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SACRAMENTO METROPOLITAN Cable Television Commission

ROBERT A. DAVISON
EXECUTIVE DIRECTOR

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

THURSDAY, OCTOBER 7, 2010 - 2:30 P.M.

ACTION SUMMARY

CALL TO ORDER / ROLL CALL

Chair Morin called the meeting to order at 2:33 p.m., and led the Pledge of Allegiance.

Board Members Present: Andy Morin, Steve Miller, Steve Detrick, Kevin McCarty, Ted Wolter (Alternate for MacGlashan), Howard Schmidt (Alternate for Peters), Sandy Sheedy, Art Gee (Alternate for Yee), and Ex-Officio Robert McGarvey

Cortez Quinn (Alternate for Dickinson) arrived at 2:37 p.m.; Don Nottoli arrived at 2:38 p.m.

Board Members Absent: Roger Dickinson, Roberta MacGlashan, Susan Peters, Robbie Waters, and Jimmie Yee

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

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 2:43 p.m.

Board Action:

Legal Counsel Harriet Steiner stated there was no reportable action.

ITEM NO. 2) SACRAMENTO EDUCATIONAL CABLE CONSORTIUM'S GRANT APPLICATION UPDATE FOR FEDERAL FUNDING FROM NTIA'S BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM (BTOP)

Liz Rhodes, Executive Director of the Sacramento Educational Cable Consortium (SECC), reported SECC did not get the federal funding from the NTIA Broadband Technology Opportunities Program (BTOP). Liz explained the purpose of the SECC grant application was to secure funding to provide the "match" for Sacramento's Broadband Education Services Technology Network (BESTNet) infrastructure connections to elementary schools and selected public libraries (BESTNet Phase III), as modeled for middle and high schools (BESTNet Phase II) in the past four years.

Philip Arndt, Comcast's Director of Government Affairs, and Greg Lindner, Elk Grove Unified School District's Director of Technology Services voiced their commitment to the BESTNet Phase III project.

Liz Rhodes requested the continued support of the Commission, with the clarification SECC will not be requesting additional funding above the \$3 million already approved by the Board from PEG fee revenues over a three year period (FY 2010-11, FY 2011-12, and FY 2012-13). A plan will be developed for BESTNet Phase III, to solidify the need to connect the elementary schools, to be presented to the Commission Board after consultation with Commission staff, Comcast, and the School Districts.

ITEM NO. 3) SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION'S REVISED FISCAL YEAR 2010-11 BUDGET RESOLUTION

Executive Director Bob Davison presented an overview of the revised Fiscal Year 2010-11 Budget Resolution, to include the following three components:

- Adoption of the PEG Fee Fund (094B) Budget, a separate fund established to track PEG fee revenues/expenditures;
- Appropriation of an additional \$949,141 in the General Fund (094A) in BESTNet Phase II rollover from Fiscal Year 2009-10, to fund project costs in Fiscal Year 2010-11;
- Approve a 2% COLA for the Commission's full-time and part-time employees in Fiscal Year 2010-11, retroactive to July 1, 2010, to be funded from Contingencies.

Discussion ensued on the three components.

Board Action:

On a motion by Steve Miller, seconded by Andy Morin, the Board granted a one-time 2% pay-for-performance increase in Fiscal Year 2010-11 for employees who did not previously receive equity adjustments and universal salary increases, as approved by the County Board of Supervisors for unrepresented management, clerical, and technical employees. The one-time 2% increase will be retroactive to July 1, 2010, to be transferred from Contingencies for payout, per the Personnel Rules.

ROLL CALL VOTE:

AYES: Morin, Miller, Detrick, Nottoli, Gee (Alternate for Yee), Quinn (Alternate for Dickinson)

NOES: McCarty, Sheedy, Schmidt (Alternate for Peters), Wolter (Alternate for MacGlashan)

ABSENT: Dickinson, MacGlashan, Peters, Waters, Yee

ABSTAIN: None

On a motion by Don Nottoli, seconded by Cortez Quinn, the Board Adopted Resolution No. 2010-010, Revising the Fiscal Year 2010-11 Budget, to appropriate additional fund balance in the General Fund (094A), and to establish the PEG Fee Fund (094B), to include the one-time 2% pay-for-performance increase retroactive July 1, 2010 for Commission staff.

ROLL CALL VOTE:

AYES: Morin, Miller, Detrick, Nottoli, Sheedy, Gee (Alternate for Yee), Quinn (Alternate for Dickinson), Schmidt (Alternate for Peters), Wolter (Alternate for MacGlashan)

NOES: McCarty

ABSENT: Dickinson, MacGlashan, Peters, Waters, Yee

ABSTAIN: None

ITEM NO. 4) RATIFY AMENDMENT TO THE LEGAL COUNSEL RETAINER AGREEMENT FOR FISCAL YEAR 2010-11

Executive Director Bob Davison explained the amendment is to consent assignment for legal services with McDonough, Holland & Allen PC (MHA) to Best Best & Krieger LLP, effective September 1, 2010 as MHA ceased the practice of law on September 3, 2010. The assignment will insure the Commission retains Harriet Steiner as General Counsel.

Board Action:

On a motion by Don Nottoli, seconded by Steve Miller, the Board ratified the Amendment to the Commission's Legal Counsel Retainer Agreement for Fiscal Year 2010-11, consenting assignment for legal services with McDonough Holland & Allen PC to Best Best & Krieger LLP.

AYES: UNANIMOUS VOICE VOTE:

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

NOES: None

ABSENT: Dickinson, MacGlashan, Peters, Waters, Yee

ABSTAIN: None

ITEM NO. 5) FINANCIAL AUDIT OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION OF AND FOR THE FISCAL YEARS ENDED JUNE 30, 2007, 2008, & 2009

Executive Director Bob Davison stated the audit which commenced in August 2010, was in accordance with the auditing standards generally accepted in the United States (U.S.) and standards applicable to financial audits contained in the Government Auditing Standards issued by the U.S. Comptroller General.

The audit included examining evidence supporting amounts and disclosures in the Commission's financial statements. There were no findings reported from the audit of the financial statements for the Fiscal Years ended June 30, 2007, 2008, and 2009. Staff recommended biennial audits moving forward.

Board Action:

The Board received and filed the financial audit of the Sacramento Metropolitan Cable Television Commission of and for the fiscal years ended June 30, 2007, 2008, and 2009, and concurred with staff's recommendation for biennial audits moving forward.

ITEM NO. 6) REVIEW OF FRANCHISE FEES REMITTED TO SMCTC BY SUREWEST TELEVIDEO FOR THE PERIOD JANUARY 1, 2005 THROUGH DECEMBER 31, 2008

Executive Director Bob Davison provided an overview of the audit and the findings of franchise fees remitted to the Commission by SureWest Televideo. Staff is working with SureWest to insure compliance with the findings, and recommended biennial audits of SureWest moving forward.

Board Action:

The Board received and filed the review of the franchise fees remitted to the Sacramento Metropolitan Cable Television Commission by SureWest Televideo for the period January 1, 2005 through December 31, 2008; and concurred with staff's recommendation of biennial audits moving forward.

ITEM NO. 7) EMPLOYEE YEARS OF SERVICE AWARDS

Executive Director Bob Davison acknowledged Donna Welborn and Kristin Riggs for their years of service with Metro Cable through 2010.

Board Action:

A Years-of-Service plaque was presented to Donna Welborn, Metro Cable's Production Director, recognizing her 20 years of service (1990-2010), and to Kristin Riggs, Metro Cable's Program Director, recognizing her 10 years of service (2000-2010).

ITEM NO. 8) STAFF STATUS REPORT

Executive Director Bob Davison reported per previous Board direction, staff and Legal Counsel will be meeting with the Management Teams of member agencies to discuss the status of the Commission JPA. A summary report will be forwarded to the Board at a future meeting.

The November and December 2010 scheduled meetings may be cancelled at the discretion of the Chair, if they were determined to be unnecessary.

Chair Morin asked staff to research the possibility of having the representatives from the JPA's smaller cities sit on the Commission Board and review the current population threshold by which a City gets a seat on the Board.

ITEM NO. 9) FRANCHISEE/LICENSEE STATUS REPORTS

There were no reports from State Cable Video Franchisee representatives from AT&T, Comcast, and SureWest Televideo.

ITEM NO. 10) CHANNEL LICENSEE/GRANTEE STATUS REPORTS

Board Action:

The Board received verbal reports from the following Channel Licensee representatives:

Ron Cooper, Executive Director of Access Sacramento

Liz Rhodes, Executive Director of the Sacramento Educational Cable Consortium

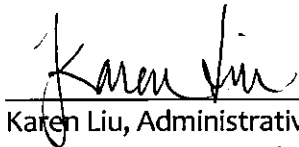
ITEM NO. 11) PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA BUT WITHIN COMMISSION JURISDICTION

There were no public comments.

ADJOURNMENT

With no additional business to conduct, Chair Morin adjourned the meeting at 3:59 p.m.

Respectfully submitted,



Karen Liu, Administrative Services Officer
Sacramento Metropolitan Cable Television Commission