

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to subdivision (a) of Government Code Section 54956.9) - Petitions for Declaratory Ruling Regarding Public, Educational, and Governmental Programming, Federal Communications Commission: CSR-81126, CSR-8127, CSR-8128 (MB DOCKET NO. 09-13).

The Executive Session Item was moved to the end of the agenda, due to the late arrival of some of the Commission members.

After hearing Items 2 to 10, the Board adjourned to a closed session at 3:36 p.m. The regular meeting was reconvened at 3:47 p.m.

Board Action:

Legal Counsel Kara Ueda announced there was no reportable action.

ITEM NO. 2) REVIEW THE FRANCHISE FEE REVENUE DISTRIBUTION REPORT AND PROVIDE STAFF WITH DIRECTION TO CONTINUE TO MONITOR THE FRANCHISE FEE PAYMENTS BY MEMBER JURISDICTION

Executive Director Robert Davison summarized the findings of the franchise fee revenue distribution report and recommended that the Board provide staff with direction to extend the analysis for the rest of the fiscal year.

Board Action:

On a motion by Art Gee, seconded by Cortez Quinn, the Board directed staff to continue to monitor the franchise fee payments to member jurisdictions and to report back with a thorough analysis at the annual fiscal year budget hearing scheduled in June 2010.

AYES: UNANIMOUS VOICE VOTE:

Waters, Morin, Detrick, Quinn (Alternate for Dickinson), Wolter (Alternate for MacGlashan), McCarty, Nottoli, Schmidt (Alternate for Peters), Sheedy, Shelby, Gee (Alternate for Yee)

NOES: None

ABSENT: Dickinson, MacGlashan, Peters, Yee

ABSTAIN: None

ITEM NO. 3) RECEIVE AND FILE THE AUDIT OF COMCAST CABLE COMMUNICATIONS, INC'S FRANCHISE FEES REMITTED TO THE SACRAMENTO METRO CABLE TELEVISION COMMISSION FOR CALENDAR YEAR 2008

Executive Director Robert Davison indicated based on the procedures performed, the audit findings showed Comcast was correctly reporting the gross revenue amounts and the proper amounts were remitted to the Commission.

Board Action:

The Board received and filed the audit of Comcast Cable Communications, Inc.'s franchise fees remitted to the Sacramento Metro Cable Television Commission in calendar year 2008. The Board was supportive of staff's recommendation to audit Comcast bi-annually in the future.

ITEM NO. 4) RECEIVE AND FILE SACRAMENTO COUNTY'S AMENDED INVESTMENT POLICY OF THE POOLED INVESTMENT FUND FOR CALENDAR YEAR 2009

Executive Director Robert Davison reported as SMCTC is a participant of the County's Pooled Investment Fund, the Board's action to receive and file the policy constitutes consideration at a public meeting, as recommended by Government Code Section 53646(a)(2).

Board Action:

The Board received and filed Sacramento County's Amended Investment Policy of the Pooled Investment Fund for Calendar Year 2009.

ITEM NO. 5) RECEIVE AND FILE A LETTER OF APPRECIATION FROM LOIS DIAMOND FOR CLOSED CAPTIONED MEETINGS CABLECAST ON METRO CABLE 14

Executive Director Robert Davison gave a brief history of the Commission's support of closed captioning.

Lois Diamond, with the assistance of Cheryl Gallon, a sign language interpreter from Eaton Interpreting Services, reiterated her appreciation of closed captioned meetings cablecast on Metro Cable 14 and thanked the Board for providing the closed captioning services for the hearing impaired.

Board Action:

The Board thanked Ms. Diamond for attending the meeting, and received and filed her letter of appreciation.

ITEM NO. 6) ADOPT RESOLUTION NO. 09-012 IN SUPPORT OF HR 3745, THE COMMUNITY ACCESS PRESERVATION ACT

Executive Director Robert Davison gave an overview of HR 3745, The Community Access Preservation Act. He stated the proposed bill addresses several fundamental issues related to PEG channels, which were of concern to the Commission.

Board Action:

On a motion by James Shelby, seconded by Cortez Quinn, the Board adopted Resolution No. 09-012, In Support of HR 3745, The Community Access Preservation Act.

AYES: UNANIMOUS VOICE VOTE:
Waters, Morin, Detrick, Quinn (Alternate for Dickinson), Wolter (Alternate for MacGlashan),
McCarty, Nottoli, Schmidt (Alternate for Peters), Sheedy, Shelby, Gee (Alternate for Yee)

NOES: None

ABSENT: Dickinson, MacGlashan, Peters, Yee

ABSTAIN: None

ITEM NO. 7) STAFF STATUS REPORTS:

- A) Approve Resolution No. 09-013, canceling the December 3, 2009 and January 7, 2010 Regular Board Meetings

Executive Director Robert Davison recommended the cancellation of the regular meetings scheduled for December 3, 2009 and January 7, 2010, due to the holiday season.

Board Action:

On a motion by Sandy Sheedy, seconded by Cortez Quinn, the Board adopted Resolution No. 09-013, cancelling the December 3, 2009 and January 7, 2010 regular board meetings.

AYES: UNANIMOUS VOICE VOTE:
Waters, Morin, Detrick, Quinn (Alternate for Dickinson), Wolter (Alternate for MacGlashan),
McCarty, Nottoli, Schmidt (Alternate for Peters), Sheedy, Shelby, Gee (Alternate for Yee)

NOES: None

ABSENT: Dickinson, MacGlashan, Peters, Yee

ABSTAIN: None

- B) Receive and file the 2010 SMCTC Board Meeting Schedule

Executive Director Robert Davison stated that the 2010 SMCTC Board Meeting Schedule identifies monthly meeting dates, but interjected there will probably be only four meetings in 2010.

Board Action:

The Board received and filed the 2010 SMCTC Board Meeting Schedule.

- C) Sacramento Metro Cable Television Commission Sunset Study

Executive Director Robert Davison provided a brief history of the reasons for the study and reported staff and Legal Counsel will forward a report related to the item in 2010, per previous Board action.

- D) Miscellaneous Items

Executive Director Robert Davison announced Administrative Services Officer Karen Liu received a positive employee performance evaluation and was promoted from an ASO II to ASO III.

ITEM NO. 8) FRANCHISEE / LICENSEE PRESENTATIONS

- Comcast
- SureWest
- Frontier
- AT&T

Board Action:

There were no Franchisee/Licensee Presentations.

ITEM NO. 9) CHANNEL LICENSEE / GRANTEE PRESENTATIONS

- Access Sacramento
- SECC / BESTNet
- KVIE
- RCCTV
- Capital Public Radio

Board Action:

The Board received status reports from SECC Executive Director Liz Rhodes, and ACCESS Sacramento Executive Director Ron Cooper.

ITEM NO. 10) PUBLIC OPPORTUNITY TO DISCUSS MATTERS NOT ON THIS AGENDA BUT WITHIN COMMISSION JURISDICTION

Board Member Steve Detrick voiced his concerns that there is not a cable rate structure for senior citizens. Lois Diamond also voiced her support of a cable rate structure for senior citizens.

With the majority of the Commission members present, the Board returned to Item No. 1, consisting of two Closed Executive Session matters. Ted Wolter (Alternate for MacGlashan) left at 3:32 p.m.

ADJOURNMENT

With no additional business to conduct, Chair Waters adjourned the November 5, 2009 regular Board meeting at 3:48 p.m.

Respectfully submitted,



KAREN LIU, Administrative Services Officer
Sacramento Metropolitan Cable Television Commission