) RESOLUTION NO. 2018-007, APPROVING THE REVISED COST OF LIVING ADJUSTMENT (COLA) POLICY FOR CHANNEL LICENSEES

Executive Director Bob Davison explained the Resolution was to formally approve the revised COLA Policy for Channel Licensees, based on Board action taken at the December 7, 2017 meeting, to approve the Funding Option to grant the general COLA plus the annual minimum wage adjustments posted at the State of California's Department of Industrial Relations website, along with the associated federal and State payroll taxes.

Board Action:

On a motion by Director Nava, seconded by Director Pollo, the Board approved Resolution No. 2018-007, Approving the Revised Cost of Living Adjustment (COLA) Policy for Channel Licensees.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)

NOES: None

ABSTAIN: None

ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 4) RESOLUTION NO. 2018-008, APPROVING THE EIGHTH AMENDMENT TO THE LICENSE & OPERATIONS AGREEMENTS PERTAINING TO USE OF COMMUNITY PROGRAMMING CHANNEL(S)

Executive Director Bob Davison stated the Eighth Amendment to the License & Operations Agreements Pertaining to Use of Community Programming Channel(s) would extend the Agreement for another year, with an amended term ending June 30, 2019.

Board Action:

On a motion by Director Fox, seconded by Director McKee, the Board approved Resolution No. 2018-008, Approving the Eighth Amendment to the License & Operations Agreements Pertaining to the use of Community Programming Channel(s).

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)
NOES: None
ABSTAIN: None
ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 5) RESOLUTION NO. 2018-009, RECLASSIFYING THE SR. OFFICE ASSISTANT (CONFIDENTIAL) POSITION TO A SR. OFFICE SPECIALIST (CONFIDENTIAL) POSITION

Executive Director Bob Davison stated due to the fact the primary duties and responsibilities of the Confidential Sr. Office Assistant position has increased in complexity, degree of involvement, and specialized knowledge over the past year, the reclassification to a Sr. Office Specialist Confidential position is justified along with the higher salary scale that is consistent with the salary scale for the County of Sacramento's Confidential Senior Office Specialist position.

Board Action:

On a motion by Director Nava, seconded by Director McKee, the Board approved Resolution No. 2018-009, Reclassifying the Sr. Office Assistant (Confidential) position to a Sr. Office Specialist (Confidential) position.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)
NOES: None
ABSTAIN: None
ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 6) RESOLUTION NO. 2018-010, APPROVING THE PRO FORMA CABLECASTING SERVICES AGREEMENT

Executive Director Bob Davison explained the Cablecasting Services Agreement was prepared for the purpose of updating existing Agreements; to memorialize cablecasting services provided to agencies that do not have Agreements in place; and to streamline the billing process by charging a flat fee of \$200 for each meeting cablecast and an additional \$200 for shoots that require the use of the Metro Cable van.

Board Action:

On a motion by Director Pollo, seconded by Director Fox, the Board approved Resolution No. 2018-010, Approving the Pro Forma Cablecasting Services Agreement.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)
NOES: None

ABSTAIN: None

ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 7) CALENDAR YEAR 2018 INVESTMENT POLICY FOR THE POOLED INVESTMENT FUND

Executive Director Bob Davison stated since the Commission is a participant in the County's Pooled Investment Fund, the County recommended the legislative body of the participating agency receive and file the Calendar Year 2018 Policy, which constitutes consideration at a public meeting, as recommended by Government Code Section 53646(a)(2).

Board Action:

The Board received and filed the County's Calendar Year 2018 Investment Policy for the Pooled Investment Fund.

ITEM NO. 8) REVIEW OF PARTICIPATION IN THE COUNTY OF SACRAMENTO PROCUREMENT CARD PROGRAM FOR THE PERIOD OCTOBER 1, 2015 to January 31, 2018 / RESOLUTION NO. 2018-011, ADOPTING THE 2018 EMPLOYEE RECOGNITION POLICY

Executive Director Bob Davison reported that since the Cable Commission participates in the County's Procurement Card Program, a review was performed by the County for the Commission's Procurement Card usage for the period of October 1, 2015 to January 1, 2018. As a result of that review, staff revised the Commission's 2001 Employee Recognition Policy, which will now require the submittal of a pre-approval form for employee recognition events, as well as the written approval for all transactions related to such events.

Board Action:

On a motion by Director McKee, seconded by Director Nava, the Board received and filed the review of the Commission's participation Card Program for the period October 1, 2015 to January 31, 2018; and approved Resolution No. 2018-011, Adopting the 2018 Employee Recognition Policy.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)

NOES: None

ABSTAIN: None

ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 9) REVIEW OF FRANCHISE & PEG FEES REMITTED BY COMCAST COMMUNICATIONS, INC. FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2016

As announced by Legal Counsel at the beginning of the meeting, the review of franchise & PEG fees remitted by Comcast Communications, Inc. for the period January 1, 2015 through December 31, 2016 will be deferred for the October 4, 2018 meeting.

ITEM NO. 10) RESOLUTION NO. 2018-012, AUTHORIZING THE ISSUANCE OF A SUBPOENA RELATING TO A REVIEW OF FRANCHISE & PEG FEES PAID BY COMCAST IN CALENDAR YEAR 2017

Executive Director Bob Davison stated in the interest of time, it was prudent for the Board to approve a Resolution authorizing the issuance of a subpoena relating to a review of franchise & PEG fees paid by Comcast in Calendar Year 2017, in case it is needed since the Board will not meet again until October.

Board Action:

On a motion by Director Fox, seconded by Director Pollo, the Board approved Resolution No. 2018-012, Authorizing the Issuance of a Subpoena Relating to a review of franchise & PEG fee paid by Comcast in Calendar Year 2017.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)
NOES: None
ABSTAIN: None
ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 11) CALENDAR YEAR 2017 SURPLUS LIST

Executive Director Bob Davison reported the items listed on the Calendar Year 2017 surplus list were items disposed of based on the characteristics identified in the Commission's Fixed Assets Disposal Policy.

Board Action:

The Board received and filed the Calendar Year 2017 Surplus List.

ITEM NO. 12) CALENDAR YEAR 2018 CONFLICT OF INTEREST CODE – APPENDIX A

Executive Director Bob Davison explained the updated list of Designated Positions (Appendix A) included the Board Alternate appointment of Matt Read, in place of Consuelo Hernandez as appointed by Councilmember Steve Hansen; and the addition of a new appointment of Robert McGarvey, to serve as the Alternate Ex-Officio for Rancho Cordova.

Board Action:

On a motion by Director Fox, seconded by Director McKee, the Board approved the Calendar Year 2018 Appendix A for the Conflict of Interest Code.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)
NOES: None
ABSTAIN: None
ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 13) CHAIR AND VICE CHAIR ELECTION

Executive Director Bob Davison indicated per the Commission By-Laws, the Board shall elect a Chair and Vice Chair for the new fiscal year.

Board Action:

On a motion by Director Fox, seconded by Director Schmidt, Chair Detrick was re-elected to serve as Chair for Fiscal Year 2018-19.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)

NOES: None

ABSTAIN: None

ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

On a motion by Director McKee, seconded by Director Schmidt, Vice-Chair Hedges was re-elected to serve as Vice-Chair for Fiscal Year 2018-19.

AYES: Detrick, Fox, McKee (Alternate for Kennedy), Nava (Alternate for Serna), Pollo (Alternate for Guerra), Read (Alternate for Hansen), Schmidt (Alternate for Peters)

NOES: None

ABSTAIN: None

ABSENT: Bryant (Alternate for Carr), Hedges (Alternate for Frost), Heuer, Nottoli

ITEM NO. 14) GENERAL ADMINISTRATION REPORT

Executive Director Bob Davison announced the quarterly meetings scheduled for the remainder to the calendar year scheduled for October 4, 2018 and December 6 2018; reported Letters of Agreement were signed with Ashpaugh & Sculco to perform audits of the three cable companies; indicated staff ran into difficulty with the comp portion of the Classification and Compensation Study which staff hopes to complete in the next few months; and reported an Agreement was signed with HR to Go to provide assistance with personnel and human resources matters, which would not include the payroll processing component identified in the Agreement.

ITEM NO. 15) CHANNEL LICENSEE REPORTS

Ron Hermann, Sac Faith TV's Programming Coordinator announced Jon Fish who served as President of ICGS for the past 10 years has retired; and introduced Edrine Ddungu who will take his place.

Shirlee Tully, Capital Public Radio's Chief of Development and Brand Officer thanked staff for reaching out to CPR to inquire if they will be submitting a Fiscal Year 2018-19 funding request, which was overlooked due to CPR's Director of Development's retirement this past September.

Liz Rhodes, Executive Director of the Sacramento Educational Cable Consortium thanked the Commission for supporting the request to use the remainder of BESTNet funding for e-rate, which is a cheaper way to connect the remaining 40+ schools; and reported that 12 schools are in the pipeline to receive SEVA labs, thanks to the funding provided by the Commission.

Gary Martin, Executive Director of Access Sacramento thanked the Commission for its support; reported their membership is at an all-time high; and indicated the new Board will bring on new culture, with a focus on diversifying funding and doing more outreach.

David Lowe, President of KVIE thanked the Board for the funding which helps them to be more prolific.

ITEM NO. 16) STATE FRANCHISEE REPORTS

There were no State Franchisee representatives present.

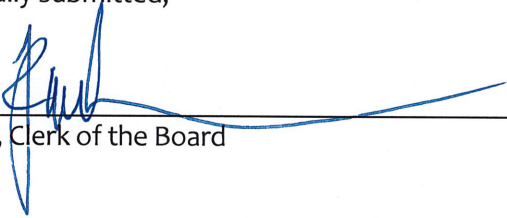
ITEM NO. 17) PUBLIC COMMENTS

There were no comments received from the public.

ADJOURNMENT

With no other business to conduct, Chair Detrick adjourned the regular meeting at 4:33 p.m. and stated he would be honored to serve as Chair for another year.

Respectfully submitted,



Karen Liu, Clerk of the Board