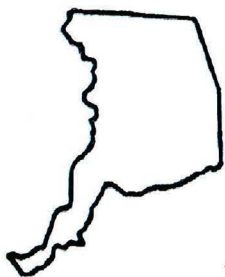


SACRAMENTO METROPOLITAN

Cable Television CTC Commission



REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento

799 G Street, 4th Floor ♦ Sacramento, CA 95814-1212 ♦ www.sacmetro cable.tv

Phone: (916) 874-6661 ♦ Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION REGULAR BOARD MEETING

Sacramento County Administrative Center
700 H Street, S. 1450
Sacramento, California

THURSDAY, JUNE 6, 2013

3:00 p.m.

Board Members: Mel Turner (Chair), Steve Detrick (Vice-Chair), Roberta MacGlashan, Kevin McCarty, Andy Morin, Don Nottoli, Susan Peters, Jay Schenirer, Phil Serna, Allen Warren, Jimmie Yee

Ex Officio: Donald Terry

Elected Alternates: Bonnie Pannell, Sue Frost, Robert Trigg

Appointed Alternates: Celia Coronado (Serna), Aaron Chong (Yee), Howard Schmidt (Peters), Ted Wolter (MacGlashan)

The Board may take up any agenda item at any time, regardless of the order listed. Members of the public coming for a specific agenda item are encouraged to arrive earlier than the scheduled time. Public comment will be taken on the item at the time that it is taken up by the Board. We ask that members of the public complete a Request to Speak form, submit it to the Clerk of the Board, and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of the discussion. Action may be taken on any item on this agenda.

Presentations supplemented with media (video, DVD, PowerPoint, laptop hookup, etc.) must be coordinated in advance with the meeting Clerk. All media must be tested prior to the meeting date by Metro Cable (at 916-874-7685). Untested media will not be allowed on the date of the meeting. It is also highly advisable to bring a paper copy of presentations to the meeting as back up.

Meeting facilities are accessible to persons with disabilities. Requests for alternative agenda document formats, meeting assistive listening devices, or other considerations should be made through the Commission office at (916) 874-6662.

The meeting of the Commission is cablecast live on Metro Cable 14, the local government affairs channel and webcast at www.sacmetro cable.tv. The meeting is closed captioned and will be repeated the following Saturday at Noon on Channel 14.

CALL TO ORDER

- A) Roll Call
- B) Pledge of Allegiance

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.

Action:

Adjourn to a closed Executive Session.

ITEM NO. 2) RESOLUTION NO. 2013-005, ADOPTING THE FISCAL YEAR 2013-14 PROPOSED GENERAL FUND BUDGET; AND RESOLUTION NO. 2013-006, ADOPTING THE FISCAL YEAR 2013-14 PROPOSED PEG FEE FUND BUDGET

Action:

Approve Resolution No. 2013-005, Adopting the Fiscal Year 2013-14 General Fund Proposed Budget and Resolution No. 2013-006, Adopting the Fiscal Year 2013-14 PEG Fee Fund Proposed Budget, to include the approval of the following documents:

- Fiscal Years 2012-13/2013-14 General Fund Budget Summary
- Fiscal Years 2012-13/2013-14 PEG Fee Fund Budget Summary
- Fiscal Year 2013-14 PEG Fee Funding Proposal
- Resolution No. 2013-007, Confirming the Employer's Contribution under PEMHCA
- Resolution No. 2013-008, Approving an Amendment to the Commission Legal Counsel Services Retainer Agreement
- Fiscal Year 2013-14 Amendment to Legal Counsel's Retainer Agreement
- Resolution No. 2013-009, Approving an Amendment to the Commission Consulting Services Agreement
- Fiscal Year 2013-14 Amendment to Consultant Services Agreement
- Resolution No. 2013-010, Approving an Amendment to the Caption Colorado Agreement
- Fiscal Year 2013-14 Amendment to Closed Captioning Services Agreement
- Fiscal Year 2013-14 Proposed Staffing
- Channel Licensee Fiscal Year 2013-14 Annual Funding & Performance Agreements
- RCCTV Fiscal Year 2013-14 Annual Performance Agreement
- Resolution No. 2013-011, Approving and Authorizing Execution of the PEG Fee Funding Agreements for Member Agencies of SMCTC
- Fiscal Year 2013-14 PEG Fee Funding Pro Forma Agreement for Member Agency
- Fiscal Year 2013-14 PEG Fee Funding Requests – Members Agencies
- Fiscal Year 2013-14 PEG Fee Funding Requests – Channel Licensees

ITEM NO. 3) CalPERS CALIFORNIA EMPLOYER'S RETIREMENT BENEFIT TRUST (CERBT) PROGRAM FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB) FUNDING

Action:

- Adopt Resolution No. 2013-014, Approving the Agreement with California Public Employers Retiree System (CalPERS) to provide California Employer's Retiree Benefit Trust (CERBT) Services, Appointing the Executive Director as Plan Administrator, and Authorizing the Plan Administrator to Execute all Related Documents to Facilitate the Funding Investment, Investment Management, and Administration of Other Post-Employment Benefits (OPEB);
- Adopt Resolution No. 2013-015, Delegation of Authority to Request Disbursements, to the incumbents in the positions of Executive Director and Administrative Services Officer;
- Approve the CalPERS Agreement and Election of SMCTC to Prefund Other OPEB through CalPERS;
- Approve the Certification of OPEB Funding Policy and GASB 43/45 Reporting Compliance; and
- Reaffirm the initial funding in the amount of \$58,200 to establish the CERBT Plan.

ITEM NO. 4) REVIEW OF FRANCHISE AND PEG FEES REMITTED BY AT&T, INC. FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2010

Action:

Receive and file the report of the review of Franchise and PEG fees remitted to the Sacramento Metropolitan Cable Television Commission by AT&T, Inc. for the period January 1, 2009 through December 31, 2010.

ITEM NO. 5) RESOLUTION NO. 2013-013, AUTHORIZING THE ISSUANCE OF A SUBPOENA RELATING TO AN AUDIT OF AT&T, INC.'S FRANCHISE & PEG FEES

Action:

Approve Resolution No. 2013-013, Authorizing the Issuance of a Subpoena Relating to an Audit of AT&T, Inc.'s Franchise & PEG Fees, for AT&T's state video franchise for the territory within the jurisdiction of the Commission for the period January 1, 2011 through December 31, 2012.

ITEM NO. 6) CALENDAR YEAR 2013 INVESTMENT POLICY FOR THE POOLED INVESTMENT FUND

Action:

Receive and file the CY 2013 Investment Policy for the Pooled Investment Fund.

ITEM NO. 7) RESOLUTION NO. 2013-012, HONORING RON COOPER UPON THE OCCASION OF HIS RETIREMENT

Action:

Adopt Resolution No. 2013-012, Honoring Ron Cooper Upon the Occasion of His Retirement.

ITEM NO. 8) DECLARATION OF SURPLUS PROPERTY (FIXED ASSETS)

Action:

Receive and file the list fixed assets declared to be surplus property in Calendar Year 2012.

ITEM NO. 9) CHAIR AND VICE-CHAIR ELECTION

Action:

Elect a Chair and Vice-Chair for Fiscal Year 2013-14.

ITEM NO. 10) GENERAL ADMINISTRATIVE REPORT

Action:

Receive verbal reports on Commission matters and miscellaneous items.

ITEM NO. 11) STATE FRANCHISEE/LICENSEE REPORTS

Action:

Receive verbal reports from State Franchisee/Licensee representatives:

- A. AT&T
- B. Comcast
- C. SureWest

ITEM NO. 12) CHANNEL LICENSEE/GRANTEE REPORTS

Action:

Receive verbal reports from Channel Licensee/Grantee representatives:

- A. ACCESS Sacramento
- B. Capital Public Radio
- C. KVIE
- D. Religious Coalition for Cable Television
- E. Sacramento Educational Cable Consortium

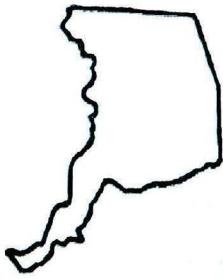
ITEM NO. 13) PUBLIC COMMENTS

Action:

Receive comments from the public on items not on the agenda.

ADJOURNMENT

REPRESENTING
Sacramento County
and the Cities of:
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Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 1

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CLOSED EXECUTIVE SESSION

RECOMMENDATION:

It is recommended the Board adjourn to a closed Executive Session to discuss the following item and report out, if necessary:

- 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.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

SACRAMENTO METROPOLITAN Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 2

DATE: June 6, 2013

TO: Chair and Board of Directors

FROM: Robert A. Davison, Executive Director

SUBJECT: **RESOLUTION NO. 2013-005, ADOPTING THE FISCAL YEAR 2013-14 PROPOSED GENERAL FUND BUDGET; AND RESOLUTION NO. 2013-006, ADOPTING THE FISCAL YEAR 2013-14 PROPOSED PEG FEE FUND BUDGET**

RECOMMENDATION:

It is recommended the Board approve Resolution No. 2013-005 (Attachment 1), Adopting the Fiscal Year 2013-14 General Fund (094A) Proposed Budget and Resolution No. 2013-006 (Attachment 2), Adopting the Fiscal Year 2013-14 PEG Fee Fund (094B) Proposed Budget, to include the approval of the following documents:

- Fiscal Years 2012-13 and 2013-14 General Fund Budget Summary (Exhibit 1)
- Fiscal Years 2012-13 and 2013-14 PEG Fee Fund Budget Summary (Exhibit 2)
- Fiscal Year 2013-14 PEG Fee Funding Proposal (Exhibit 3)
- Resolution No. 2013-007, Confirming the Employer's Contribution under PEMHCA (Attachment 3)
- Resolution No. 2013-008, Approving an Amendment to the Commission Legal Counsel Services Retainer Agreement (Attachment 4)
- Fiscal Year 2013-14 Amendment to Legal Counsel's Retainer Agreement (Attachment 5)
- Resolution No. 2013-009, Approving an Amendment to the Commission Consulting Services Agreement (Attachment 6)
- Fiscal Year 2013-14 Amendment to Consultant Services Agreement (Attachment 7)
- Resolution No. 2013-010, Approving an Amendment to the Caption Colorado Agreement (Attachment 8)
- Fiscal Year 2013-14 Amendment to Closed Captioning Services Agreement (Attachment 9)
- Fiscal Year 2013-14 Proposed Staffing (Attachment 10)
- Channel Licensee FY 2013-14 Annual Funding & Performance Agreements (Attachments 11-14)
- RCCTV FY 2013-14 Annual Performance Agreement (Attachment 15)
- Resolution No 2013-011, Approving and Authorizing Execution of the PEG Fee Funding Agreement for Member Agencies of SMCTC (Attachment 16)
- FY 2013-14 PEG Fee Funding Pro Forma Agreement for Member Agency (Attachment 17)
- FY 2013-14 PEG Fee Funding Requests – Members Agencies (Attachments 18-25)
- FY 2013-14 PEG Fee Funding Requests – Channel Licensees (Attachments 26-29)

BACKGROUND/DISCUSSION:

The Sacramento Metropolitan Cable Television Commission (Commission) consists of two divisions - Administration and Metro Cable. The Commission is funded primarily with Franchise Fees in the General Fund (094A) and Public, Education and Government (PEG) Fees in the PEG Fee Fund (094B). The fees are paid by State cable television franchisees operating within the Commission's jurisdiction.

The proposed Fiscal Year 2013-14 General Fund & PEG Fee Fund Budgets were developed to maintain the effort to carry out the Commission's purposes, while preserving the Franchise Fees revenue distributions to the seven member agencies and utilizing PEG Fee funds to the benefit of the member agencies, the Commission's PEG channels and the community. The General Fund budget reflects reductions where possible in the operating budget, while maintaining the current level of core services which include:

- a) Administering state-issued cable television state franchises in Sacramento County;
- b) Assisting consumers in resolving their cable/video issues and concerns;
- c) Operating Metro Cable 14, the local government channel;
- d) Monitoring community programming of six PEG channels on the local cable system, operated by Access Sacramento, KVIE, Sacramento Educational Cable Consortium, and RCCTV;
- e) Collection and distribution of Franchise Fees to member jurisdictions;
- f) Collection and distribution of PEG revenue to fund PEG projects/facilities.

The Commission is financed by Franchise Fees collected from a percentage of the gross revenues of the cable television companies operating in Sacramento. The Operating Budget in the General Fund (094A) funds the administration of the Commission, the operation of Metro Cable 14 - the local government channel, and supports six other PEG channels. The balance of the Franchise Fee revenue minus operational costs is distributed annually to the Commission's seven member agencies, which includes the County of Sacramento and the cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento.

FISCAL YEAR 2013-14 GENERAL FUND BUDGET (094A)

The Fiscal Year 2013-14 Budget for the General Fund (094A) proposes \$13,048,234 in expenditures to be funded with \$12.5 million of projected Franchise Fee revenue and the balance of carryover funds from Fiscal Year 2012-13, plus other miscellaneous revenue.

The Commission's General Fund budget is divided into five major components:

COMPONENT 1 – ADMINISTRATION AND REGULATION

This is the franchise administration and enforcement arm of the Commission. The part-time Executive Director serves at the pleasure of the Commission. The Administration Division is currently staffed with two full-time employees – an Administrative Services Officer and a Senior Office Assistant (which is currently vacant). An additional full-time position approved by the Board in Fiscal 2012-13 is currently unfilled.

All of the Commission positions are tied to Sacramento County's COLA and equity adjustments approved for unrepresented, non-management employees and unrepresented management employees. It is not anticipated a COLA will be approved for any of the County positions that the Commission positions are tied to

for Fiscal Year 2013-14. For the past four years, the Commission Board approved a one-time 2% Pay-for-Performance increase for four of the Commission’s seven full-time positions that did not receive a COLA in FY 2009-10. Staff is proposing the Board extend the 2% Pay-for-Performance for Fiscal Year 2013-14. No pay increases are proposed with this budget as was the case for the past three years.

The Fiscal Year 2013-14 General Fund Budget includes \$58,200 for establishment of the CalPERS California Employee Retirement Benefit Trust (CERBT) Plan.

Administration and Regulation Budget Highlights:

- General Counsel and Litigation - \$300,000
- County Auditor/Accounting Services - \$150,000
- Professional & Consultant Services - \$135,000
- Channel Licensees Operations Base - \$817,216
- Increase to Reserve - \$100,000 (for a fund balance of \$250,000)
- Initial Funding of the CALPERS CERBT Plan - \$58,200

COMPONENT 2 – CLOSED CAPTIONING

The Fiscal Year 2013-14 budget proposes \$160,000 in funding for closed captioning services provided by Caption Colorado. Closed captioning was implemented in June 2006 with Board direction to close caption the Commission’s JPA member agency meetings and other agency meetings held in the County Board of Supervisors Chambers. An overview of meetings captioned and captioning costs is presented below for Calendar Years 2007-2012.

Calendar Year	# of Meetings	Hrs Billed	Total CY Costs (\$120/hour)
2007	265	1,142	\$137,040
2008	363	1,300	\$156,000
2009	366	1,219.75	\$146,370
2010	329	1,074.75	\$128,970
2011	329	981.75	\$117,810
2012	322	599	\$71,880

COMPONENT 3 – METRO CABLE

Metro Cable is responsible for cablecasting and provides gavel-to-gavel coverage of official meetings held by the Commission, its seven member agencies, and offsite meetings for five contracted agencies. The Metro Cable budget includes salaries and wages for four (4) full-time employees, including a Production Director, a Program Coordinator, a Technical Coordinator, and a Production Assistant III, and also includes 12 part-time Production Assistants. Metro Cable equipment has been funded with PEG Fee funding for the last several years.

Metro Cable covered 322 meetings, totaling 599 hours in Calendar Year 2012 for 22 entities at 12 different sites. Staff works with Caption Colorado, the closed captioning vendor in the coordination and timing of scheduled services. Staff is recommending the Caption Colorado Agreement be renewed through June 30, 2014 with the same terms and conditions as the original December 19, 2006 Agreement.

Metro Cable staff traditionally supports the member agencies by providing assistance with equipment maintenance, equipment testing, and quality oversight, as well as design/re-design and coordination of work needed to upgrade the meeting chambers and control rooms. In addition, Metro Cable staff works with member agencies to insure all PEG Fee funded projects are completed in a timely manner.

COMPONENT 4 – COMMUNITY PROGRAMMING (CHANNEL LICENSEES’ OPERATIONS BASE)

The Commission provides funding support and/or cable channels for four of its 5 Channel Licensees, which include Access Sacramento, Capital Public Radio, KVIE, Religious Coalition for Cable Television, and the Sacramento Educational Cable Consortium. There are 7 PEG channels available to the community on the local cable systems. These channels are operated by the Commission’s Channel Licensees, which are non-profit organizations with their own Board. Metro Cable 14 is operated by the Commission.

As was done last year, Fiscal Year 2013-14 funding requests submitted by Channel Licensees were segregated into two categories – operational versus facilities & equipment costs. Operational costs are to be funded by the General Fund, with facilities/equipment costs funded by the PEG Fee fund. The benefit of this strategy is that it moves the facilities and equipment funding from the General Fund to the PEG Fee fund, thereby reducing expenditures from the franchises fees revenue, thus maximizing the revenue distribution to the Commission’s seven member agencies.

The following table identifies funding requests from Channel Licensees for their Operations Base. There is no recommended CPI adjustment to the base for Fiscal Year 2013-14. Channel Licensees’ funding requests for facilities and equipment will be outlined in the PEG Fee Fund Budget section of this staff report.

GRAND TOTALS	GENERAL FUND (094A)	
	FY 2012-13 Operations Base (General Fund)	FY 2013-14 Proposed Operations Base (General Fund)
Description		
FISCAL YEAR 2013-14 (NO CPI ADJUSTMENT)		
ACCESS SACRAMENTO		
Operations Base	\$ 392,532.00	\$ 392,532.00
HT-TV	\$ 51,700.00	\$ 51,700.00
GOTW	\$ 44,979.00	\$ 44,979.00
HT-TV & GOTW Total:	\$ 96,679.00	\$ 96,679.00
ACCESS SACRAMENTO - TOTAL:	\$ 489,211.00	\$ 489,211.00
CAPITAL PUBLIC RADIO (CPR)		
Operations Base	\$ 17,875.00	\$ 17,875.00
CAPITAL PUBLIC RADIO - TOTAL:	\$ 17,875.00	\$ 17,875.00
SECC		
SECC Operations Base	\$ 241,806.00	\$ 254,271.00
BESTNet Operations Base	\$ 55,859.00	\$ 55,859.00
SECC - TOTAL:	\$ 297,665.00	\$ 310,130.00
TOTALS:	\$ 804,751.00	\$ 817,216.00

COMPONENT 5 – FRANCHISE FEE REVENUE DISTRIBUTION TO MEMBER AGENCIES

The Commission’s General Fund Balance, minus the cost of Operations, is allocated to the parental agencies based on population. The population percentages used in the chart below are from the State Department of Finance website, as of January 2013.

FRANCHISE FEE REVENUE DISTRIBUTION TO MEMBER AGENCIES					
MEMBER AGENCY	FY 2012-13 Budgeted Rev Distribution	FY 2012-13 Estimated Rev Distribution	Population (State Dept of Finance website)	Population Percentage	FY 2013-14 Proposed Rev Distribution
Citrus Heights	\$584,797	\$624,523	84,345	5.837%	\$597,362
Elk Grove	\$1,087,154	\$1,177,845	159,074	11.009%	\$1,126,619
Folsom	\$507,021	\$535,292	72,294	5.003%	\$512,012
Galt	\$167,852	\$179,075	24,185	1.674%	\$171,287
Rancho Cordova	\$460,784	\$495,553	66,927	4.632%	\$474,001
Sacramento	\$3,283,388	\$3,506,042	473,509	32.769%	\$3,353,561
Unincorporated County	\$3,908,886	\$4,180,936	564,657	39.077%	\$3,999,105
TOTAL	\$9,999,882	\$10,699,266	1,444,991	100.00%	\$10,233,947

The estimated FY 2012-13 Revenue Distribution to Member Agencies to be distributed in June 2013 will be \$10.7 million. The proposed revenue distribution for FY 2013-14 is \$10.2 million.

FISCAL YEAR 2013-14 PEG FEE FUND BUDGET (094B)

The Commission Board adopted Resolution No. 09-001, determining to implement and collect a fee to support PEG channel facilities in the amount of one percent (1%) of gross revenues. Collection of the PEG Fee was implemented in May 2009 for State cable/video franchisees operating within the Commission boundaries (Comcast, SureWest and AT&T). The PEG Fee Fund (094B) was established in FY 2010-11, to account for PEG Fees separate from the Franchise Fees in the Commission’s General Fund (094A).

Since federal law restricts the use of PEG funding to capital facilities and equipment costs, the Commission’s Legal Counsel developed the working definition of the types of expenses that qualify for the use of PEG Fee funding. The guidelines were provided to all Member Jurisdictions and Channel Licensees that request and receive PEG Fee funding.

DISCUSSION/ANALYSIS:

The proposed FY 2013-14 PEG Fee Budget is based on \$2.5 million of PEG Fee revenue, with expenditures of \$4,501,097. The budget includes carryover funds from FY 2012-13 of \$1,992,097.

The Commission’s Member Agencies and Channel Licensees were advised of available funding for PEG facilities and equipment and asked to submit a funding request for FY 2013-14 to the Commission. Staff recommends the Board approve, as to form, all Funding Agreements prepared by Legal Counsel, and authorize the Executive Director to sign and modify the agreements as needed so long as the changes do not surpass the approved funding amounts.

PEG Fee Funded Projects for Member Agencies and Metro Cable 14

Since its inception, the PEG Fee fund has been used to fund many projects for the Commission’s seven member agencies. With the May 2009 implementation of the PEG Fee, Metro Cable staff examined the control room and Board chamber needs of the Commission’s member agencies and prepared an assessment to determine equipment & upgrade needs that were eligible for PEG Fee funding. Metro Cable staff continues to assess member agencies’ needs on an annual basis and recently met with member agencies to solicit input of PEG equipment and facility needs for Fiscal Year 2013-14.

The proposed funding for identified PEG facilities/equipment needs for each member agency is included in the Fiscal Year 2013-14 PEG Fee Fund budget. The table below identifies PEG funding requests from member agencies, as well as needs determined by Metro Cable staff for each of the agencies. Exhibit 3 provides a summary of the Fiscal Year 2013-14 funding proposal for all PEG projects, including those of member agencies, Metro Cable and channel licensees. Attachments 18-25 outline the PEG Fee Funding requests submitted by each member agency.

Fiscal Year 2013-14 PEG Fee Funding Requests (Member Agencies)

MEMBER AGENCY	Metro Cable Request for Member Agency	Member Agency Request	TOTAL REQUEST
Citrus Heights	\$50,482	\$71,803	\$122,285
Elk Grove	\$8,254	\$96,621	\$104,875
Folsom	\$59,813	\$86,990	\$146,803
Galt	--	\$155,711	\$155,711
Rancho Cordova	--	\$116,500	\$116,500
Sacramento - City Hall	\$21,608	\$15,427	\$37,035
Sacramento - Historic Chambers	--	\$69,252	\$69,252
Sac County - BOS Chambers	--	\$1,249,000	\$1,249,000
FY 2013-14 PEG Fee Funding Request Total	\$140,156	\$1,861,304	\$2,001,460

Fiscal Year 2013-14 PEG Fee Funding Requests (Channel Licensees)

In addition to the annual base requests, Channel Licensees submitted requests for one-time equipment funding from the PEG Fee Fund. These requests include \$289,000 for Access Sacramento, \$595,574 for KVIE, and \$50,500 for SECC. SECC's request also includes a \$600,000 allocation for Phase III of BESTNet (Year 3 of 5), and \$88,174 rollover funds for an unfinished site from the BESTNet Phase II Agreement.

Staff reviewed the Channel Licensees' funding request (Attachments 26-29) with Legal Counsel to insure all requests fit within the definition of expenditures that may be funded by the PEG Fees. Capital equipment purchases will belong to the agency; PEG Fee funding recipients assume full responsibility for maintenance, repair, and replacements of the funded equipment.

CHANNEL LICENSEES	PEG FEE FUND (094B)		
	Description	Capital Facilities / Equipment Base (PEG Fund)	One-Time Equipment (PEG Fund)
Fiscal Year 2013-14 - No CPI ADJUSTMENT			
ACCESS SACRAMENTO	\$79,000	\$289,000	\$368,000
ACCESS SACRAMENTO - TOTAL:	\$79,000	\$289,000	\$368,000
KVIE	\$195,507	\$595,574	\$791,081
KVIE - TOTAL:	\$195,507	\$595,574	\$791,081
SECC	\$42,900	\$50,500	\$93,400
BESTNet Phase II Rollover	-	\$88,174	\$88,174
BESTNet Phase III (1-3 of 5)	-	1,069,554	\$1,069,554
SECC - TOTAL:	\$42,900	\$1,208,228	\$1,251,128
CHANNEL LICENSEES GRAND TOTAL			
Fiscal Year 2013-14 - TOTAL:	\$317,407	\$2,092,802	\$2,410,209

Staff recommends the Board adopt Resolution No. 2013-005, Adopting the Fiscal Year 2013-14 General Fund (094A) Proposed Budget and Resolution No. 2013-006, Adopting the Fiscal Year 2013-14 PEG Fee Fund (094B) Proposed Budget, as well as all referenced attachments in this staff report.

I would like to take this opportunity to thank the Commission staff for their dedication and hard work behind the scenes. In addition, I would like to thank the Board for their continued support of the Commission over the years.

Respectfully submitted,



ROBERT A. DAVISON, Executive Director
 Sacramento Metropolitan Cable Television Commission

Agenda Item 2

Resolution No. 2013-005, Adopting the Fiscal Year 2013-14 Proposed General Fund Budget; and Resolution No. 2013-006, Adopting the Fiscal Year 2013-14 Proposed PEG Fee Fund Budget
Page 8 of 8

Attachments:

Fiscal Year 2013-14 General Fund Budget Summary (Exhibit 1)

Fiscal Year 2013-14 PEG Fee Fund Budget Summary (Exhibit 2)

Fiscal Year 2013-14 PEG Fee Funding Proposal (Exhibit 3)

Resolution No. 2013-005, Adopting the FY 2013-14 Proposed General Fund Budget (Attachment 1)

Resolution No. 2013-006, Adopting the FY 2013-14 Proposed PEG Fee Fund Budget (Attachment 2)

Resolution No. 2013-007, Confirming the Employers' Contribution under PEMCHA (Attachment 3)

Resolution No. 2013-008, Approving an Amendment to the Commission Legal Counsel Services Retainer Agreement (Attachment 4)

Fiscal Year 2013-14 Amendment to Legal Counsel's Retainer Agreement (Attachment 5)

Resolution No. 2013-009, Approving an Amendment to the Commission Consulting Services Agreement (Attachment 6)

Fiscal Year 2013-14 Amendment to Consultant Services Agreement (Attachment 7)

Resolution No. 2013-010, Approving an Amendment to the Caption Colorado Agreement (Attachment 8)

Fiscal Year 2013-14 Amendment to Closed Captioning Services Agreement (Attachment 9)

Fiscal Year 2013-14 Proposed Staffing (Attachment 10)

Channel Licensee Fiscal Year 2013-14 Annual Funding and Performance Agreements (Attachments 11-14)

RCCTV Fiscal Year 2013-14 Annual Performance Agreement (Attachment 15)

Resolution No. 2013-011, Approving and Authorizing Execution of the PEG Fee Funding Agreements for Member Agencies (Attachment 16)

Fiscal Year 2013-14 PEG Fee Funding Agreement for Member Agency Pro Forma Agreement (Attachments 17)

Fiscal Year 2013-14 PEG Fee Funding Requests – Member Agencies (Attachments 18-25)

Fiscal Year 2013-14 PEG Fee Funding Requests – Channel Licensees (Attachments 26-29)

EXHIBIT 1
FISCAL YEAR 2012-13 / FISCAL YEAR 2013-14 BUDGET SUMMARY
GENERAL FUND (094A)

	G/L #	FY 2012-13			FY 2012-13			FY 2013-14		
		Admin	Metro Cable	Budgeted	Admin	Metro Cable	Estimated Actual	Admin	Metro Cable	Proposed
REVENUE										
Interest Income	94941000	\$16,000	\$0	\$16,000	\$20,120	\$0	\$20,120	\$20,000	\$0	\$20,000
Franchise Fees	97978100	\$12,000,000	\$0	\$12,000,000	\$12,699,384	\$0	\$12,699,384	\$12,500,000	\$0	\$12,500,000
Miscellaneous Other Revenue	97979000	\$21,000	\$0	\$21,000	\$279	\$0	\$14,735	\$15,000	\$0	\$15,000
Residual Equity Transfer	99999500	\$0	\$0	\$0	\$391	\$0	\$391	\$0	\$0	\$0
REVENUE ACCOUNTS TOTAL		\$12,037,000	\$0	\$12,037,000	\$12,720,174	\$0	\$12,734,630	\$12,535,000	\$0	\$12,535,000
Fund Balance / Carry Forward		\$613,115	\$0	\$613,115	\$613,115	\$0	\$613,115	\$513,234	\$0	\$513,234
GRAND REVENUE TOTAL		\$12,650,115	\$0	\$12,650,115	\$13,333,289	\$0	\$13,347,745	\$13,048,234	\$0	\$13,048,234
EXPENDITURES										
Salaries & Wages / Benefits										
Salaries & Wages - Employees	10111000	\$195,766	\$256,114	\$451,880	\$115,257	\$195,348	\$328,872	\$208,602	\$256,825	\$465,427
Salaries & Wages - Extra Help	10112100	\$7,500	\$0	\$7,500	\$7,890	\$0	\$25,009	\$10,000	\$0	\$10,000
Salaries & Wages - Commission Members	10112400	\$5,280	\$0	\$5,280	\$840	\$0	\$910	\$7,310	\$0	\$7,310
Retirement	10121000	\$29,630	\$29,967	\$59,597	\$16,152	\$21,370	\$42,547	\$30,417	\$30,243	\$60,660
OASHI	10122000	\$17,570	\$20,708	\$38,278	\$9,717	\$15,548	\$29,563	\$18,144	\$22,598	\$40,742
Group Insurance	10123000	\$75,074	\$62,659	\$137,733	\$46,481	\$44,955	\$115,424	\$150,069	\$61,244	\$211,313
Workers Comp Insurance	10124000	\$11,900	\$14,356	\$26,256	\$0	\$0	\$10,000	\$11,900	\$14,354	\$26,254
SUI Insurance	10125000	\$1,127	\$3,349	\$4,476	\$378	\$1,659	\$2,314	\$861	\$3,504	\$4,365
Benefits Subtotal		\$135,301	\$131,039	\$266,340	\$72,727	\$83,532	\$199,848	\$211,391	\$131,943	\$343,334
SALARIES & WAGES / BENEFITS TOTAL	10 TOTAL	\$343,847	\$387,153	\$731,000	\$196,714	\$278,880	\$554,639	\$437,303	\$388,768	\$826,071
Advertising/Legal Notices	20200500	\$1,000	\$0	\$1,000	\$440	\$0	\$500	\$750	\$0	\$750
Books/Periodical Service	20202100	\$250	\$0	\$250	\$218	\$0	\$275	\$275	\$0	\$275
Film Supplies	20202500	\$0	\$20,000	\$20,000	\$0	\$17,837	\$20,000	\$0	\$20,000	\$20,000
Business Travel	20203100	\$15,000	\$1,000	\$16,000	\$6,316	\$0	\$16,000	\$15,000	\$2,500	\$17,500
Employee Recognition	20203800	\$0	\$250	\$250	\$0	\$33	\$250	\$0	\$100	\$100
Employee Transportation	20203900	\$250	\$1,250	\$1,500	\$0	\$957	\$1,500	\$250	\$2,000	\$2,250
Insurance Premium	20205200	\$25,000	\$0	\$25,000	\$18,341	\$0	\$20,000	\$25,000	\$0	\$25,000
Membership Dues	20206100	\$2,500	\$250	\$2,750	\$2,715	\$0	\$2,715	\$2,500	\$250	\$2,750
Office Supplies	20207600	\$10,000	\$0	\$10,000	\$5,621	\$0	\$10,000	\$10,000	\$0	\$10,000
Postal Services	20208100	\$750	\$250	\$1,000	-\$1,191	\$0	\$750	\$1,000	\$250	\$1,250
Printing Services	20208500	\$2,500	\$0	\$2,500	\$1,590	\$0	\$2,067	\$2,500	\$0	\$2,500
Telephone Services	20219700	\$250	\$250	\$500	\$0	\$0	\$500	\$250	\$250	\$500
Accounting Services	20250500	\$130,000	\$0	\$130,000	\$8,327	\$0	\$88,327	\$150,000	\$0	\$150,000
Legal Services	20253100	\$350,000	\$0	\$350,000	\$65,844	\$0	\$250,000	\$300,000	\$0	\$300,000
Security Service		\$0	\$0	\$0	\$177	\$0	\$217	\$250	\$0	\$250
Other Professional Services	20259100	\$118,725	\$0	\$118,725	\$16,984	\$0	\$100,000	\$135,000	\$0	\$135,000
Interpreter Svcs (Closed Captioning)	20283200	\$160,000	\$0	\$160,000	\$64,960	\$0	\$84,500	\$160,000	\$0	\$160,000
DTech - County Wide IT Service	20291000	\$1,995	\$0	\$1,995	\$1,642	\$0	\$1,995	\$2,000	\$0	\$2,000
DTech - System Development Services	20291100	\$30,881	\$0	\$30,881	\$30,332	\$0	\$30,881	\$32,000	\$0	\$32,000
DTech - System Development Supplies	20291200	\$2,435	\$0	\$2,435	\$2,404	\$0	\$2,435	\$2,500	\$0	\$2,500
COMPASS Costs	20291500	\$7,353	\$0	\$7,353	\$1,793	\$0	\$7,353	\$7,500	\$0	\$7,500

EXHIBIT 1
FISCAL YEAR 2012-13 / FISCAL YEAR 2013-14 BUDGET SUMMARY
GENERAL FUND (094A)

	G/L #	FY 2012-13			FY 2012-13			FY 2013-14		
		Admin	Metro Cable	Budgeted	Admin	Metro Cable	Estimated Actual	Admin	Metro Cable	Proposed
DTech - Wide Area Network Costs	20291600	\$5,343	\$0	\$5,343	\$4,453	\$0	\$5,343	\$5,500	\$0	\$5,500
GS Printing Services	20292100	\$100	\$150	\$250	\$0	\$260	\$260	\$50	\$200	\$250
GS Messenger Services	20292300	\$3,100	\$0	\$3,100	\$991	\$0	\$1,291	\$3,000	\$500	\$3,500
GS - Purchasing Svcs Allocation	20292500	\$50	\$0	\$50	\$47	\$0	\$50	\$25	\$25	\$50
GS Store Charges	20292600	\$25	\$50	\$75	\$0	\$36	\$75	\$25	\$50	\$75
GS Equipment Rental - Light	20292800	\$250	\$5,500	\$5,750	\$0	\$5,121	\$6,657	\$500	\$6,500	\$7,000
DTech - MIS IT Allocation	20293400	\$22,440	\$0	\$22,440	\$0	\$0	\$22,440	\$25,000	\$0	\$25,000
GS Fuel Usage	20293800	\$100	\$500	\$600	\$0	\$359	\$500	\$250	\$500	\$750
Facility Use Charges (Rent)	20294200	\$40,000	\$0	\$40,000	\$19,982	\$0	\$40,000	\$45,000	\$0	\$45,000
GS Parking Charges	20296200	\$0	\$6,470	\$6,470	\$0	\$4,505	\$5,857	\$2,000	\$5,000	\$7,000
DTech - Radio System Services (Pager Svcs)	20298400	\$0	\$300	\$300	\$0	\$110	\$150	\$0	\$250	\$250
DTech - Telephone Services	20298700	\$2,000	\$965	\$2,965	\$2,748	\$0	\$2,965	\$2,500	\$1,000	\$3,500
GS Telephone Installation	20298900	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500	\$1,000
SERVICES AND SUPPLIES TOTAL	20 TOTAL	\$932,297	\$37,185	\$969,482	\$254,736	\$29,220	\$725,854	\$931,125	\$39,875	\$971,000
Contract Services (Chan Licensees)				\$0						
Access Sacramento Oper Base	30310500	\$392,532	\$0	\$392,532	\$392,532	\$0	\$392,532	\$392,532	\$0	\$392,532
Access Sac - HT-TV Oper Base	30310500	\$51,700	\$0	\$51,700	\$51,700	\$0	\$51,700	\$51,700	\$0	\$51,700
Access Sac - GOTW Oper Base	30310500	\$44,979	\$0	\$44,979	\$44,979	\$0	\$44,979	\$44,979	\$0	\$44,979
Capital Pub Radio Operations Base	30310500	\$17,875	\$0	\$17,875	\$17,875	\$0	\$17,875	\$17,875	\$0	\$17,875
SECC Operations Base	30310500	\$241,806	\$0	\$241,806	\$241,806	\$0	\$241,806	\$254,271	\$0	\$254,271
BESTNet Operations Base	30310500	\$55,859	\$0	\$55,859	\$55,859	\$0	\$55,859	\$55,859	\$0	\$55,859
CONTRACT SERVICES (CHANNEL LICENSEES) TOTAL		\$804,751	\$0	\$804,751	\$804,751	\$0	\$804,751	\$817,216	\$0	\$817,216
Revenue Distribution										
Citrus Heights	30322000	\$584,797	\$0	\$584,797	\$0	\$0	\$624,523	\$597,362	\$0	\$597,362
Elk Grove	30322000	\$1,087,154	\$0	\$1,087,154	\$0	\$0	\$1,177,845	\$1,126,619	\$0	\$1,126,619
Folsom	30322000	\$507,021	\$0	\$507,021	\$0	\$0	\$535,292	\$512,012	\$0	\$512,012
Galt	30322000	\$167,852	\$0	\$167,852	\$0	\$0	\$179,075	\$171,287	\$0	\$171,287
Rancho Cordova	30322000	\$460,784	\$0	\$460,784	\$0	\$0	\$495,553	\$474,001	\$0	\$474,001
Sacramento	30322000	\$3,283,388	\$0	\$3,283,388	\$0	\$0	\$3,506,042	\$3,353,561	\$0	\$3,353,561
Sacramento County	30322000	\$3,908,886	\$0	\$3,908,886	\$0	\$0	\$4,180,936	\$3,999,105	\$0	\$3,999,105
REVENUE DISTRIBUTION TOTAL		\$9,999,882	\$0	\$9,999,882	\$0	\$0	\$10,699,266	\$10,233,947	\$0	\$10,233,947
OTHER CHARGES TOTAL	30 TOTAL	\$10,804,633	\$0	\$10,804,633	\$804,751	\$0	\$11,504,017	\$11,051,163	\$0	\$11,051,163
Addition to Reserves	7100000	\$50,000	\$0	\$50,000	\$0	\$0	\$50,000	\$100,000	\$0	\$100,000
Equip-SD-Non-Recon (Fixed Assets)	43430300	\$0	\$45,000	\$45,000	\$0	\$0	\$0	\$25,000	\$25,000	\$50,000
Contingency Appropriation	79790100	\$25,000	\$25,000	\$50,000	\$0	\$0	\$0	\$50,000	\$0	\$50,000
EXPENDITURE TOTAL		\$12,155,777	\$494,338	\$12,650,115	\$1,256,201	\$308,100	\$12,834,510	\$12,594,591	\$453,643	\$13,048,234

EXHIBIT 2
Fiscal Year 2012-13 and Fiscal Year 2013-14 BUDGET SUMMARY
PEG FEE FUND (094B)

	G/L Acct	FY 2012-13 Approved Budget	FY 2012-13 Actuals (5/15/13)	FY 2012-13 Est. Actuals	FY 2013-14 Metro Cable Request	FY 2013-14 Member Agency New Requests	FY 2013-14 Proposed Budget
REVENUE							
Interest Income	94941000	\$7,500	\$9,056	\$9,056	\$0	\$0	\$9,000
PEG Fee Revenue	97978200	\$2,350,000	\$2,543,380	\$2,543,381	\$0	\$0	\$2,500,000
Miscellaneous Revenue	97979000	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance / Carry Forward		\$2,301,816	\$2,301,816	\$2,301,816	\$0	\$0	\$1,992,097
REVENUE TOTAL		\$4,659,316	\$4,854,252	\$4,854,253	\$0	\$0	\$4,501,097
EXPENDITURES							
Inventoriable Equipment (Member Agencies)	20226500						
Citrus Heights		\$75,555	\$0	\$0	\$50,482	\$71,803	\$122,284
Elk Grove		\$93,604	\$78,195	\$78,195	\$8,254	\$96,621	\$104,876
Folsom		\$162,285	\$23,845	\$30,000	\$59,813	\$86,990	\$146,803
Galt		\$167,254	\$54,736	\$150,000	\$0	\$155,711	\$155,711
Rancho Cordova		\$120,000	\$0	\$120,000	\$0	\$116,500	\$116,500
Sacramento (City Hall)		\$69,950	\$47,382	\$47,382	\$21,608	\$15,427	\$37,035
Sacramento (Historic Chambers)		\$152,987	\$154,447	\$154,447	\$0	\$69,252	\$69,252
Sacramento County		\$1,056,579	\$110,582	\$110,582	\$0	\$1,249,000	\$1,249,000
Invent Equip Subtotal (Memb Agencies)		\$1,898,213	\$469,185	\$690,605	\$140,156	\$1,861,304	\$2,001,460
G/L Account 2000 Total		\$1,898,213	\$1,732,525	\$690,605	\$140,156	\$1,861,304	\$2,001,460
Support Services (Channel Licensees)	30310400						
Access Sac - One-Time Equipment		\$289,000	\$289,000	\$289,000	\$0	\$0	\$289,000
Capital Pub Radio - One Time Equip		\$0	\$0	\$0	\$0	\$0	\$0
KVIE - One-Time Equipment		\$661,493	\$661,493	\$661,493	\$0	\$0	\$595,574
SECC - One Time Equipment		\$41,200	\$41,200	\$41,200	\$0	\$0	\$50,500
BESTNet Phase II Rollover (Elverta)		\$98,560	\$10,386	\$10,386	\$0	\$0	\$88,174
BESTNet Phase III (1-3 of 5)		\$1,200,000	\$730,446	\$730,446	\$0	\$0	\$1,069,554
Support Svcs Subtotal (Channel Licensees)		\$2,290,253	\$1,732,525	\$1,732,525	\$0	\$0	\$2,092,802
Contract Services Inst (Chan Licensees)	30310500						
Access Sacramento Fac/Equip Base		\$79,000	\$79,000	\$79,000	\$0	\$0	\$79,000
Capital Pub Radio Operations Base		\$0	\$0	\$0	\$0	\$0	\$0
KVIE - Fac/Equip Base		\$195,507	\$195,507	\$195,507	\$0	\$0	\$195,507
SECC - Fac/Equip Base		\$55,365	\$55,365	\$55,365	\$0	\$0	\$42,900
Contract Svcs Inst Subtotal (Chan Licensees)		\$329,872	\$329,872	\$329,872	\$0	\$0	\$317,407
G/L Account 3000 Total		\$2,620,125	\$2,062,397	\$2,062,397	\$0	\$0	\$2,410,209
Equipment SD Non-Recon - Fixed Assets	43430300						
Metro Cable Control Room		\$13,473	\$13,534	\$13,534	\$40,242	\$0	\$40,242
Metro Cable Van		\$80,863	\$70,289	\$70,289	\$2,273	\$0	\$2,273
Synergy		\$26,355	\$25,330	\$25,330	\$29,189	\$0	\$29,189
Equip SD Non-Recon - Fixed Assets Sub-Total		\$120,691	\$109,153	\$109,153	\$71,703	\$0	\$71,703
G/L Account 4000 Total		\$120,691	\$109,153	\$109,153	\$71,703	\$0	\$71,703
Contingency Appropriation	79790100	\$20,287	\$0	\$0	\$0	\$0	\$17,725
EXPENDITURE TOTAL		\$4,659,316	\$3,904,076	\$2,862,156	\$211,859	\$1,861,304	\$4,501,097

EXHIBIT 3

FISCAL YEAR 2013-14 PEG FEE FUNDING PROPOSAL MEMBER AGENCIES / METRO CABLE / CHANNEL LICENSEE PROJECTS

PROJECT NAME	FUNDING REQUEST	DESCRIPTION OF NEW FUNDING ITEMS
City of Citrus Heights	\$ 122,284.00	Flight Pack & Encoder - \$50,482; Council Chambers Move - \$25,960; New Presentation System - \$24,640; New Camera Control System - \$17,627; Table Skirts - \$495; Pipe/Drape - \$3,080
City of Elk Grove	\$ 104,876.00	MPEG Encoder - \$8,254; Sony Cameras/Cards/Controller/Lens - \$51,986; Wall Mount - \$625; Synergy Encoder - \$8,618.75; Misc. Items - \$5,439; Prof Svcs - \$24,606.40; Tax - \$5,347
City of Folsom	\$ 146,803.00	Lighting Project - \$59,675; Presentation PC - \$1,115.50; Projector - \$6,268.90; Audio Equip - \$42,689.68; Sony Cameras - \$36,916
City of Galt	\$ 155,711.00	Projection System Improvements - \$87,972.50; Lighting Project - \$67,738
City of Rancho Cordova	\$ 116,500.00	Lumens Projector (HD) - \$50,000; Screen/Dias Monitors/HDMI DA's/Matrix Switcher/Transmitter Rec/Cable/Mics - \$33,500; Installation - \$20,000; Programming - \$3,000; Screen Mounting - \$10,000
City of Sacramento (New City Hall)	\$ 37,035.00	Switcher - \$21,608; Monitor - \$6,116; Mic Sys - \$4,763; Misc Equipment - \$4,548
City of Sacramento (Historic City Hall)	\$ 69,252.00	Switcher Upgrade - \$6,741.90; Monitors - \$7,920; Equipment - 24,592.27; FY 2012-13 AV Upgrade Reimbursement - \$29,898.22
County of Sacramento	\$ 1,249,000.00	BOS Chamber Remodel - Architect Modifications - \$507,000; House Lighting - \$80,000; AV System Upgrade - \$515,000; SIRE Vote System - \$60,000; Theatrical Lighting - \$87,000
Member Agency Totals:	\$ 2,001,461.00	
Metro Cable Control Room	\$ 40,242.00	Character Generator - \$11,000; Sync Generator - \$6,600; CC Encoder - \$1,650; MPEG Encoder - \$15,180; Tax - \$3,237.85; Hand Held Waveform/Vector Scope w/Case - \$2,574
Metro Cable Van	\$ 2,273.00	Tripods/Tripod Head/Connectors - \$2,273
Synergy Server	\$ 29,189.00	Turnkey Edit Sys-\$16,500; Converter-\$5,280; Rack Mount-\$1,430; Rack Replace-\$3,300; Power Strips-\$330
Metro Cable Project Totals:	\$ 71,703.00	
Access Sacramento	\$ 368,000.00	Coloma Center Lease - \$54,000; New Prod Equip - \$7,500; Replacement Equip - \$8,000; Office Equip & Software - \$10,500; HT-TV & GOTW Equip - \$57,400; Radio "The Voice" - \$23,000; Coloma Office/Studio - \$20,000; NNB Broadcast Servers - \$39,000; Hub & Spoke Integration - \$30,600; Truck HD Conversion - \$50,000; Phase I - Truck Connect - \$18,000; Community Archive Project - \$50,000
KVIE	\$ 791,081.00	HVAC & Portion of One-Time Equip - \$195,507; Roof - \$179,000; Monitor - \$9,495; Digital Video Test Set - \$8,581; Prod Graph Generator - \$115,450; Wireless Headset Intercoms - \$27,760; Studio Curtains - \$15,100; Studio Lighting - \$181,729; Generator - \$3,800; Prompter Software - \$5,295; Green screen - \$10,000; Wireless Headsets - \$31,768; Camera Battery Charge Sys - \$2,738; Monitors - \$12,166; Software - \$2,499; Edit Sys Storage/Sys Color - \$22,090; Prod Back-up Sys - \$23,125; Graphics Workstation - \$8,548
Sacramento Educational Cable Consortium (SECC)	\$ 1,251,128.00	Equipment Base - \$42,900; Xerox WC 7225 Copier - \$5,500; 2 SEVA Lab Matches - \$45,000; BESTNet Phase II Rollover (Elverta) - \$88,174; BESTNet Phase III - (Years 1-3 of 5) - \$1,069,554
Channel Licensee Project Totals:	\$ 2,410,209.00	
GRAND TOTAL:	\$ 4,483,374.00	

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-005

A RESOLUTION ADOPTING THE FISCAL YEAR 2013-14
PROPOSED GENERAL FUND (094A) BUDGET

WHEREAS, hearings have been terminated during which time all additions and deletions to the proposed budget for Fiscal Year 2013-14 were made.

THEREFORE, IT IS HEREBY RESOLVED in accordance with Section 29089 of the Government Code, the proposed budget for Fiscal Year 2013-14 for the General Fund (094A) is hereby adopted in accordance with the following:

Salaries and Employee Benefits (Object 10)	\$826,071
Services and Supplies (Object 20)	\$811,000
Closed Captioning (Object 20)	\$160,000
Fixed Assets – Equipment (Object 43)	\$50,000
Contingency Appropriation (Object 79)	\$50,000
Channel Licensees – Operations (Object 30)	\$817,216
Revenue Distribution (Object 30)	\$10,233,947
Provision for Reserve Increases	\$100,000
TOTAL BUDGET REQUIREMENTS	\$13,048,234

FURTHER BE IT RESOLVED AND ORDERED that the means of financing the expenditures program will be by monies derived from Revenue and Fund Balance available.

FURTHER BE IT RESOLVED AND ORDERED that the Budget be and is hereby adopted in accordance with the listed attachments in the Fiscal Year 2013-14 Budget Staff Report, which show in detail the approved appropriations, revenues and methods of financing, authorized positions, and authorized programming activities, attached hereto and by reference made a part hereof.

FURTHER BE IT RESOLVED AND ORDERED that equity adjustments, and universal salary increases for contract and non-contract employees, if any, are authorized at the same level as approved by the Board of Supervisors for unrepresented management, clerical, and technical employees of the County of Sacramento, or, for positions that did not receive a COLA in FY 2010-11 but received a one-time 2% pay-for-performance adjustment in FYs 2010-11 through FY 2012-13, the pay-for-performance adjustment is extended for Fiscal Year 2013-14 or until a COLA of equal or greater amount is approved for such positions by the County of Sacramento.

FURTHER BE IT RESOLVED AND ORDERED that the Channel Licensee Annual Funding and Performance Agreements with the Sacramento Educational Cable Consortium, Access Sacramento, KVIE, and Capital Public Radio and the Annual Performance Agreement with Religious Coalition for Cable Television are approved and that the Chairperson of the Board of Directors be and is hereby authorized to execute the agreements.

FURTHER BE IT RESOLVED AND ORDERED that the Fiscal Year 2013-14 Budget is hereby amended to authorize a revenue distribution of \$10,699,266 to the Commission's member jurisdictions.

FURTHER BE IT RESOLVED AND ORDERED that the Executive Director is authorized and directed to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Governing Board of the Sacramento Metropolitan Cable Television Commission, State of California, this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-006

**A RESOLUTION ADOPTING THE FISCAL YEAR 2013-14
PROPOSED PEG FEE FUND (094B) BUDGET**

WHEREAS, hearings have been terminated during which time all additions and deletions to the proposed budget for Fiscal Year 2013-14 were made.

THEREFORE, IT IS HEREBY RESOLVED in accordance with Section 29089 of the Government Code, the proposed budget for Fiscal Year 2013-14 for the PEG Fee Fund (094B) is hereby adopted in accordance with the following:

Member Agency Facilities/Equipment (Object 20)	\$2,001,460
Channel Licensees - One Time Facilities/ Equipment Augmentation (Object 30)	\$935,074
Channel Licensees – Facilities/Equipment Base (Object 30)	\$317,407
BESTNet Phase II Rollover Project (Object 30)	\$88,174
BESTNet Phase III – Years 1-3 of 5 (Object 30)	\$1,069,554
Metro Cable Projects (Object 40)	\$71,703
Contingencies Appropriation (Object 79)	\$17,725
TOTAL BUDGET REQUIREMENTS	\$4,501,097

FURTHER BE IT RESOLVED AND ORDERED that the means of financing the PEG Fee Fund expenditures will be by monies derived from Revenue and Fund Balance available.

FURTHER BE IT RESOLVED AND ORDERED that the Fiscal Year 2013-14 PEG Fee Fund Budget is hereby adopted in accordance with the Fiscal Year 2013-14 Budget staff report, which shows in detail the approved appropriations, revenues and methods of financing.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Executive Director is authorized and directed to do and perform everything necessary to carry out the purpose of this Resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Cable Television Commission this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-007

**A RESOLUTION CONFIRMING THE EMPLOYER'S CONTRIBUTION
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

WHEREAS, GC 22892(a) provides that a local agency contracting under the Public Employee's Medical and Hospital Care Act (PEMHCA) shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b)(1) of the Act, and

WHEREAS, the Sacramento Metropolitan Cable Television Commission is a local agency contracting under the Act.

NOW, THEREFORE, BE IT RESOLVED, that the employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of his/her family members, in a health benefit plan, up to a maximum of 80% of the Sacramento Area Region's Kaiser Family Plan premium rate for active employees and retirees, plus administrative fees and Contingency Reserve Fund assessments.

FURTHER, BE IT RESOLVED that the Sacramento Metropolitan Cable Television Commission has fully completed with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and

FURTHER, BE IT RESOLVED AND ORDERED, that the Executive Director is authorized and directed to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Governing Board of the Sacramento Metropolitan Cable Television Commission, State of California, this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-008

**A RESOLUTION APPROVING AN AMENDMENT TO THE
COMMISSION LEGAL COUNSEL SERVICES RETAINER AGREEMENT**

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION approves the Amendment to the attached Retainer Agreement with Best Best & Krieger, LLP for general counsel services.

FURTHER BE IT RESOLVED that the Chairperson of the Board of Directors be and is hereby authorized to execute the amended agreement in the form hereto attached, on behalf of the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, a Joint Powers Agency of the State of California.

FURTHER BE IT RESOLVED that the Commission's Executive Director is authorized to do and perform everything necessary to carry out the purpose of this Resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Governing Board of the Sacramento Metropolitan Cable Television Commission, State of California, this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

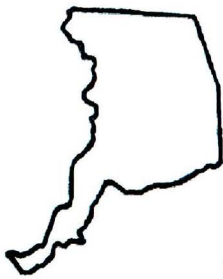
ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



SACRAMENTO METROPOLITAN Cable Television CTC Commission

799 G Street, 4th Floor • Sacramento, CA 95814-1212 • www.sacmetro.cable.tv

Phone: (916) 874-6661 • Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

ATTACHMENT 5

FISCAL YEAR 2013-14 AMENDMENT TO LEGAL COUNSEL RETAINER AGREEMENT

THIS AMENDMENT is made and entered into this 6th day of June 2013, amending that certain Retainer Agreement Amendment dated August 30, 2010, by and between the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, a Joint Powers Agency, hereinafter called "Client" and BEST BEST & KRIEGER, LLP, a limited liability partnership, hereinafter called and referred to as "Firm".

NOW, THEREFORE, the parties agree to amend the aforementioned Agreement as follows:

1. Section 1. Representation.

"The Firm, by and through Harriet A. Steiner, Esq. undertakes legal representation, consultation and advice of the Client as General Counsel and such other and further matters as the Client may from time to time request of the Firm commencing July 1, 2013 and ending June 30, 2014. Ms. Steiner may delegate assignments to other attorneys of the Firm as she deems necessary and advisable."

2. Section 2. Compensation.

Paragraph A. "The Firm will bill the Client monthly on or about the fifth day of the month for the time and expenses expended during the preceding month at the rate of \$300 for each hour of legal services rendered by Harriet A. Steiner. Legal services provided to the Client by Joshua A. Nelson shall be billed at the rate of \$245 per hour of legal services rendered. Legal services rendered by any other attorney of the Firm shall be billed to Client at that attorney's standard public agency rate."

Paragraph C. "The hourly charges identified in Paragraph A by Firm shall be deemed to include compensation for all costs and expenses incurred by Firm except those for out-of-County travel and filing fees and other litigation expense, if any."

All other terms and conditions of the aforesaid Agreement shall remain in effect and unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day, month, and year first stated above.

BEST BEST & KRIEGER, LLP

**SACRAMENTO METROPOLITAN CABLE
TELEVISION COMMISSION**

By:

By:

Harriet A. Steiner, Esq.

Chair

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-009

**A RESOLUTION APPROVING AN AMENDMENT TO THE
COMMISSION CONSULTING SERVICES AGREEMENT**

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION approves the Amendment to Consultant Services Agreement attached hereto with Richard E. Esposito.

FURTHER BE IT RESOLVED that the Chairman of the Board of Directors be and is hereby authorized to execute the amended agreement in the form hereto attached, on behalf of the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, a Joint Powers Agency of the State of California.

FURTHER BE IT RESOLVED that the Commission's Executive Director is authorized to do and perform everything necessary to carry out the purpose of this Resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Governing Board of the Sacramento Metropolitan Cable Television Commission, State of California, this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

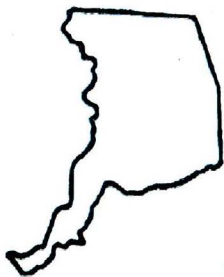
ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



SACRAMENTO METROPOLITAN Cable Television Commission

799 G Street, 4th Floor ♦ Sacramento, CA 95814-1212 ♦ www.sacmetro.cable.tv

Phone: (916) 874-6661 ♦ Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

ATTACHMENT 7

FISCAL YEAR 2013-14

AMENDMENT TO CONSULTANT SERVICES AGREEMENT

THIS AMENDMENT is made and entered into this 6th day of June 2013, amending that certain Consultant Services Agreement dated February 3, 2006, by and between the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION and RICHARD E. ESPOSTO.

NOW, THEREFORE, the parties agree to amend the aforementioned Agreement as follows:

1. Section 7 - Term.

“This Agreement shall commence as of July 1, 2013 and shall terminate on June 30, 2014, unless extended by the mutual agreement of the parties or terminated earlier as set forth herein.”

2. Exhibit B – Time and Manner of Payment.

“Esposito shall bill the Commission for services on an hourly basis at the rate of \$170 dollars per hour.”

3. All other terms and conditions of the aforesaid Agreement shall remain in effect and unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day, month, and year first stated above.

**SACRAMENTO METROPOLITAN CABLE
TELEVISION COMMISSION**

By:

By:

Richard E. Esposito, Consultant

Chair of the Board

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-010

**A RESOLUTION APPROVING AN AMENDMENT
TO THE CAPTION COLORADO AGREEMENT**

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION approves the Amendment to the closed captioning services agreement attached hereto with Caption Colorado.

FURTHER BE IT RESOLVED that the Chairman of the Board of Directors be and is hereby authorized to execute the amended agreement in the form hereto attached, on behalf of the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, a Joint Powers Agency of the State of California.

FURTHER BE IT RESOLVED that the Commission's Executive Director is authorized to do and perform everything necessary to carry out the purpose of this Resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Governing Board of the Sacramento Metropolitan Cable Television Commission, State of California, this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

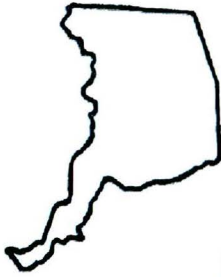
ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



SACRAMENTO METROPOLITAN Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

ATTACHMENT 9

FISCAL YEAR 2013-14

AMENDMENT TO CLOSED CAPTIONING SERVICES AGREEMENT

THIS AMENDMENT is made and entered into this 6th day of June 2013, amending that certain Agreement for Closed Captioning Services ("Agreement"), dated December 19, 2006, by and between the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, a Joint Powers Agency, and CAPTION COLORADO, a professional corporation.

NOW, THEREFORE, the parties agree to amend the aforementioned Agreement as follows:

3. **EFFECTIVE DATE/TERM**

"This Agreement shall be effective July 1, 2013 and shall terminate on June 30, 2014, unless extended by written mutual agreement of the parties executed prior to the expiration of this Agreement, or unless it is sooner terminated or canceled as provided in the Contract Documents. Contractor will commence to provide services within five (5) days from the execution of this Agreement."

All other terms and conditions of the aforesaid Agreement shall remain in effect and unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day, month, and year first stated above.

CAPTION COLORADO

By:

R.T. Polumbus, President & CEO

**SACRAMENTO METROPOLITAN CABLE
TELEVISION COMMISSION**

By:

Chair of the Board

REPRESENTING
 Sacramento County
 and the Cities of:
 Citrus Heights
 Elk Grove
 Folsom
 Galt
 Rancho Cordova
 Sacramento



SACRAMENTO METROPOLITAN Cable Television Commission

799 G Street, 4th Floor ♦ Sacramento, CA 95814-1212 ♦ www.sacmetroable.tv

Phone: (916) 874-6661 ♦ Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

ATTACHMENT 10

FISCAL YEAR 2013-14 PROPOSED STAFFING (PART-TIME AND FULL-TIME POSITIONS / SALARY SCALES)

Job Title	Step 1	Step 2	Step 3	Step 4	Step 5	Other
Part-Time Positions						
Executive Director (contracted (with the County of Sacramento))	--	--	--	--	--	--
Production Assistants (12)	--	--	--	--	--	Hourly
Full-Time Positions						
	Step 1	Step 2	Step 3	Step 4	Step 5	Other
Admin. Services Officer (equiv. to County's ASO 3 Steps 7-9)	--	--	\$7,388.00	\$7,756.92	\$8,144.92	N/A
Administrative Assistant (equiv. to County's Ad Asst Steps 5-9)	\$4,007.25	\$4,207.33	\$4,417.83	\$4,638.83	\$4,870.25	N/A
Senior Office Assistant (equiv. to County's Sr. OA Steps 5-9)	\$2,831.00	\$2,971.92	\$3,119.83	\$3,276.42	\$3,440.00	N/A
Production Director (Steps 1-2 = 5% less than previous steps, Steps 3-5 = to County's ASO 1 Steps 1-3)	\$4,119.00	\$4,325.00	\$4,541.00	\$4,769.00	\$5,007.00	N/A
Program Coordinator (Steps 1-4 = 5% less than previous steps, Step 5 = to Prod. Director Step 1)	\$3,389.00	\$3,558.00	\$3,736.00	\$3,923.00	\$4,119.00	N/A
Technical Coordinator (Steps 1-4 = 5% less than previous steps, Step 5 = to Prod. Director Step 1)	\$3,389.00	\$3,558.00	\$3,736.00	\$3,923.00	\$4,119.00	N/A

FISCAL YEAR 2013-14
ANNUAL FUNDING AND PERFORMANCE AGREEMENT

THIS AGREEMENT is between the **Sacramento Metropolitan Cable Television Commission (“SMCTC”)** and **Sacramento Community Cable Foundation, DBA Access Sacramento (“Licensee”)**. It is supplemental to that certain agreement between the same parties entitled **LICENSE AND OPERATIONS AGREEMENT PERTAINING TO USE OF COMMUNITY PROGRAMMING CHANNEL(S)** (the “**Licensing Agreement**”) which was effective as of November 6, 2003, and which was subsequently amended on June 1, 2006, and on June 3, 2010.

This Agreement (the “**Funding Agreement**”) is made with reference to the following facts, among others:

A. SMCTC and Licensee have entered into the Licensing Agreement. The Licensing Agreement provides Licensee the right to use one (or more) cable television channels which SMCTC controls for television programming which is beneficial to the public, subject to certain terms and conditions.

B. The purpose of this Funding Agreement is to provide certain funds to Licensee for the purpose of operating the cable television channel(s) licensed to it under the Licensing Agreement, except to the extent that those funds originate from public, educational, and governmental (PEG) channel facilities fees, since the use of those PEG funds is restricted as set forth in Section 4 of this Funding Agreement.

C. SMCTC has received a proposal from Licensee for funding. SMCTC hereby approves the proposal. A copy of the approved proposal which is in the possession of SMCTC is hereby incorporated by this reference.

WHEREFORE, THE PARTIES AGREE:

1. Payment to Licensee.

(a) For and in consideration of Licensee operating the cable channel(s) for which it is licensed according to the approved proposal, SMCTC hereby agrees to pay Licensee in two semi-annual installments the total sum of EIGHT HUNDRED FIFTY SEVEN THOUSAND TWO HUNDRED ELEVEN DOLLARS (\$857,211) as follows:

FY 2013-14	GENERAL FUND - 094A		PEG FUND - 094B			GRAND TOTAL
	Operations Base	TOTAL	Cap Fac / Equip Base	One-Time Equipment	TOTAL	
Operations Base	\$392,532	\$392,532	\$ -	\$ -	\$ -	\$392,532
HT-TV	\$51,700	\$51,700	\$ -	\$ -	\$ -	\$51,700
GOTW	\$44,979	\$44,979	\$ -	\$ -	\$ -	\$44,979
<i>HT-TV & GOTW Total</i>	\$96,679	\$96,679	\$ -	\$ -	\$ -	\$96,679
Cap Fac/Equip Base	\$ -	\$ -	\$79,000	\$ -	\$79,000	\$79,000
One-Time Equipment	\$ -	\$ -	\$ -	\$289,000	\$289,000	\$289,000
TOTAL FY 2013-14:	\$489,211	\$489,211	\$79,000	\$289,000	\$368,000	\$857,211

The semi-annual payments of \$428,605.50 will be made by August 15, 2013 and February 15, 2014.

2. Licensing Agreement. In addition to operating in accordance with the approved proposal, Licensee agrees to be bound by all terms and conditions of the Licensing Agreement, which are incorporated by this reference, as though they were fully set forth herein. A breach of the Licensing Agreement shall automatically be considered a breach of this Funding Agreement and vice versa.

3. Payment Contingent on Receipt of Fees. Licensee understands that the amount specified in Section 1 will be paid to Licensee out of the franchise and/or licensing fees and/or PEG fees collected by SMCTC from cable television operators. SMCTC shall be under no obligation to pay to Licensee the amount stated in Section 1, or any other amount, unless SMCTC receives sufficient fees to make such payment. Licensee further understands that other licensees may, or have, submitted proposals for operation of the channel(s) licensed to them and that SMCTC may, or has, approved such proposals, and that SMCTC may sign, or has signed, funding agreements with them. In the event SMCTC receives some, but not all, of the fees necessary to fund all funding agreements, each licensee shall receive its *pro rata* share of the available funds based on the percentage each individual licensee's approved dollar amount under its funding agreement bears to the total dollar amount of all funding agreements.

4. Use of PEG Fee Funding. Licensee understands that a portion of the amount specified in Section 1 may be paid to Licensee from money that originated from public, educational, and governmental (PEG) access channel fees, which portion, if any, is reflected in the table in Section 1(a). As a condition of accepting PEG fee funds, Licensee agrees to use those funds only for capital expenditures and facilities and for no other purpose. Licensee shall provide for such fiscal control and funding accounting procedures as reasonably necessary to assure proper disbursement, accounting, and expenditure of PEG fee funds. Notwithstanding Licensee's acceptance of PEG fee funds, Licensee shall be subject to all of the provisions of the Licensing Agreement, including reporting requirements, except those provisions that conflict with this Section 4 with respect to the use of PEG fee funds. At SMCTC's discretion, PEG fee funds may be disbursed to Licensee upon SMCTC's receipt of invoices from Licensee for qualifying expenditures.

5. Re-payment of Remaining Funds on Demand; Freezing Expenditures. Licensee understands that pursuant to the Licensing Agreement its license may be revoked or terminated under certain conditions. Licensee agrees that if its license is revoked or terminated it will, immediately upon demand of SMCTC, pay to SMCTC any and all amounts then held by it from the funds provided to it by SMCTC under this Funding Agreement. Licensee further agrees that SMCTC may, at any time, order Licensee to cease, and Licensee shall cease, spending any of the funds provided to Licensee by SMCTC under this Funding Agreement in order for SMCTC to make a determination whether to revoke or terminate Licensee's license.

6. No right of action. Licensee understands and agrees that it has no right of judicial action against SMCTC for the failure of SMCTC to pay any or all of the funds to Licensee under this Funding Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of the funds, any action for general or special damages, or otherwise.

7. Effective Date of Agreement. This Funding Agreement shall be first executed by the Licensee. It shall be effective on the date next to the signature of the Chair of SMCTC after the Chair has been authorized to execute it by SMCTC.

8. Term. The term of the Funding Agreement ends June 30, 2014.

SACRAMENTO COMMUNITY CABLE
FOUNDATION DBA ACCESS SACRAMENTO

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

FISCAL YEAR 2013-14

ANNUAL FUNDING AND PERFORMANCE AGREEMENT

THIS AGREEMENT is between the **Sacramento Metropolitan Cable Television Commission (“SMCTC”)** and **KXPR-FM, a Licensee of California State University at Sacramento, DBA Capital Public Radio (“Licensee”)**. It is supplemental to that certain agreement between the same parties entitled **LICENSE AND OPERATIONS AGREEMENT PERTAINING TO USE OF COMMUNITY PROGRAMMING CHANNEL(S)** (the **“Licensing Agreement”**) which was effective as of November 6, 2003, and which was subsequently amended on June 1, 2006, and on June 3, 2010.

This Agreement (the **“Funding Agreement”**) is made with reference to the following facts, among others:

A. SMCTC and Licensee have entered into the Licensing Agreement. The Licensing Agreement provides Licensee the right to use one (or more) cable television channels which SMCTC controls for television programming which is beneficial to the public, subject to certain terms and conditions.

B. The purpose of this Funding Agreement is to provide certain funds to Licensee for the purpose of operating the cable television channel(s) licensed to it under the Licensing Agreement.

C. SMCTC has received a proposal from Licensee for funding. SMCTC hereby approves the proposal. A copy of the approved proposal which is in the possession of SMCTC is hereby incorporated by this reference.

WHEREFORE, THE PARTIES AGREE:1. Payment to Licensee.

(a) For and in consideration of Licensee operating the cable channel(s) for which it is licensed according to the approved proposal, SMCTC hereby agrees to pay Licensee in two semi-annual installments the total sum of SEVENTEEN THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$17,875) as follows:

FY 2013-14	GENERAL FUND - 094A	
Description	Operations Base	TOTAL
Operations Base	\$17,875	\$17,875
TOTAL FY 2013-14:	\$17,875	\$17,875

The semi-annual payments of \$8,937.50 will be made by August 15, 2013 and February 15, 2014.

2. Licensing Agreement. In addition to operating in accordance with the approved proposal, Licensee agrees to be bound by all terms and conditions of the Licensing Agreement, which are incorporated by this reference, as though they were fully set forth herein. A breach of the Licensing Agreement shall automatically be considered a breach of this Funding Agreement and *vice versa*.

3. Payment Contingent on Receipt of Fees. Licensee understands that the amount specified in Section 1 will be paid to Licensee out of the franchise and/or licensing fees and/or PEG fees collected by SMCTC from cable television operators. SMCTC shall be under no obligation to pay to Licensee the amount stated in Section 1, or any other amount, unless SMCTC receives sufficient fees to make such payment.

Licensee further understands that other licensees may, or have, submitted proposals for operation of the channel(s) licensed to them and that SMCTC may, or has, approved such proposals, and that SMCTC may sign, or has signed, funding agreements with them. In the event SMCTC receives some, but not all, of the fees necessary to fund all funding agreements, each licensee shall receive its *pro rata* share of the available funds based on the percentage each individual licensee's approved dollar amount under its funding agreement bears to the total dollar amount of all funding agreements.

4. Re-payment of Remaining Funds on Demand; Freezing Expenditures. Licensee understands that pursuant to the Licensing Agreement its license may be revoked or terminated under certain conditions. Licensee agrees that if its license is revoked or terminated it will, immediately upon demand of SMCTC, pay to SMCTC any and all amounts then held by it from the funds provided to it by SMCTC under this Funding Agreement. Licensee further agrees that SMCTC may, at any time, order Licensee to cease, and Licensee shall cease, spending any of the funds provided to Licensee by SMCTC under this Funding Agreement in order for SMCTC to make a determination whether to revoke or terminate Licensee's license.

5. No right of action. Licensee understands and agrees that it has no right of judicial action against SMCTC for the failure of SMCTC to pay any or all of the funds to Licensee under this Funding Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of the funds, any action for general or special damages, or otherwise.

6. Effective Date of Agreement. This Funding Agreement shall be first executed by the Licensee. It shall be effective on the date next to the signature of the Chair of SMCTC after the Chair has been authorized to execute it by SMCTC.

7. Term. The term of the Funding Agreement ends June 30, 2014.

CAPITAL PUBLIC RADIO

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

FISCAL YEAR 2013-14
ANNUAL FUNDING AND PERFORMANCE AGREEMENT

THIS AGREEMENT is between the **Sacramento Metropolitan Cable Television Commission (“SMCTC”)** and **KVIE, Inc., a California Non-profit Public Benefit Corporation (“Licensee”)**. It is supplemental to that certain agreement between the same parties entitled **LICENSE AND OPERATIONS AGREEMENT PERTAINING TO USE OF COMMUNITY PROGRAMMING CHANNEL(S)** (the **“Licensing Agreement”**) which was effective as of November 6, 2003, and which was subsequently amended on June 1, 2006, and on June 3, 2010.

This Agreement (the **“Funding Agreement”**) is made with reference to the following facts, among others:

A. SMCTC and Licensee have entered into the Licensing Agreement. The Licensing Agreement provides Licensee the right to use one (or more) cable television channels which SMCTC controls for television programming which is beneficial to the public, subject to certain terms and conditions.

B. The purpose of this Funding Agreement is to provide certain funds to Licensee for the purpose of operating the cable television channel(s) licensed to it under the Licensing Agreement, except to the extent that those funds originate from public, educational, and governmental (PEG) access channel fees, since the use of those PEG funds is restricted as set forth in Section 4 of this Funding Agreement.

C. SMCTC has received a proposal from Licensee for funding. SMCTC hereby approves the proposal. A copy of the approved proposal which is in the possession of SMCTC is hereby incorporated by this reference.

WHEREFORE, THE PARTIES AGREE:

1. Payment to Licensee.

(a) For and in consideration of Licensee operating the cable channel(s) for which it is licensed according to the approved proposal, SMCTC hereby agrees to pay Licensee in two semi-annual installments the total sum of EIGHT HUNDRED FIFTY SEVEN THOUSAND DOLLARS (\$857,000) as follows:

FY 2013-14	PEG FUND - 094B	
Description	One-Time Equipment	TOTAL
(PEG) Cap Fac/Equip Base	\$195,507	\$195,507
(PEG) One-Time Equip	\$595,574	\$595,574
TOTAL FY 2013-14:	\$791,081	\$791,081

The semi-annual payments of \$395,540.50 will be made by August 15, 2013 and February 15, 2014.

2. Licensing Agreement. In addition to operating in accordance with the approved proposal, Licensee agrees to be bound by all terms and conditions of the Licensing Agreement, which are incorporated by this reference, as though they were fully set forth herein. A breach of the Licensing Agreement shall automatically be considered a breach of this Funding Agreement and vice versa.

3. Payment Contingent on Receipt of Fees. Licensee understands that the amount specified in Section 1 will be paid to Licensee out of the franchise and/or licensing fees and/or PEG fees collected by SMCTC from cable television operators. SMCTC shall be under no obligation to pay to Licensee the amount stated in Section 1, or any other amount, unless SMCTC receives sufficient fees to make such payment. Licensee further understands that other licensees may, or have, submitted proposals for operation of the channel(s) licensed to them and that SMCTC may, or has, approved such proposals, and that SMCTC may sign, or has signed, funding agreements with them. In the event SMCTC receives some, but not all, of the fees necessary to fund all funding agreements, each licensee shall receive its *pro rata* share of the available funds based on the percentage each individual licensee's approved dollar amount under its funding agreement bears to the total dollar amount of all funding agreement.

4. Use of PEG Fee Funding. Licensee understands that a portion of the amount specified in Section 1 may be paid to Licensee from money that originated from public, educational, and governmental (PEG) access channel fees, which portion, if any, is reflected in the table in Section 1(a). As a condition of accepting PEG fee funds, Licensee agrees to use those funds only for capital expenditures and facilities and for no other purpose. Licensee shall provide for such fiscal control and funding accounting procedures as reasonably necessary to assure proper disbursement, accounting, and expenditure of PEG fee funds. Notwithstanding Licensee's acceptance of PEG fee funds, Licensee shall be subject to all of the provisions of the Licensing Agreement, including reporting requirements, except those provisions that conflict with this Section 4 with respect to the use of PEG fee funds. At SMCTC's discretion, PEG fee funds may be disbursed to Licensee upon SMCTC's receipt of invoices from Licensee for qualifying expenditures.

5. Re-payment of Remaining Funds on Demand; Freezing Expenditures. Licensee understands that pursuant to the Licensing Agreement its license may be revoked or terminated under certain conditions. Licensee agrees that if its license is revoked or terminated it will, immediately upon demand of SMCTC, pay to SMCTC any and all amounts then held by it from the funds provided to it by SMCTC under this Funding Agreement. Licensee further agrees that SMCTC may, at any time, order Licensee to cease, and Licensee shall cease, spending any of the funds provided to Licensee by SMCTC under this Funding Agreement in order for SMCTC to make a determination whether to revoke or terminate Licensee's license.

6. No right of action. Licensee understands and agrees that it has no right of judicial action against SMCTC for the failure of SMCTC to pay any or all of the funds to Licensee under this Funding Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of the funds, any action for general or special damages, or otherwise.

7. Effective Date of Agreement. This Funding Agreement shall be first executed by the Licensee. It shall be effective on the date next to the signature of the Chair of SMCTC after the Chair has been authorized to execute it by SMCTC.

8. Term. The term of the Funding Agreement ends June 30, 2014.

KVIE, INC.

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

FISCAL YEAR 2013-14

ANNUAL FUNDING AND PERFORMANCE AGREEMENT

THIS AGREEMENT is between the **Sacramento Metropolitan Cable Television Commission** (“SMCTC”) and **Sacramento Educational Cable Consortium**, a California non-profit corporation (“Licensee”). It is supplemental to that certain agreement between the same parties entitled **LICENSE AND OPERATIONS AGREEMENT PERTAINING TO USE OF COMMUNITY PROGRAMMING CHANNEL(S)** (the “Licensing Agreement”) which was effective as of November 6, 2003, and which was subsequently amended on June 1, 2006, and on June 3, 2010.

This Agreement (the “Funding Agreement”) is made with reference to the following facts, among others:

A. SMCTC and Licensee have entered into the Licensing Agreement. The Licensing Agreement provides Licensee the right to use one (or more) cable television channels which SMCTC controls for television programming which is beneficial to the public, subject to certain terms and conditions.

B. The purpose of this Funding Agreement is to provide certain funds to Licensee for the purpose of operating the cable television channel(s) licensed to it under the Licensing Agreement, except to the extent that those funds originate from public, educational, and governmental (PEG) channel facilities fees, since the use of those PEG funds is restricted as set forth in Section 4 of this Funding Agreement.

C. SMCTC has received a proposal from Licensee for funding. SMCTC hereby approves the proposal. A copy of the approved proposal which is in the possession of SMCTC is hereby incorporated by this reference.

WHEREFORE, THE PARTIES AGREE:1. Payment to Licensee.

(a) For and in consideration of Licensee operating the cable channel(s) for which it is licensed according to the approved proposal, SMCTC hereby agrees to pay Licensee in two semi-annual installments the total sum of as follows:

2. Payment to Licensee.

(a) For and in consideration of Licensee operating the cable channel(s) for which it is licensed according to the approved proposal, SMCTC hereby agrees to pay Licensee in two semi-annual installments the total sum of as follows:

FY 2013-14 Description	GENERAL FUND - 094A		PEG FUND - 094B			GRAND TOTAL
	Operations Base (General)	TOTAL (General)	Cap Fac / Equip Base (PEG)	One-Time Equip (PEG)	TOTAL (PEG)	
SECC Operations Base			-	-	-	
SECC Cap Fac/Equip Base	-	-	\$42,900	-	\$42,900	\$42,900
Total SECC Base	\$254,271	\$254,271	\$42,900	-	\$42,900	\$297,171
(PEG) One-Time Equip	-	-	-	\$5,500	\$5,500	\$5,500
(PEG) – 2 SEVA Studio Lab				\$45,000	\$45,000	\$45,000
BESTNet Operations Base	\$55,859	\$55,859	-	-	-	\$55,859
BESTNet Phase III *	-	-	-	\$1,800,000	\$1,800,000	\$1,800,000
TOTAL FY 2013-14:	\$310,130	\$310,130	\$42,900	\$1,850,500	\$1,893,400	\$2,203,530

*The semi-annual payments of \$201,765 will be made by August 15, 2013 and February 15, 2013 for all funding elements, except for BESTNet Phase III (Years 1-3 of 5).

(b) Pursuant to the First Addendum to the BESTNet Network Phase II Construction and Maintenance Agreement, the Commission will fund up to ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) upon invoices from Licensee for BESTNet Phase III (Years 1-3 of 5).

(c) Pursuant to the BESTNet Network Phase I and Phase II Construction and Maintenance Agreement, the Commission will reserve unused, unspent funds of approximately FOUR HUNDRED EIGHTY EIGHT THOUSAND ONE HUNDRED SEVENTY FOUR DOLLARS (\$488,174), which starting in FY 2011-12 was moved to the PEG Fee Fund, for Los Rios & Elk Grove center sites in lieu of the Twin Rivers District Office which may be reimbursed upon invoices from Licensee.

(d) Disbursement of the funds shall be subject to the additional terms and conditions attached as Exhibit A to this Funding Agreement.

3. Licensing Agreement. In addition to operating in accordance with the approved proposal, Licensee agrees to be bound by all terms and conditions of the Licensing Agreement, which are incorporated by this reference, as though they were fully set forth herein. A breach of the Licensing Agreement shall automatically be considered a breach of this Funding Agreement and *vice versa*.

4. Payment Contingent on Receipt of Fees. Licensee understands that the amount specified in Section 1 will be paid to Licensee out of the franchise and/or licensing fees and/or PEG fees collected by SMCTC from cable television operators. SMCTC shall be under no obligation to pay to Licensee the amount stated in Section 1, or any other amount, unless SMCTC receives sufficient fees to make such payment. Licensee further understands that other licensees may, or have, submitted proposals for operation of the channel(s) licensed to them and that SMCTC may, or has, approved such proposals, and that SMCTC may sign, or has signed, funding agreements with them. In the event SMCTC receives some, but not all, of the fees necessary to fund all funding agreements, each licensee shall receive its *pro rata* share of the available funds based on the percentage each individual licensee's approved dollar amount under its funding agreement bears to the total dollar amount of all funding agreements.

5. Use of PEG Fee Funding. Licensee understands that a portion of the amount specified in Section 1 may be paid to Licensee from money that originated from public, educational, and governmental (PEG) access channel fees, which portion, if any, is reflected in the table in Section 1(a). As a condition of accepting PEG fee funds, Licensee agrees to use those funds only for capital expenditures and facilities and for no other purpose. Licensee shall provide for such fiscal control and funding accounting procedures as reasonably necessary to assure proper disbursement, accounting, and expenditure of PEG fee funds. Notwithstanding Licensee's acceptance of PEG fee funds, Licensee shall be subject to all of the provisions of the Licensing Agreement, including reporting requirements, except those provisions that conflict with this Section 4 with respect to the use of PEG fee funds. At SMCTC's discretion, PEG fee funds may be disbursed to Licensee upon SMCTC's receipt of invoices from Licensee for qualifying expenditures.

6. Re-payment of Remaining Funds on Demand; Freezing Expenditures. Licensee understands that pursuant to the Licensing Agreement its license may be revoked or terminated under certain conditions. Licensee agrees that if its license is revoked or terminated it will, immediately upon demand of SMCTC, pay to SMCTC any and all amounts then held by it from the funds provided to it by SMCTC under this Funding Agreement. Licensee further agrees that SMCTC may, at any time, order Licensee to cease, and Licensee shall cease, spending any of the funds provided to Licensee by SMCTC under this Funding Agreement in order for SMCTC to make a determination whether to revoke or terminate Licensee's license.

Sacramento Educational Cable Consortium
Fiscal Year 2013-14 Annual Funding and Performance Agreement
Page 3

7. No right of action. Licensee understands and agrees that it has no right of judicial action against SMCTC for the failure of SMCTC to pay any or all of the funds to Licensee under this Funding Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of the funds, any action for general or special damages, or otherwise.

8. No right of action. Licensee understands and agrees that it has no right of judicial action against SMCTC for the failure of SMCTC to pay any or all of the funds to Licensee under this Funding Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of the funds, any action for general or special damages, or otherwise.

9. Effective Date of Agreement. This Funding Agreement shall be first executed by the Licensee. It shall be effective on the date next to the signature of the Chair of SMCTC after the Chair has been authorized to execute it by SMCTC.

10. Term. The term of the Funding Agreement ends June 30, 2014.

SACRAMENTO EDUCATIONAL
CABLE CONSORTIUM

By: _____
Title: _____
Date: _____

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

By: _____
Title: _____
Date: _____

EXHIBIT A

A. “(PEG) One-Time Equip” Funds

1. Matching Funds. As more particularly described in Licensee’s proposal, \$45,000 of the funds identified in Section 1(a) of the Funding Agreement, category “(PEG) One-Time Equip” shall be used for two (2) SEVA Studio Labs. These funds are provided by SMCTC as matching funds. Licensee shall only expend these funds in the event that it receives sufficient matching funds, including cash or in kind contributions, from its member or associated school districts participating in the SEVA Studio Labs project equaling or exceeding \$45,000. Matching funds or in kind contributions shall be used for equipment installation, facilities remodel and “soft” costs (which shall include architectural, engineering, financing, and legal fees). In no event may soft costs exceed fifteen percent 15% of total matching funds. Licensee shall provide SMCTC with receipts and all reasonable documentation requested by SMCTC to document all matching funds.

2. Return of Funds. In the event Licensee fails to obtain matching funds as required in Section 1 above, Licensee shall promptly return all SMCTC funds to SMCTC.

3. Audit. Without limiting the provisions of Exhibit A of the License Agreement, SMCTC may audit the records of Licensee receiving funds from SMCTC at any time.

B. BESTNet Phase II - 10% Contingency Funds

As more particularly described in Licensee’s proposal, Licensee has requested a ten percent (10%) contingency as part of its request identified in Section 1(a) of the Funding Agreement, category “BESTNet Operations Base.” Licensee shall use these funds solely to pay for the cost of its member or associated school districts conducting routine BESTNet network upgrades. Licensee is in the process of developing a complete proposal regarding this refresh and upgrade. Licensee shall not expend any funds subject to this Section prior to the completion of the proposal, which shall be incorporated by reference after its approval by SMCTC into this Exhibit.

FISCAL YEAR 2013-14
ANNUAL PERFORMANCE AGREEMENT

THIS AGREEMENT is between the Sacramento Metropolitan Cable Television Commission ("SMCTC") and **Interfaith Service Bureau, DBA Religious Coalition for Cable Television ("Licensee")**. It is supplemental to that certain agreement between the same parties entitled **LICENSE AND OPERATIONS AGREEMENT PERTAINING TO USE OF COMMUNITY PROGRAMMING CHANNEL(S)** ("the Licensing Agreement") which was effective as of November 6, 2003, and which was subsequently amended on June 1, 2006, and on June 3, 2010.

This Agreement ("the Agreement") is made with reference to the following facts, among others:

A. SMCTC and Licensee have entered into the Licensing Agreement. The Licensing Agreement provides Licensee the right to use one (or more) cable television channels which SMCTC controls for television programming which is beneficial to the public, subject to certain terms and conditions.

B. The purpose of this Agreement is to approve Licensee's operation of the cable television channel licensed to it under the Licensing Agreement.

C. SMCTC has reviewed a proposal from Licensee for operations. SMCTC hereby approves the proposal. A copy of the approved proposal which is in the possession of SMCTC is hereby incorporated by this reference.

WHEREFORE, THE PARTIES AGREE:

1. Licensing Agreement. In addition to operating in accordance with the approved proposal, Licensee agrees to be bound by all terms and conditions of the Licensing Agreement, which are incorporated by this reference, as though they were fully set forth herein. A breach of the Licensing Agreement shall automatically be considered a breach of this Agreement and *vice versa*.

2. No right of action. Licensee understands and agrees that it has no right of judicial action against SMCTC under this Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of any funds, any action for general or special damages, or otherwise.

3. Effective Date of Agreement. This Agreement shall be first executed by the Licensee. It shall be effective on the date next to the signature of the Chair of SMCTC after the Chair has been authorized to execute it by SMCTC.

4. Term. The term of the Agreement ends June 30, 2014.

INTERFAITH COUNCIL OF
GREATER SACRAMENTO, DBA
RELIGIOUS COALITION FOR CABLE TELEVISION

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2013-011

**A RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF THE PEG FEE FUNDING AGREEMENT FOR MEMBER AGENCIES OF
SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION**

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Directors of the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, a Joint Powers Agency of the State of California, hereby approves the Funding Agreement for Member Agencies of the Sacramento Metropolitan Cable Television Commission as recommended by staff; and

FURTHER BE IT RESOLVED AND ORDERED that the Commission's Board of Directors hereby approves the FY 2013-14 PEG Fee Funding Plans as submitted for the purpose of providing funding for the Member Agencies for the period of July 1, 2013 to June 30, 2014; and

FURTHER BE IT RESOLVED AND ORDERED that the Commission's Executive Director is hereby authorized and directed to execute the Agreements with the Member Agencies of the Sacramento Metropolitan Cable Television Commission, with the allowance for changes within the budget authority; and

FURTHER BE IT RESOLVED AND ORDERED that the Commission's Executive Director is authorized to do and perform everything necessary to carry out the purpose of this Resolution.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Governing Board of the Sacramento Metropolitan Cable Television Commission, State of California, this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board

ATTEST:

Clerk/Secretary of the Board

**PEG FEE FUNDING AGREEMENT FOR MEMBER AGENCY OF THE
SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION**

FISCAL YEAR 2013-14

THIS AGREEMENT is entered into this ____ day of _____, 2013, by and between the **Sacramento Metropolitan Cable Television Commission** (“SMCTC”) and the _____, [***municipal corporation (city) or political subdivision of the State of California (County)***], a political subdivision of the State of California (“Member Agency”).

WHEREAS, SMCTC is a joint powers agency comprised of seven member jurisdictions, one of which is Member Agency;

WHEREAS, commencing with the 2009-2010 fiscal year, SMCTC began collecting Public, Educational, and Governmental (“PEG”) access channel fees (“PEG Fee Funding”) from cable television operators to support PEG access facilities;

WHEREAS, SMCTC anticipates that PEG Fee Funding will be available to provide to member jurisdictions, including Member Agency, to support projects relating to PEG access facilities;

WHEREAS, SMCTC has received a request(s) for PEG Fee Funding from Member Agency. SMCTC hereby approves that request(s). A copy of Member Agency’s approved request(s), which is in the possession of SMCTC, is hereby incorporated by this reference;

WHEREAS, federal law currently restricts the use of PEG Fee Funding to capital costs and facilities; and

WHEREAS, SMCTC and Member Agency desire to enter into this Agreement to memorialize the terms under which SMCTC will provide PEG Fee Funding to Member Agency, and to expressly set forth the restrictions on Member Agency’s use of such funding.

NOW, THEREFORE, SMCTC and Member Agency agree as follows:

1. Funding to Member Agency. SMCTC hereby agrees to provide to Member Agency the total not to exceed sum of _____ DOLLARS (\$_____), which consists of PEG Fee Funding to be used solely for the purposes summarized in the table below and detailed in Exhibit “A” attached hereto and incorporated by this reference.

MEMBER AGENCY PROJECT	
PEG Equipment / Facilities List	\$
TOTAL FY 2013-14 PEG FEE FUNDING REQUEST	\$
The PEG Fee Funding will be available during the FY 2013-14 as set forth below.	

**PEG Fee Funding Agreement for Member Agency of the
Sacramento Metropolitan Cable Television Commission
Fiscal Year 2013-14
Page 2**

2. Payment Contingent on Receipt of PEG Fees. Member Agency understands that the funding amount set forth in Section 1 will be made to Member Agency out of PEG fees collected by SMCTC from cable television operators. Such PEG fees are received in quarterly payments and SMCTC shall be under no obligation to pay to Member Agency the amount stated in Section 1, or any other amount, unless SMCTC receives sufficient PEG fees to make such payment. Payments to member agencies will occur during the fiscal year but will be prioritized by the Executive Director depending upon facilities needs and available revenue and will be reimbursed to member agencies based on actual expenditures. Member Agency further understands that SMCTC may enter, or has already entered, into similar funding agreements with other member agencies and with the channel licensees that operate one or more of the PEG channels. In the event SMCTC receives some, but not all of the PEG fees necessary to fund all such funding agreements, each member agency and channel licensee shall receive available PEG funds based on the criteria set forth above. If there are insufficient PEG fees to satisfy all funding requests during this fiscal year, members agencies not receiving all identified funding shall be entitled to a higher priority in the next fiscal year and shall receive the balance of their prior year's permitted and expended funding, eligible for reimbursement under this Agreement, before any funding for new projects for the next year fiscal year is disbursed.

3. Use of PEG Fee Funding.

(a) Member Agency understands that the funding provided to it pursuant to this Agreement originated from PEG access channel fees. As a condition of accepting PEG Fee Funding, Member Agency agrees to use those funds only for capital expenditures and facilities related to the provision of cablecasting on the PEG channels and for no other purpose. Since applicable law does not specifically define those expenses that qualify as capital costs, SMCTC has developed a working definition of the types of expenses that it believes qualify for the use of PEG Fee Funding. SMCTC reserves the right to modify its working definition as the law on this topic develops. In accordance with SMCTC's working definition, PEG Fee Funding may be used for the following expenditures: rent or purchase of facilities and equipment, purchase of software, and expenditures for tangible goods provided that a Certified Public Accountant certifies that the tangible goods qualify as capital expenditures pursuant to standard accounting practices. PEG Fee Funding may not be used for the following expenditures: operations, training, maintenance, employment of staff, and hiring of persons to perform services. Member Agency shall provide for such fiscal control and funding accounting procedures as reasonably necessary to assure proper disbursement, accounting, and expenditures of PEG fee funds.

(b) Member Agency further understands and agrees that the PEG Fee Funding provided by SMCTC was awarded based on a request from Member Agency and that the use of the PEG funds are also limited to the expenditures outlined in that request as approved by SMCTC. If Member Agency determines that it will not proceed with the expenditures as set forth in the request approved by SMCTC during the current fiscal year, then Member Agency shall notify SMCTC that the Member Agency desires roll-over the PEG Fee Funding to the next fiscal year for use during that fiscal year. The Member Agency may request that unexpended approved PEG Fee Funding for projects that the Member Agency still intends to pursue be rolled over for additional fiscal year(s). The Executive Director shall consider and approve any request pursuant to this section. The Executive Director may also elect to seek direction or action by the Commission on any such requests.

**PEG Fee Funding Agreement for Member Agency of the
Sacramento Metropolitan Cable Television Commission
Fiscal Year 2013-14
Page 3**

4. Indemnification. Member Agency shall, at its sole expense, fully indemnify, defend and hold harmless SMCTC and its member agencies, and in their capacity as such, the officers, agents and employees thereof, from and against any and all claims, suits, actions, liability and judgments for damages including reasonable attorneys' fees or otherwise.

(a) For actual or alleged injury to persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, directly or indirectly arising out of or attributable to, in whole or in part, the acts or omissions of Member Agency in connection with, related to, or in any way arising out of Member Agency's use of the PEG Fee Funding provided to it under this Agreement.

(b) Directly or indirectly arising out of or attributable to, in whole or in part, Member Agency's failure to comply with the provisions of any statute, regulation, or ordinance of the United States, the State of California, or any local agency in connection with, related to, or in any way arising out of Member Agency's use of the PEG Fee Funding provided to it under this Agreement.

5. Reporting Requirement. No later than sixty (60) days after incurring expenses to be reimbursed by funds provided to it under this Agreement, Member Agency shall submit to SMCTC a copy of all invoices and receipts reflecting the expenditures made with such funds, a request for reimbursement from funds identified in Section 1 above and such other information as SMCTC may require. SMCTC shall reimburse Member Agency within a reasonable time of receipt of such documentation subject to the provisions of this Agreement, including Sections 2 and 3.

6. Unauthorized Use of PEG Fee Funding. If SMCTC determines that Member Agency has used the PEG fee funds provided to it under this Agreement for purposes other than capital expenditures and facilities, Member Agency shall return to SMCTC the total sum of those unauthorized expenditures within sixty (60) days of receipt of written notice from SMCTC.

7. Ownership of Facilities and Equipment. Member Agency shall own and be solely responsible for any facilities, equipment, or other items that it acquires with PEG Fee Funding provided to it pursuant to this Agreement. SMCTC shall have no obligations, and shall bear no costs, with respect to any facilities, equipment, or other items that Member Agency acquires with such PEG Fee Funding.

8. No Right of Action. Member Agency understands and agrees that it has no right of judicial action against SMCTC for the failure of SMCTC to pay any or all of the funds to Member Agency under this Agreement. Such judicial actions include those at law and/or equity, including, but not limited to, any action to compel payment of the funds, any action for general or special damages, or otherwise.

9. Effective Date of Agreement. This Agreement shall be effective on the date next to the signature of the Executive Director of the SMCTC, as authorized by the SMCTC Board on the 6th of June 2013.

**PEG Fee Funding Agreement for Member Agency of the
Sacramento Metropolitan Cable Television Commission
Fiscal Year 2013-14
Page 4**

MEMBER AGENCY

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A

MEMBER AGENCY PEG FEE FUNDING REQUEST

ATTACHMENTS 18-25

**FISCAL YEAR 2013-14
PEG FEE FUNDING REQUESTS**

(MEMBER AGENCIES)

NOTE:

**HARD COPIES OF THESE DOCUMENTS
WILL BE FORWARDED TO YOU.**

ATTACHMENTS 26-29

**FISCAL YEAR 2013-14
PEG FEE FUNDING REQUESTS**

(CHANNEL LICENSEES)

**NOTE:
HARD COPIES OF THESE DOCUMENTS
WILL BE FORWARDED TO YOU.**

SACRAMENTO METROPOLITAN

Cable Television CTC Commission



REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento

799 G Street, 4th Floor ♦ Sacramento, CA 95814-1212 ♦ www.sacmetro.cable.tv

Phone: (916) 874-6661 ♦ Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 3

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: **CalPERS CALIFORNIA EMPLOYER'S RETIREMENT BENEFIT TRUST (CERBT)
PROGRAM FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB) FUNDING**

RECOMMENDATION:

It is recommended the Board:

- 1) Adopt Resolution No. 2013-014, Approving the Agreement with California Public Employers Retiree System (CalPERS) to provide California Employer's Retiree Benefit Trust (CERBT) Services, Appointing the Executive Director as Plan Administrator, and Authorizing the Plan Administrator to Execute all Related Documents to Facilitate the Funding Investment, Investment Management, and Administration of Other Post-Employment Benefits (OPEB);
- 2) Adopt Resolution No. 2013-015, Delegation of Authority to Request Disbursements to the incumbents in the positions of Executive Director and Administrative Services Officer the authority to request on behalf of the Employer disbursements from OPEB pre-funding plan, and to certify as to the purpose for which the disbursed funds will be used;
- 3) Approve the CalPERS Agreement and Election of SMCTC to Prefund Other Post-Employment Benefits Through CalPERS;
- 4) Approve the Certification of OPEB Funding Policy & GASB 43/45 Reporting Compliance;
- 5) Reaffirm the initial funding in the amount of \$58,200 to establish the CalPERS CERBT Plan.

BACKGROUND/DISCUSSION

In July 2004, the Governmental Accounting Standards Board (GASB) issued Statements No. 43 and 45, mandating disclosure of Other Post-employment Benefits (OPEB) other than pension. GASB 45 establishes a standard for measuring and reporting the liability of retirement benefits; however, it does not require funding the liability.

Agenda Item No. 3

CalPERS CERBT Program Funding for Other Post-Employment Benefits Funding

Page 2

As a follow-up to the Commission's auditor suggestion during the Fiscal Years June 30, 2010 and 2011 audit, Bickmore Risk Services was retained to perform valuations of the Commission's OPEB program to determine the amount of expenses each year so that the liability accumulated at retirement is equal to the present value of the benefits expected to be paid to each retiree.

The July 1, 2009 actuarial valuation was presented to the Board on October 4, 2012. At that time, staff was directed to proceed with completing back-to-back actuarial valuations through Fiscal Year 2015-16. The July 1, 2012 Actuarial Report which provided the results of the Commission's accrued OPEB liabilities through June 30, 2012 and the cost accrual ("normal cost") for Fiscal Year 2012-13 was presented to the Board on May 2, 2013, resulting in the Board's adoption of Resolution No. 2013-004, Authorizing the Commission's participation in the CalPERS California Employers' Retiree Benefit Trust (CERBT), a collective, irrevocable trust through which local governments may pool and invest funds for other post-employment benefits.

CalPERS CERBT Program includes more than 340 California public employers with \$2.3 billion of employer assets to pre-fund OPEB liabilities. Consistent with GASB 45, funds contributed to the trust are irrevocable and are dedicated to providing benefits to retirees and their beneficiaries in accordance with the terms of the plan. The Fiscal Year 2013-14 Proposed Budget includes \$58,200, the amount needed to pre-fund OPEB in Fiscal Year 2013-14.

Staff recommends the Commission adopt Resolutions Nos. 2013-014 and 2013-015, which is necessary in order for the Commission to participate in CalPERS' CERBT Program.

Feel free to contact me if you any questions or concerns.

Respectfully submitted,



ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachments:

Resolution No. 2013-014

Resolution No. 2013-015

CalPERS Agreement and Election of SMCTC to Pre-Fund OPEB through CalPERS

Certification of OPEB Funding Policy & GASB 43/45 Reporting Compliance

RESOLUTION NO. 2013-014

A RESOLUTION OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION APPROVING THE AGREEMENT WITH CALIFORNIA PUBLIC EMPLOYERS RETIREE SYSTEM (CalPERS) TO PROVIDE CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST (CERBT) SERVICES, APPOINTING THE EXECUTIVE DIRECTOR AS PLAN ADMINISTRATOR, AND AUTHORIZING THE PLAN ADMINISTRATOR TO EXECUTE ALL RELATED DOCUMENTS TO FACILITATE THE FUNDING INVESTMENT, INVESTMENT MANAGEMENT, AND ADMINISTRATION OF OTHER POST EMPLOYMENT BENEFITS (OPEB)

WHEREAS, the Sacramento Metropolitan Cable Television Commission (SMCTC) provides medical post-employment benefits (OPEB) to its retirees;

WHEREAS, the SMCTC is required by Government Code section 7507, to obtain actuarial cost analysis to determine future retiree monetary obligations;

WHEREAS, actuarial reports were performed for July 1, 2009 and July 1, 2012 for Fiscal Years 2009-10, 2010-11, and 2011-12 on behalf of SMCTC by Bickmore and Associates, Inc. DBA Bickmore;

WHEREAS, it is determined that it is in the best interest of SMCTC to set aside funds for OPEB and to ensure that such funds are invested in a safe manner;

WHEREAS, the California Public Employee Retirement System (CalPERS) has established the California Employer's Retiree Benefit Trust (CERBT) to manage OPEB funds for public agencies, and the SMCTC wishes to participate in CERBT.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Sacramento Metropolitan Cable Television Commission that it approves the CERBT Agreement and Election of SMCTC to Prefund Other Post-Employment Benefits through CalPERS, attached hereto;

BE IT FURTHER RESOLVED, that the Board of Directors of the Sacramento Metropolitan Cable Television Commission delegates to the incumbents in the positions of Executive Director and Administrative Services Officer authority to request on behalf of the Employer disbursements from the OPEB Pre-funding Plan, and to certify as to the purpose for which the disbursed funds will be used;

BE IT FURTHER RESOLVED, that the Board of Directors of the Sacramento Metropolitan Cable Television Commission designate the Executive Director as Plan Administrator and authorize the Plan Administrator to execute all documents to facilitate the funding, investment management, and administration of OPEB.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Sacramento Metropolitan Cable Television Commission this 6th day of June, 2013 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson,
Sacramento Metropolitan
Cable Television Commission

ATTEST:

Clerk/Secretary of the Board

RESOLUTION NO. 2013-015

**A RESOLUTION OF THE SACRAMENTO
METROPOLITAN CABLE TELEVISION COMMISSION
DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS**

WHEREAS, the Sacramento Metropolitan Cable Television Commission provides medical post-employment benefits (OPEB) to its retirees;

WHEREAS, the Sacramento Metropolitan Cable Television Commission is entering into an Agreement with California Employers' Retiree Benefit Trust Program (CERBT) electing the Commission pre-fund Other Post-employment Benefits (OPEB) through CalPERS;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Sacramento Metropolitan Cable Television Commission that it delegates to the incumbents in the positions of Executive Director and Administrative Services Officer authority to request on behalf of the Employer disbursements from the Other Post Employment Prefunding Plan and to certify as to the purpose for which the disbursed funds will be used.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Sacramento Metropolitan Cable Television Commission this 6th day of June, 2013 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson, Sacramento Metropolitan
Cable Television Commission

ATTEST:

Clerk/Secretary of the Board

CALIFORNIA EMPLOYERS' RETIREE BENEFIT TRUST PROGRAM ("CERBT")

**AGREEMENT AND ELECTION
OF**

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION
(NAME OF EMPLOYER)

**TO PREFUND OTHER POST EMPLOYMENT
BENEFITS THROUGH CalPERS**

WHEREAS (1) Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants (Prefunding Plan); and

WHEREAS (2) The California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (sometimes also referred to as CERBT), the purposes of which include, but are not limited to (i) receiving contributions from participating employers and establishing separate Employer Prefunding Accounts in the Prefunding Plan for the performance of an essential governmental function (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the Prefunding Plan and to pay for health care costs or other post employment benefits in accordance with the terms of participating employers' plans; and

WHEREAS (3) *SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION*
(NAME OF EMPLOYER)

(Employer) desires to participate in the Prefunding Plan upon the terms and conditions set by the Board and as set forth herein; and

WHEREAS (4) Employer may participate in the Prefunding Plan upon (i) approval by the Board and (ii) filing a duly adopted and executed Agreement and Election to Prefund Other Post Employment Benefits (Agreement) as provided in the terms and conditions of the Agreement; and

WHEREAS (5) The Prefunding Plan is a trust fund that is intended to perform an essential governmental function within the meaning of Section 115 of the Internal Revenue Code as an agent multiple-employer plan as defined in Governmental Accounting Standards Board (GASB) Statement No. 43 consisting of an aggregation of single-employer plans, with pooled administrative and investment functions;

NOW, THEREFORE, BE IT RESOLVED THAT EMPLOYER HEREBY MAKES THE FOLLOWING REPRESENTATION AND WARRANTY AND THAT THE BOARD AND EMPLOYER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

A. Representation and Warranty

Employer represents and warrants that it is a political subdivision of the State of California or an entity whose income is excluded from gross income under Section 115 (1) of the Internal Revenue Code.

B. Adoption and Approval of the Agreement; Effective Date; Amendment

(1) Employer's governing body shall elect to participate in the Prefunding Plan by adopting this Agreement and filing with the CalPERS Board a true and correct original or certified copy of this Agreement as follows:

Filing by mail, send to: CalPERS
Affiliate Program Services Division
CERBT (OPEB)
P.O. Box 1494
Sacramento, CA 95812-1494

Filing in person, deliver to:
CalPERS Mailroom
Affiliate Program Services Division
CERBT (OPEB)
400 Q Street
Sacramento, CA 95811

(2) Upon receipt of the executed Agreement, and after approval by the Board, the Board shall fix an effective date and shall promptly notify Employer of the effective date of the Agreement.

(3) The terms of this Agreement may be amended only in writing upon the agreement of both CalPERS and Employer, except as otherwise provided herein. Any such amendment or modification to this Agreement shall be adopted and executed in the same manner as required for the Agreement. Upon receipt of the executed amendment or modification, the Board shall fix the effective date of the amendment or modification.

(4) The Board shall institute such procedures and processes as it deems necessary to administer the Prefunding Plan, to carry out the purposes of this Agreement, and to maintain the tax exempt status of the Prefunding Plan. Employer agrees to follow such procedures and processes.

C. Other Post Employment Benefits (OPEB) Cost Reports and Employer Contributions

(1) Employer shall provide to the Board an OPEB cost report on the basis of the actuarial assumptions and methods prescribed by the Board. Such report shall be for the Board's use in financial reporting, and shall be prepared at least as often as the minimum frequency required by GASB 43. This OPEB cost report may be prepared as an actuarial valuation report or, if the employer is qualified under GASB 45 and 57, may be prepared as an Alternative Measurement Method (AMM) report.

- (a) Unless qualified under GASB 45 and 57 to provide an AMM report, Employer shall provide to the Board an actuarial valuation report. Such report shall be for the Board's use in financial reporting, and shall be prepared at least as often as the minimum frequency required by GASB 43 and 57, and shall be:**
 - 1) prepared and signed by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board;**
 - 2) prepared in accordance with generally accepted actuarial practice and GASB 43, 45 and 57; and,**
 - 3) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.**

- (b) If qualified under GASB 45 and 57, Employer may provide to the Board an AMM report. Such report shall be for the Board's use in financial reporting, shall be prepared at least as often as the minimum frequency required by GASB 43 and 57, and shall be:**
 - 1) affirmed by Employer's external auditor, or by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board, to be consistent with the AMM process described in GASB 45;**
 - 2) prepared in accordance with GASB 43, 45, and 57; and,**
 - 3) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.**

(2) The Board may reject any OPEB cost report submitted to it, but shall not unreasonably do so. In the event that the Board determines, in its sole discretion, that the OPEB cost report is not suitable for use in the Board's financial statements or if Employer fails to provide a required OPEB cost report, the Board may obtain, at

Employer's expense, an OPEB cost report that meets the Board's financial reporting needs. The Board may recover from Employer the cost of obtaining such OPEB cost report by billing and collecting from Employer or by deducting the amount from Employer's account in the Prefunding Plan.

(3) Employer shall notify the Board of the amount and time of contributions which contributions shall be made in the manner established by the Board.

(4) Employer contributions to the Prefunding Plan may be limited to the amount necessary to fully fund Employer's actuarial present value of total projected benefits, as supported by the OPEB cost report acceptable to the Board. As used throughout this document, the meaning of the term "actuarial present value of total projected benefits" is as defined in GASB Statement No. 45. If Employer's contribution causes its assets in the Prefunding Plan to exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board may refuse to accept the contribution.

(5) No contributions are required. If an employer elects to contribute then the contribution amount should not be less than \$5000 or the employer's annual required contribution (ARC), whichever amount is lower. Contributions can be made at any time following the seventh day after the effective date of the Agreement provided that Employer has first complied with the requirements of Paragraph C.

D. Administration of Accounts, Investments, Allocation of Income

(1) The Board has established the Prefunding Plan as an agent plan consisting of an aggregation of single-employer plans, with pooled administrative and investment functions, under the terms of which separate accounts will be maintained for each employer so that Employer's assets will provide benefits only under employer's plan.

(2) All Employer contributions and assets attributable to Employer contributions shall be separately accounted for in the Prefunding Plan (Employer's Prefunding Account).

(3) Employer's Prefunding Account assets may be aggregated with prefunding account assets of other employers and may be co-invested by the Board in any asset classes appropriate for a Section 115 Trust.

(4) The Board may deduct the costs of administration of the Prefunding Plan from the investment income or Employer's Prefunding Account in a manner determined by the Board.

(5) Investment income shall be allocated among employers and posted to Employer's Prefunding Account as determined by the Board but no less frequently than annually.

(6) If Employer's assets in the Prefunding Plan exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board, in compliance with applicable accounting and legal requirements, may return such excess to Employer.

E. Reports and Statements

- (1) Employer shall submit with each contribution a contribution report in the form and containing the information prescribed by the Board.**
- (2) The Board shall prepare and provide a statement of Employer's Prefunding Account at least annually reflecting the balance in Employer's Prefunding Account, contributions made during the period and income allocated during the period, and such other information as the Board determines.**

F. Disbursements

- (1) Employer may receive disbursements not to exceed the annual premium and other costs of post employment healthcare benefits and other post employment benefits as defined in GASB 43.**
- (2) Employer shall notify CalPERS in writing in the manner specified by CalPERS of the persons authorized to request disbursements from the Prefunding Plan on behalf of Employer.**
- (3) Employer's request for disbursement shall be in writing signed by Employer's authorized representative, in accordance with procedures established by the Board. The Board may require that Employer certify or otherwise establish that the monies will be used for the purposes of the Prefunding Plan.**
- (4) Requests for disbursements that satisfy the requirements of paragraphs (2) and (3) will be processed monthly.**
- (5) CalPERS shall not be liable for amounts disbursed in error if it has acted upon the written instruction of an individual authorized by Employer to request disbursements. In the event of any other erroneous disbursement, the extent of CalPERS' liability shall be the actual dollar amount of the disbursement, plus interest at the actual earnings rate but not less than zero.**
- (6) No disbursement shall be made from the Prefunding Plan which exceeds the balance in Employer's Prefunding Account.**

G. Costs of Administration

Employer shall pay its share of the costs of administration of the Prefunding Plan, as determined by the Board.

H. Termination of Employer Participation in Prefunding Plan

- (1) The Board may terminate Employer's participation in the Prefunding Plan if:**

- (a) Employer gives written notice to the Board of its election to terminate;
- (b) The Board finds that Employer fails to satisfy the terms and conditions of this Agreement or of the Board's rules or regulations.

(2) If Employer's participation in the Prefunding Plan terminates for any of the foregoing reasons, all assets in Employer's Prefunding Account shall remain in the Prefunding Plan, except as otherwise provided below, and shall continue to be invested and accrue income as provided in Paragraph D.

(3) After Employer's participation in the Prefunding Plan terminates, Employer may not make contributions to the Prefunding Plan.

(4) After Employer's participation in the Prefunding Plan terminates, disbursements from Employer's Prefunding Account may continue upon Employer's instruction or otherwise in accordance with the terms of this Agreement.

(5) After thirty-six (36) months have elapsed from the effective date of this Agreement or at such earlier date as may be approved by the Board in its sole discretion:

- (a) Employer may request a trustee to trustee transfer of the assets in Employer's Prefunding Account. Upon satisfactory showing to the Board that the transfer will satisfy applicable requirements of the Internal Revenue Code and the Board's fiduciary duties, then the Board shall effect the transfer within one hundred twenty (120) days. The amount to be transferred shall be the amount in the Employer's Prefunding Account as of the disbursement date and shall include investment earnings up to the investment earnings allocation date immediately preceding the disbursement date. In no event shall the investment earnings allocation date precede the transfer by more than 120 days.
- (b) Employer may request a disbursement of the assets in Employer's Prefunding Account. Upon satisfactory showing to the Board that all of Employer's obligations for payment of post employment health care benefits and other post employment benefits and reasonable administrative costs of the Board have been satisfied, then the Board shall effect the disbursement within one hundred twenty (120) days. The amount to be disbursed shall be the amount in the Employer's Prefunding Account as of the disbursement date and shall include investment earnings up to the investment earnings allocation date immediately preceding the disbursement date. In no event shall the investment earnings allocation date precede the disbursement by more than 120 days.

(6) After Employer's participation in the Prefunding Plan terminates and at such time that no assets remain in Employer's Prefunding Account, this Agreement shall terminate.

(7) If, for any reason, the Board terminates the Prefunding Plan, the assets in Employer's Prefunding Account shall be paid to Employer after retention of (i) amounts sufficient to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants described by the employer's current substantive plan (as defined in GASB 43), and (ii) amounts sufficient to pay reasonable administrative costs of the Board.

(8) If Employer ceases to exist but Employer's Prefunding Plan continues to exist and if no provision has been made by Employer for ongoing payments to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants, the Board is authorized to and shall appoint a third party administrator to carry out Employer's Prefunding Plan. Any and all costs associated with such appointment shall be paid from the assets attributable to contributions by Employer.

(9) If Employer should breach the representation and warranty set forth in Paragraph A., the Board shall take whatever action it deems necessary to preserve the tax-exempt status of the Prefunding Plan.

I. General Provisions

(1) Books and Records.

Employer shall keep accurate books and records connected with the performance of this Agreement. Employer shall ensure that books and records of subcontractors, suppliers, and other providers shall also be accurately maintained. Such books and records shall be kept in a secure location at the Employer's office(s) and shall be available for inspection and copying by CalPERS and its representatives.

(2) Audit.

(a) During and for three years after the term of this Agreement, Employer shall permit the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, at all reasonable times during normal business hours to inspect and copy, at the expense of CalPERS, books and records of Employer relating to its performance of this Agreement.

(b) Employer shall be subject to examination and audit by the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, during the term of this Agreement and for three years after final payment under this Agreement. Any examination or audit shall be confined to those matters connected with the performance of this Agreement, including, but not limited to, the costs of administering this Agreement. Employer shall cooperate fully with the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, in connection with any

examination or audit. All adjustments, payments, and/or reimbursements determined to be necessary by any examination or audit shall be made promptly by the appropriate party.

(3) Notice.

- (a) Any notice, approval, or other communication required or permitted under this Agreement will be given in the English language and will be deemed received as follows:
1. **Personal delivery.** When personally delivered to the recipient. Notice is effective on delivery.
 2. **First Class Mail.** When mailed first class to the last address of the recipient known to the party giving notice. Notice is effective three delivery days after deposit in a United States Postal Service office or mailbox.
 3. **Certified mail.** When mailed certified mail, return receipt requested. Notice is effective on receipt, if delivery is confirmed by a return receipt.
 4. **Overnight Delivery.** When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, Notice is effective on delivery, if delivery is confirmed by the delivery service.
 5. **Telex or Facsimile Transmission.** When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice. Notice is effective on receipt, provided that (i) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (ii) the receiving party delivers a written confirmation of receipt. Any notice given by telex or fax shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a nonbusiness day.
 6. **E-mail transmission.** When sent by e-mail using software that provides unmodifiable proof (i) that the message was sent, (ii) that the message was delivered to the recipient's information processing system, and (iii) of the time and date the message was delivered to the recipient along with a verifiable electronic record of the exact content of the message sent.

Addresses for the purpose of giving notice are as shown in Paragraph B.(1) of this Agreement.

- (b) Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger or overnight delivery service.
- (c) Any party may change its address, telex, fax number, or e-mail address by giving the other party notice of the change in any manner permitted by this Agreement.
- (d) All notices, requests, demands, amendments, modifications or other communications under this Agreement shall be in writing. Notice shall be sufficient for all such purposes if personally delivered, sent by first class, registered or certified mail, return receipt requested, delivery by courier with receipt of delivery, facsimile transmission with written confirmation of receipt by recipient, or e-mail delivery with verifiable and unmodifiable proof of content and time and date of sending by sender and delivery to recipient. Notice is effective on confirmed receipt by recipient or 3 business days after sending, whichever is sooner.

(4) Modification

This Agreement may be supplemented, amended, or modified only by the mutual agreement of the parties. No supplement, amendment, or modification of this Agreement shall be binding unless it is in writing and signed by the party to be charged.

(5) Survival

All representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of their Agreement shall survive the termination of this Agreement until such time as all amounts in Employer's Prefunding Account have been disbursed.

(6) Waiver

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

(7) Necessary Acts, Further Assurances

The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

A majority vote of Employer's Governing Body at a public meeting held on the 6th day of the month of JUNE in the year 2013, authorized entering into this Agreement.

Signature of the Presiding Officer: _____

Printed Name of the Presiding Officer: Robert A. Davison, Executive Director

Name of Governing Body: BOARD OF DIRECTORS

Name of Employer: SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

Date: June 6, 2013

Per SMCTC Resolution No. 2013-015

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
RAND ANDERSON
AFFILIATE PROGRAM SERVICES DIVISION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

To be completed by CalPERS The effective date of this Agreement is: _____
--



CERTIFICATION OF OPEB FUNDING POLICY & GASB 43/45 REPORTING COMPLIANCE

SECTION I: Asset Allocation Strategy and Discount Rate Selection

I certify that

1. My agency chooses the following asset allocation strategy
 Select one Asset Allocation Strategy and the corresponding Discount Rate

<u>Asset Allocation Strategy</u>	<u>Discount Rate with NO MFAD adjustment</u>
<input type="checkbox"/> Strategy 1	7.61%
<input checked="" type="checkbox"/> Strategy 2	7.06%
<input type="checkbox"/> Strategy 3	6.39%

2. My agency elects to use a Margin for Adverse Deviation (MFAD)

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
-----------------------------	---

* If "Yes", then identify that MFAD percentage here: 0.06 %

3. The discount rate net of MFAD is 7.0 %

SECTION II: ARC Funding

As the employer, I certify that our funding policy is to contribute consistently an amount that is equal to (select one):

(Valuation date should correspond with Item No. 1.0 in Summary of Actuarial Information)

Full ARC Funding:

100 % of the ARC as determined in our OPEB valuation (or AMM) dated July 1, 2012, which used an average actuarial Discount Rate of 7.0 %

Partial ARC Funding:

_____ % of the ARC as determined in our OPEB valuation (or AMM if it applies) dated _____, 20____ which used a blended actuarial Discount Rate of _____ % where the base short-term investment Discount Rate is _____ %

**CERTIFICATION OF OPEB FUNDING POLICY &
GASB 43/45 REPORTING COMPLIANCE**

- We will contribute to the trust using an approach not directly related to the ARC (In the space provided below, please describe your funding approach and how the approach relates to the average discount rate assumption made by your actuary in the OPEB valuation (or AMM if it applies) dated _____, 20__ which used a blended actuarial Discount Rate of _____% where the base short-term investment Discount Rate is _____%):

SECTION III: ARC Contribution Method

We plan to contribute toward the ARC in the following manner (select one):

- Contribute our full ARC payments to the trust and seek reimbursements for Pay-go costs
- Contribute our ARC payments to the trust net of Pay-go costs and not seek reimbursements (ARC minus Pay-go = Trust Contribution)
- Other (Please describe):

SECTION IV: Years of ARC Coverage

This OPEB valuation provides ARC amounts for the following periods:

(ARC dates should correspond with Item No. 10.0 in Summary of Actuarial Information)

First Year: From July 1, 2013 through June 30, 2014.

Second Year: From July 1, 2014 through June 30, 2015.

The California Employers' Retiree Benefit Trust (CERBT) fund plan includes more than 200 members. We understand that, under GASB 43, paragraph 33, as an employer participating in the CalPERS CERBT, we must obtain an actuarial valuation (or AMM if it applies) on at least a **biennial** basis.

**CERTIFICATION OF OPEB FUNDING POLICY &
GASB 43/45 REPORTING COMPLIANCE**

We understand that we will be asked to provide accounting information to CalPERS as required in order to facilitate CalPERS compliance with GASB 43 reporting requirements, and we agree to make any information requested available to CalPERS on a timely basis. Our contact information is noted below.

We understand that CalPERS will provide us with our Statement of Plan Net Assets and our Statement of Changes in Plan Net Assets, which can be used to prepare our GASB 45 reporting. CalPERS will report aggregated GASB 43 information pertaining to the Funded Status and Funding Progress.

July 1, 2012

Date of OPEB Valuation (or AMM if it applies)

Sacramento Metropolitan Cable Television Commission

Name of Employer

Robert A. Davison, Executive Director

Printed Name and Title of Person Signing the Form

Signature

Date

Robert A. Davison, Executive Director

Designated Employer Contact Name for GASB Reporting

916/874-6662

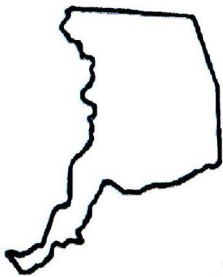
Phone #

davisonb@saccounty.net

Email Address

Instructions to complete the form

REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



SACRAMENTO METROPOLITAN Cable Television Commission

799 G Street, 4th Floor ♦ Sacramento, CA 95814-1212 ♦ www.sacmetroable.tv

Phone: (916) 874-6661 ♦ Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 4

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: **REVIEW OF FRANCHISE AND PEG FEES REMITTED BY AT&T, INC. FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2010.**

RECOMMENDATION:

It is recommended the Board receive and file the report of the review of Franchise and PEG fees remitted to the Sacramento Metropolitan Cable Television Commission (Commission) by AT&T, Inc. for the period January 1, 2009 through December 31, 2010.

DISCUSSION:

The attached review of the Franchise and Public, Educational, and Government (PEG) Fees remitted to the Commission by AT&T, Inc. for the period January 1, 2009 through December 31, 2010 was performed by Alan Matre, Sacramento County's Chief of Audits. The audit was performed under the authority of the Digital Infrastructure and Video Competition Act (DIVCA) of 2006.

The procedures performed and the findings were as follows:

1. Reviewed and tested the gross revenue as reported by AT&T, Inc. and recomputed the Franchise and PEG Fees due.

Finding: AT&T was properly reporting the correct gross revenue amounts to the Commission and paying the correct Franchise Fees and PEG Fees due.

2. Reviewed and re-calculated the Pasadena Pass-Through amount to determine if AT&T, Inc. customers were being charged the proper rate.

Finding: AT&T was charging the proper Pasadena Pass-through amounts to their customers.

A summary of AT&T, Inc.'s total gross revenue and the Franchise & PEG Fees paid to the Commission appears on Schedules I of the review. A summary of total gross revenue and the PEG Fees paid to the Commission appears on Schedule II.

Agenda Item No. 4

**Review of Franchise & PEG Fees Remitted by AT&T, Inc.
for the Period January 1, 2009 through December 31, 2010
Page 2**

It is recommended the Board receive and file this report. The Commission will continue the practice of conducting bi-annual audits of Franchise and PEG Fees remitted by AT&T, Inc. with a concentrated focus on the accurate reporting of gross revenues to insure proper amounts of Franchise and PEG Fees are being remitted to the Commission.

Respectfully submitted,



ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachment:

Review of AT&T, Inc.'s Franchise & PEG Fees Remitted to the SMCTC
for the Period January 1, 2009 through December 31, 2010



Internal Services
Department of Finance
Auditor-Controller Division

County of Sacramento

Ben Lamera,
Assistant Auditor-Controller

Bradley J. Hudson,
County Executive

David Villanueva,
Chief Deputy County Executive

Julie Valverde,
Director of Finance

May 10, 2013

Board of Commissioners
Sacramento Metropolitan Cable Television Commission
901 H Street, Suite 206
Sacramento, California 95814

Dear Commission Members:

We have performed the procedures enumerated below for the review of the franchise fees and PEG remitted to the Sacramento Metropolitan Cable Television Commission (the Commission) by AT&T, Inc. (AT&T) for the period January 1, 2009 through December 31, 2010. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures we performed and our findings were as follows:

1. Reviewed and tested the gross revenue as reported by AT&T and recomputed the franchise and PEG fees due.

Finding: AT&T was properly reporting the correct gross revenue amounts to the Commission and paying the correct franchise fees and PEG fees due.
2. Reviewed and recalculated the Pasadena Pass-Through amount to determine if AT&T customers were being charged the proper rate.

Finding: AT&T was charging the proper Pasadena Pass-Through amounts to their customers.

A summary of total gross revenue and the franchise fees paid the Commission from AT&T appears on Schedule I. A summary of total gross revenue and the PEG fees paid the Commission from AT&T appears on Schedule II.

This review was performed under the authority of the Digital Infrastructure and Video Competition Act (DIVCA) of 2006.

We were not engaged to, and did not perform an audit, the objective of which would be the expression of an opinion on the financial statements of AT&T. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

The prior finding and recommendations are discussed on Attachment I.

This report is intended solely for the information and use of the Commission and AT&T and is not intended to be and should not be used by anyone other than those specified parties.

Sincerely,

JULIE VALVERDE
DIRECTOR OF FINANCE



By: Alan A. Matré, C.P.A.
Chief of Audits

Attachments

Sacramento Metropolitan Cable Television Commission
Review of AT&T, Inc. for the Reporting of Gross Revenue
In the Computation of Franchise and PEG Fees Remitted
Findings and Recommendations
For the Period January 1, 2009, through December 31, 2010

PRIOR FINDINGS FOR THE PERIOD JANUARY 1, 2007 TO DECEMBER 31, 2008

Shopping Commissions

While reviewing the documentation for the amounts remitted to the Sacramento Metropolitan Cable Television Commission (Commission) by AT&T for their U-verse product, it was noted that there were no shopping commissions included. Upon further discussion with AT&T staff, it was noted that AT&T realized their error in the first quarter of 2009 and remitted all franchise fees for the years 2007 and 2008 with the first quarter remittance in 2009. We examined the information that was provided by AT&T to demonstrate this payment in the first quarter of 2009 and it appears that the documentation provided and the amounts remitted were proper.

Furthermore, it was noted that there was no documentation included for the Home Shopping Channel commissions in the information received from AT&T. AT&T stated that since the u-verse product has started, that they have not received any shopping commissions for the Home Shopping Channel.

Recommendation

We recommend that AT&T remit the proper amount due to the Commission on a quarterly basis, which includes shopping channel commissions. We further recommend that AT&T contact the Home Shopping Channel and resolve the issue of not remitting the shopping commissions to AT&T and then AT&T should remit the proper amount of the franchise fees to the Commission at that time.

Current Status

AT&T is currently properly including all shopping channel commissions in the calculation of their gross revenue.

Franchise Fee Calculations

We selected a total of 80 customer accounts to determine if the franchise fees were being properly calculated on the correct amounts. Of the 80 accounts sampled, one account had no franchise fees calculated and another account the amount of the franchise fees could not be properly calculated. It was decided to select another 80 accounts to review and in this sample, there were no errors noted. Furthermore, AT&T was finally able to explain why the franchise fees calculated on the one account was different.

Sacramento Metropolitan Cable Television Commission
Review of AT&T, Inc. for the Reporting of Gross Revenue
In the Computation of Franchise and PEG Fees Remitted

Findings and Recommendations

For the Period January 1, 2009, through December 31, 2010

Recommendation

We recommend that AT&T ensure that every customer account is charged the proper franchise fee amounts. Since it appears that the one customer account with no franchise fees charged was an isolated account, no further recommendations are made at this time.

Current Status

During the current review, we noted that all customers were being properly charged the correct franchise fee rate.

CURRENT FINDINGS

None

Sacramento Metropolitan Cable Television Commission
 AT&T, Inc.
 Schedule of Gross Revenue Audited and Franchise Fees Due
 For the Period January 1, 2009 through December 31, 2010

Quarter Ending	Gross Revenue Reported by AT&T	Gross Revenue Reviewed	Franchise Rate	Recomputed Franchise Fee Due	Franchise Fee Paid ¹	Additional Fees Now Due/ (Overpaid)
March 2009	\$ 2,712,671	2,712,671	5.00%	135,634	135,634	0
June 2009	3,960,034	3,960,034	5.00%	198,002	198,002	0
September 2009	4,439,140	4,439,140	5.00%	221,957	221,957	0
December 2009	5,340,956	5,340,956	5.00%	267,048	266,778	270
March 2010	6,218,619	6,218,619	5.00%	310,931	310,931	0
June 2010	7,022,390	7,022,390	5.00%	351,120	351,120	0
September 2010	7,185,035	7,185,035	5.00%	359,252	359,252	0
December 2010	7,462,475	7,462,475	5.00%	373,124	373,124	0
	<u>\$ 44,341,320</u>	<u>44,341,320</u>		<u>2,217,068</u>	<u>2,216,798</u>	<u>270</u> ²

¹ Franchise fees are reported and paid quarterly.

² AT&T when remitting payment, overpaid the PEG Fees by this same amount, see *Schedule II* on page 6 of this report.

Sacramento Metropolitan Cable Television Commission
 AT&T, Inc.
 Schedule of Gross Revenue Audited and PEG Fees Due
 For the Period January 1, 2009 through December 31, 2010

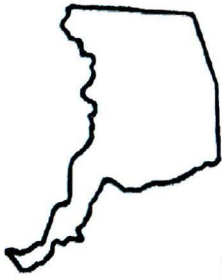
Quarter Ending	Gross Revenue Reported by AT&T	Gross Revenue Reviewed	PEG Fee Rate	Recomputed PEG Fee Due	PEG Fee Paid ¹	Additional Fees Now Due/ (Overpaid)
June 2009	\$ 2,696,702	2,696,702	1.00%	26,967	26,967	0
September 2009	4,439,140	4,439,140	1.00%	44,391	44,391	0
December 2009	5,340,956	5,340,956	1.00%	53,410	53,680	(270)
March 2010	6,218,619	6,218,619	1.00%	62,186	62,186	0
June 2010	7,022,390	7,022,390	1.00%	70,224	70,224	0
September 2010	7,185,035	7,185,035	1.00%	71,850	71,850	0
December 2010	7,462,475	7,462,475	1.00%	74,625	74,625	0
	<u>\$ 40,365,317</u>	<u>40,365,317</u>		<u>403,653</u>	<u>403,923</u>	<u>(270)</u> ³

¹ PEG fees are reported and paid quarterly.

² PEG fees began in May 2009

³ AT&T when remitting payment, underpaid the Franchise Fees by this same amount, see *Schedule III* on page 5 of this report.

REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



SACRAMENTO METROPOLITAN Cable Television Commission

799 G Street, 4th Floor ♦ Sacramento, CA 95814-1212 ♦ www.sacmetroable.tv

Phone: (916) 874-6661 ♦ Fax: (916) 854-9666

ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 5

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: **RESOLUTION NO. 2013-013, AUTHORIZING THE ISSUANCE OF A SUBPOENA RELATING TO AN AUDIT OF AT&T, INC.'S FRANCHISE & PEG FEES**

RECOMMENDATION:

Adopt Resolution No. 2013-013, Authorizing the Issuance of a Subpoena Relating to an Audit of AT&T, Inc.'s Franchise & PEG Fees, for AT&T's state video franchise for the territory within the jurisdiction of the Commission for the period January 1, 2011 through December 31, 2012.

DISCUSSION:

Public Utilities Code section 5860(i) permits a local agency to "examine the business records of a holder of a state franchise" to ensure that compensation is in compliance with state law. Since AT&T, Inc. (AT&T) is a holder of a state franchise within the Commission's jurisdiction, the Commission's Auditor will request an examination of AT&T's business records to ensure that compensation is legal.

The Commission's Auditor is scheduled to perform an audit of AT&T's franchise & PEG fees for AT&T's state video franchise for the territory within the jurisdiction of the Commission for the period January 1, 2011 through December 31, 2012, as they pertain to AT&T's U-verse product.

While the Commission's Legal Counsel does not believe it is legally necessary to issue a subpoena, AT&T has historically refused our Auditor's request for audits, until a subpoena is issued in order for the Commission to audit fees of its U-Verse product. Resolution No. 2013-013 requests authority to issue a subpoena so that the Auditor may undertake the examination of those fees, as authorized by the Public Utilities Code section 5860(i).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R A Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachment: Resolution No. 2013-013

RESOLUTION NO. 2013-013

**A RESOLUTION OF THE SACRAMENTO METROPOLITAN CABLE
TELEVISION COMMISSION AUTHORIZING THE ISSUANCE OF A SUBPOENA
RELATING TO AN AUDIT OF AT&T, INC.'S FRANCHISE & PEG FEES**

WHEREAS, AT&T, Inc. ("AT&T") holds a state franchise and provides cable television services within the areas of the Sacramento Metropolitan Cable Television Commission's ("Commission") jurisdiction;

WHEREAS, the Commission has asked AT&T to make available for inspection its business records pertaining to franchise & PEG fees for the company's U-Verse product for the purpose of conducting an audit as authorized by Public Utilities Code section 5860(i);

WHEREAS, AT&T has historically refused to make available such records absent a subpoena;

WHEREAS, the Commission has subpoena power to the same extent that the City of Sacramento has subpoena power;

WHEREAS, Government Code section 37104 authorizes cities to issue subpoenas requiring the attendance of a person or the production of books or other documents for evidence in any action or proceeding pending before it; and

WHEREAS, the City of Sacramento Charter Article III, Section 34 grants subpoena authority for investigations.

NOW, THEREFORE, the Sacramento Metropolitan Cable Television Commission does hereby resolve as follows:

Section 1. The Commission's Auditor ("Auditor") shall specifically describe the information or records required for the audit in accordance with Public Utilities Code section 5860(i).

Section 2. The Commission authorizes its Chair or the Chair's designee to execute a subpoena for AT&T's business records, in whatever form such records are kept, whether written, electronic or otherwise, for the purpose of conducting an audit in accordance with Public Utilities Code section 5860(i). A subpoena may also require the attendance of the custodian of records or other person knowledgeable about the business records sought.

Section 3. The authority to issue the subpoena discussed herein shall expire upon the completion of the audit pertaining to franchise & PEG fees for AT&T's state video franchise for the territory within the jurisdiction of the Commission for the period of January 1, 2011 through December 31, 2012.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Sacramento Metropolitan Cable Television Commission this 6th day of June, 2013 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson,
Sacramento Metropolitan
Cable Television Commission

ATTEST:

Clerk/Secretary of the Board

REPRESENTING
Sacramento County
and the Cities of:
Citrus Heights
Elk Grove
Folsom
Galt
Rancho Cordova
Sacramento



SACRAMENTO METROPOLITAN Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 6

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CALENDAR YEAR 2013 INVESTMENT POLICY FOR THE POOLED INVESTMENT FUND

RECOMMENDATION:

Receive and file the County of Sacramento's Calendar Year 2013 Investment Policy for the Pooled Investment Fund.

DISCUSSION:

On December 4, 2012, the Sacramento County Board of Supervisors approved the Calendar Year 2013 Investment Policy of the Pooled Investment Fund.

As the Commission is a Pooled Investment Fund participant, it is recommended our Board receive and file this policy. This action to receive and file the policy constitutes consideration at a public meeting, as recommended by Government Code Section 53646(a)(2).

As stipulated in the cover letter from Julie Valverde, the County's Director of Finance, there were no major changes to the investment policy. The list of tobacco-related companies was replaced with the component companies in two major tobacco indices. Additionally, the required minimum Fitch Individual ratings, which were discontinued by Fitch were replaced with Fitch Viability ratings. All other changes were grammatical corrections and do not affect the intent of the policy.

Additional information about the investment policy is also available at the County Department of Finance webpage at www.finance.saccounty.net/investments.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachment:
Calendar Year 2013 Investment Policy for the Pooled Investment Fund



Internal Services Agency

Department of Finance

Julie Valverde, Director

Bradley J. Hudson,
County Executive
David Villanueva,
Chief Deputy County Executive

County of Sacramento

RECEIVED

MAR 21 2013

March 18, 2013

To: Pooled Investment Fund Participant Agency Board Chairs

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

Subject: **CALENDAR YEAR 2013 INVESTMENT POLICY FOR THE POOLED INVESTMENT FUND**

Since 1987, the Director of Finance has submitted a statement of investment policy to the Sacramento County Board of Supervisors for consideration and adoption. The Board of Supervisors approved the enclosed calendar year 2013 investment policy on December 4, 2012.

There are no major changes to the investment policy. The list of tobacco-related companies was replaced with the component companies in two major tobacco indices: the Dow Jones U.S. Tobacco Index and the NYSE Arca Tobacco Index. Additionally, the required minimum Fitch Individual ratings, which were discontinued by Fitch, were replaced with Fitch Viability ratings. All other changes were grammatical corrections and did not affect the intent of the policy.

I recommend that the legislative body of your agency receive and file the enclosed Sacramento County Annual Investment Policy of the Pooled Investment Fund — Calendar Year 2013 at its next regular meeting. Your action to receive and file the policy constitutes consideration at a public meeting as recommended by Government Code section 53646(a)(2). The investment policy is also available on the Department of Finance – Investment Division webpage at www.finance.saccounty.net/investments.

The following investment-related reports are also available on the Investment Division webpage:

- Pooled Investment Fund Monthly Review;
- Quarterly Pooled Investment Fund Report; and
- Non-Pooled Investment Funds Portfolio Reports.

If you have any questions about the investment policy or management of the Pooled Investment Fund portfolio, please call me at (916) 874-6744 or Chief Investment Officer Bernard Santo Domingo at (916) 874-7320.

Sincerely,

Julie Valverde
Director of Finance

Enclosure



RECEIVED

MAR 21 2013

SACRAMENTO METROPOLITAN
CABLE TELEVISION COMMISSION

SACRAMENTO COUNTY

**Annual Investment Policy
of the Pooled Investment Fund**

CALENDAR YEAR 2013

*Approved by the
Sacramento County Board of Supervisors*

December 4, 2012
Resolution No. 2012-0827

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SACRAMENTO COUNTY

**Annual Investment Policy
of the Pooled Investment Fund**

CALENDAR YEAR 2013

I. Authority

Under the Sacramento County Charter, the Board of Supervisors established the position of Director of Finance and by ordinance will annually review and renew the Director of Finance's authority to invest and reinvest all the funds in the County Treasury.

II. Policy Statement

This Investment Policy (Policy) establishes cash management and investment guidelines for the Director of Finance, who is responsible for the stewardship of the Sacramento County Pooled Investment Fund. Each transaction and the entire portfolio must comply with California Government Code and this Policy. All portfolio activities will be judged by the standards of the Policy and its investment objectives. Activities that violate its spirit and intent will be considered contrary to the Policy.

III. Standard of Care

The Director of Finance is the Trustee of the Pooled Investment Fund and therefore, a fiduciary subject to the prudent investor standard. The Director of Finance, employees involved in the investment process, and members of the Sacramento County Treasury Oversight Committee (Oversight Committee) shall refrain from all personal business activities that could conflict with the management of the investment program. All individuals involved will be required to report all gifts and income in accordance with California state law. When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the Director of Finance shall act with care, skill, prudence, and diligence to meet the aims of the investment objectives listed in Section IV, Investment Objectives.

IV. Investment Objectives

The Pooled Investment Fund shall be prudently invested in order to earn a reasonable return, while awaiting application for governmental purposes. The specific objectives for the Pooled Investment Fund are ranked in order of importance.

A. Safety of Principal

The preservation of principal is the primary objective. Each transaction shall seek to ensure that capital losses are avoided, whether they be from securities default or erosion of market value.

B. Liquidity

As a second objective, the Pooled Investment Fund should remain sufficiently flexible to enable the Director of Finance to meet all operating requirements that may be reasonably anticipated in any depositor's fund.

C. Public Trust

In managing the Pooled Investment Fund, the Director of Finance and the authorized investment traders should avoid any transactions that might impair public confidence in Sacramento County and the participating local agencies. Investments should be made with precision and care, considering the probable safety of the capital as well as the probable income to be derived.

D. Maximum Rate of Return

As the fourth objective, the Pooled Investment Fund should be designed to attain a market average rate of return through budgetary and economic cycles, consistent with the risk limitations, prudent investment principles and cash flow characteristics identified herein. For comparative purposes, the State of California Local Agency Investment Fund (LAIF) will be used as a performance benchmark. The Pooled Investment Fund quarterly performance benchmark target has been set at or above LAIF's yield. This benchmark was chosen because LAIF's portfolio structure is similar to the Pooled Investment Fund.

V. Pooled Investment Fund Investors

The Pooled Investment Fund investors are comprised of Sacramento County, school and community college districts, districts directed by the Board of Supervisors, and independent special districts whose treasurer is the Director of Finance. Any local agencies not included in this category are subject to California Government Code section 53684 and are referred to as outside investors.

VI. Implementation

In order to provide direction to those responsible for management of the Pooled Investment Fund, the Director of Finance has established this Policy and will provide it to the Oversight Committee and render it to legislative bodies of local agencies that participate in the Pooled Investment Fund. In accordance with California Government Code section 53646, et seq., the Board of Supervisors shall review and approve this Policy annually.

This Policy provides a detailed description of investment parameters used to implement the investment process and includes the following: investable funds; authorized instruments; prohibited investments; credit requirements; maximum maturities and concentrations; repurchase agreements; Community Reinvestment Act Program; criteria and qualifications of broker/dealers and direct issuers; investment guidelines, management style and strategy; Approved Lists; and calculation of yield and costs.

VII. Internal Controls

The Director of Finance shall establish internal controls to provide reasonable assurance that the investment objectives are met and to ensure that the assets are protected from loss, theft, or misuse. To assist in implementation and internal controls, the Director of Finance has established an Investment Group and a Review Group.

The Investment Group, which is comprised of the Director of Finance and his/her designees, is responsible for maintenance of the investment guidelines and Approved Lists. These guidelines and lists can be altered daily, if needed, to adjust to the ever-changing financial markets. The guidelines can be more conservative or match the policy language. In no case can the guidelines override the Policy.

The Review Group, which is comprised of the Director of Finance and his/her designees, is responsible for the monthly review and appraisal of all the investments purchased by the Director of Finance and staff. This review includes bond proceeds, which are invested separately from the Pooled Investment Fund and are not governed by this Policy.

The Director of Finance shall establish a process for daily, monthly, quarterly, and annual review and monitoring of the Pooled Investment Fund activity. The following articles, in order of supremacy, govern the Pooled Investment Fund:

1. California Government Code
2. Annual Investment Policy
3. Current Investment Guidelines
4. Approved Lists (see page 9, Section IX.K)

The Director of Finance shall review the daily investment activity and corresponding bank balances.

Monthly, the Review Group shall review all investment activity and its compliance to the corresponding governing articles and investment objectives.

Quarterly, the Director of Finance will provide the Oversight Committee with a copy of the Pooled Investment Fund activity and its compliance to the annual Policy and California Government Code.

Annually, the Oversight Committee shall cause an annual audit of the activities within the Pooled Investment Fund to be conducted to determine compliance to the Policy and California Government Code. This audit will include issues relating to the structure of the investment portfolio and risk.

All securities purchased, with the exception of time deposits, money market mutual funds, LAIF and Wells Fargo's overnight investment fund, shall be delivered to the independent third-party custodian selected by the Director of Finance. This includes all collateral for repurchase agreements. All trades, where applicable, will be executed by delivery versus payment by the designated third-party custodian.

VIII. Sacramento County Treasury Oversight Committee

In accordance with California Government Code section 27130 et seq., the Board of Supervisors, in consultation with the Director of Finance, has created the Sacramento County Treasury Oversight Committee (Oversight Committee). Annually, the Director of Finance shall prepare an Investment Policy that will be forwarded to and monitored by the Oversight Committee and rendered to Boards of all local agency participants. The Board of Supervisors shall review and approve the Policy during public session. Quarterly, the Director of Finance shall provide the Oversight Committee a report of all investment activities of the Pooled Investment Fund to ensure compliance to the Policy. Annually, the Oversight Committee shall cause an audit to be conducted on the Pooled Investment Fund. The meetings of the Oversight Committee shall be open to the public and subject to the Ralph M. Brown Act.

A member of the Oversight Committee may not be employed by an entity that has contributed to the campaign of a candidate for the office of local treasurer, or contributed to the campaign of a candidate to be a member of a legislative body of any local agency that has deposited funds in the county treasury, in the previous three years or during the period that the employee is a member of the Oversight Committee. A member may not directly or indirectly raise money for a candidate for local treasurer or a member of the Sacramento County Board of Supervisors or governing board of any local agency that has deposited funds in the county treasury while a member of the Oversight Committee. Finally, a member may not secure employment with, or be employed by bond underwriters, bond counsel, security brokerages or dealers, or financial services firms, with whom the treasurer is doing business during the period that the person is a member of the Oversight Committee or for one year after leaving the committee.

The Oversight Committee is not allowed to direct individual investment decisions, select individual investment advisors, brokers or dealers, or impinge on the day-to-day operations of the Department of Finance treasury and investment operations.

IX. Investment Parameters

A. Investable Funds

Total Investable Funds (TIF) for purposes of this Policy are all Pooled Investment Fund moneys that are available for investment at any one time, including the estimated bank account float. Included in TIF are funds of outside investors, if applicable, for which the Director of Finance provides investment services. Excluded from TIF are all bond proceeds.

The Cash Flow Horizon is the period in which the Pooled Investment Fund cash flow can be reasonably forecasted. This Policy establishes the Cash Flow Horizon to be one (1) year.

Once the Director of Finance has deemed that the cash flow forecast can be met, the Director of Finance may invest funds with maturities beyond one year. These securities will be referred to as the Core Portfolio.

B. Authorized Investments

Authorized investments shall match the general categories established by the California Government Code sections 53601 et seq. and 53635 et seq. Authorized investments shall

include, in accordance with California Government Code section 16429.1, investments into LAIF. Authorization for specific instruments within these general categories, as well as narrower portfolio concentration and maturity limits, will be established and maintained by the Investment Group as part of the Investment Guidelines. As the California Government Code is amended, this Policy shall likewise become amended.

C. Prohibited Investments

No investments shall be authorized that have the possibility of returning a zero or negative yield if held to maturity. These shall include inverse floaters, range notes, and interest only strips derived from a pool of mortgages.

All legal investments issued by a tobacco-related company are prohibited. A tobacco-related company is defined as an entity that makes smoking products from tobacco used in cigarettes, cigars, or snuff or for smoking in pipes. The tobacco-related issuers restricted from any investment are any component companies in the Dow Jones U.S. Tobacco Index or the NYSE Arca Tobacco Index. Annually the Director of Finance and/or his designee will update the list of tobacco-related companies.

D. Credit Requirements

Except for municipal obligations and Community Reinvestment Act (CRA) bank deposits and certificates of deposit, the issuer's short-term credit ratings shall be at or above A-1 by Standard & Poor's, P-1 by Moody's, and, if available, F1 by Fitch, and the issuer's long-term credit ratings shall be at or above A by Standard & Poor's, A2 by Moody's, and, if available, A by Fitch. There are no credit requirements for Registered State Warrants. All other municipal obligations shall be at or above a short-term rating of SP-1 by Standard & Poor's, MIG1 by Moody's, and, if available, F1 by Fitch. In addition, domestic banks are limited to those with a Fitch Viability rating of a or better, without regard to modifiers. The Investment Group is granted the authority to specify approved California banks with Fitch Viability ratings of bbb+ but they must have a Support rating of 1 where appropriate. Foreign banks with domestic licensed offices must have a Fitch Sovereign rating of AAA and a Fitch Viability rating of a or better, without regard to modifiers; however, a foreign bank may have a rating of bbb+ but they must have a Support rating of 1. Domestic savings banks must be rated a or better, without regard to modifiers, or may have a rating of bbb+ but they must a Support rating of 1.

Community Reinvestment Act Program Credit Requirements

Maximum Amount	Minimum Requirements
Up to the FDIC- or NCUSIF-insured limit for the term of the deposit	Banks — FDIC Insurance Coverage
	Credit Unions — NCUSIF Insurance Coverage <i>Credit unions are limited to a maximum deposit of the NCUSIF-insured limit since they are not rated by nationally recognized rating agencies and are not required to provide collateral on public deposits.</i>
Over the FDIC- or NCUSIF-insured limit to \$10 million Collateral is required	(Any 2 of 3 ratings) S&P: A-2 Moody's: P-2 Fitch: F-2

Eligible banks must have Community Reinvestment Act performance ratings of “satisfactory” or “outstanding” from each financial institution’s regulatory authority. In addition, deposits greater than the federally-insured amount must be collateralized. Banks must place securities worth between 110% and 150% of the value of the deposit with the Federal Reserve Bank of San Francisco, the Home Loan Bank of San Francisco, or a trust bank.

Since credit unions do not have Community Reinvestment Act performance ratings, they must demonstrate their commitment to meeting the community reinvestment lending and charitable activities, which are also required of banks.

All commercial paper and medium-term note issues must be issued by corporations operating within the United States and having total assets in excess of one billion dollars (\$1,000,000,000).

The Investment Group may raise these credit standards as part of the Investment Guidelines and Approved Lists. Appendix A provides a Comparison and Interpretation of Credit Ratings by Standard & Poor’s, Moody’s, and Fitch.

E. Maximum Maturities

Due to the nature of the invested funds, no investment with limited market liquidity should be used. Appropriate amounts of highly-liquid investments, such as Treasury and Agency securities, should be maintained to accommodate unforeseen withdrawals.

The maximum maturity, determined as the term from the date of ownership to the date of maturity, for each investment shall be established as follows:

U.S. Treasury Notes and Agency Obligations	5 years
Bonds issued by local agencies	5 years
Registered State Warrants and Municipal Notes	5 years
Bankers Acceptances	180 days
Commercial Paper	270 days
Negotiable Certificates of Deposit	180 days
CRA Bank Deposit/Certificates of Deposit	1 year
Repurchase Agreements	1 year
Reverse Repurchase Agreements	92 days
Medium Term Corporate Notes.....	180 days
Shares of a Money Market Mutual Fund	(per SEC regulations) ¹
Collateralized Mortgage Obligations	180 days

The Investment Group may reduce these maturity limits to a shorter term as part of the Investment Guidelines and the Approved Lists.

The ultimate maximum maturity of any investment shall be five (5) years. The dollar-weighted average maturity of all securities shall be equal to or less than three (3) years.

F. Maximum Concentrations

No more than 80% of the portfolio may be invested in issues other than United States Treasuries and Government Agencies. The maximum allowable percentage for each type of security is set forth as follows:

U.S. Treasury and Agency Securities.....	100%
Bonds issued by local agencies	80%
Registered State Warrants and Municipal Notes	80%
Bankers Acceptances	40%
Commercial Paper	40%
Negotiable or CRA Bank Deposit/Certificates of Deposit	30%
Repurchase Agreements	30%
Reverse Repurchase Agreements	20%
Medium Term Corporate Notes.....	30%
Shares of a diversified Money Market Mutual Fund.....	20%
Collateralized Mortgage Obligations	20%
Local Agency Investment Fund (LAIF)	(per State limit) ²

The Investment Group may reduce these concentrations as part of the Investment Guidelines and the Approved Lists.

¹ Money Market mutual funds are regulated by the Securities and Exchange Commission under §270.2a-7 and are required to maintain a dollar-weighted average portfolio maturity of 60 days or less.

² LAIF current maximum allowed is \$50 million.

No more than 10% of the portfolio, except Treasuries and Agencies, may be invested in securities of a single issuer including its related entities.

Where a percentage limitation is established above, for the purpose of determining investment compliance, that maximum percentage will be applied on the date of purchase.

G. Repurchase Agreements

Under California Government Code section 53601, paragraph (j) and section 53635, the Director of Finance may enter into Repurchase Agreements and Reverse Repurchase Agreements. The maximum maturity of a Repurchase Agreement shall be one year. The maximum maturity of a reverse repurchase agreement shall be 92 days, and the proceeds of a reverse repurchase agreement may not be invested beyond the expiration of the agreement. The reverse repurchase agreement must be "matched to maturity" and meet all other requirements in the code.

All repurchase agreements must have an executed Sacramento County Master Repurchase Agreement on file with both the Director of Finance and the Broker/Dealer. Repurchase Agreements executed with approved broker-dealers must be collateralized with either: (1) U.S. Treasuries or Agencies with a market value of 102% for collateral marked to market daily; or (2) money market instruments which are on the Approved Lists of the County and which meet the qualifications of the Policy, with a market value of 102%. Since the market value of the underlying securities is subject to daily market fluctuations, investments in repurchase agreements shall be in compliance if the value of the underlying securities is brought back up to 102% no later than the next business day. Use of mortgage-backed securities for collateral is not permitted. Strictly for purposes of investing the daily excess bank balance, the collateral provided by the Sacramento County's depository bank can be Treasuries or Agencies valued at 110%, or mortgage-backed securities valued at 150%.

H. Community Reinvestment Act Program

The Director of Finance has allocated within the Pooled Investment Fund, a maximum of \$90 million for the Community Reinvestment Act Program to encourage community investment by financial institutions, which includes community banks and credit unions, and to acknowledge and reward local financial institutions which support the community's financial needs. The Director of Finance may increase this amount, as appropriate, while staying within the investment policy objectives and maximum maturity and concentration limits. The eligible banks and savings banks must have Community Reinvestment Act performance ratings of "satisfactory" or "outstanding" from each financial institution's regulatory authority. The minimum credit requirements are located on page 5 of Section IX.D.

I. Criteria and Qualifications of Brokers/Dealers and Direct Issuers

All transactions initiated on behalf of the Pooled Investment Fund and Sacramento County shall be executed through either government security dealers reporting as primary dealers to the Market Reports Division of the Federal Reserve Bank of New York or direct issuers that directly issue their own securities which have been placed on the Approved List of

brokers/dealers and direct issuers. Further, these firms must have an investment grade rating from at least two national rating services, if available.

Brokers/Dealers and direct issuers which have exceeded the political contribution limits, as contained in Rule G-37 of the Municipal Securities Rulemaking Board, within the preceding four year period to the Director of Finance or any member of the governing board of a local agency or any candidate for those offices, are prohibited from the Approved List of brokers/dealers and direct issuers.

Each broker/dealer and direct issuer will be sent a copy of this Policy and a list of those persons authorized to execute investment transactions. Each firm must acknowledge receipt of such materials to qualify for the Approved List of brokers/dealers and direct issuers.

Each broker/dealer and direct issuer authorized to do business with Sacramento County shall, at least annually, supply the Director of Finance with audited financial statements.

J. Investment Guidelines, Management Style and Strategy

The Investment Group, named by the Director of Finance, shall issue and maintain Investment Guidelines specifying authorized investments, credit requirements, permitted transactions, and issue maturity and concentration limits which are consistent with this Policy.

The Investment Group shall also issue a statement describing the investment management style and current strategy for the entire investment program. The management style and strategy can be changed to accommodate shifts in the financial markets, but at all times they must be consistent with this Policy and its objectives.

K. Approved Lists

The Investment Group, named by the Director of Finance, shall issue and maintain various Approved Lists. These lists are:

1. Approved Domestic Banks for all legal investments.
2. Approved Foreign Banks for all legal investments.
3. Approved Commercial Paper and Medium Term Note Issuers.
4. Approved Money Market Mutual Funds.
5. Approved Firms for Purchase or Sale of Securities (Brokers/Dealers and Direct Issuers).
6. Approved Banks / Credit Unions for the Community Reinvestment Act Program.

L. Calculation of Yield and Costs

The costs of managing the investment portfolio, including but not limited to: investment management; accounting for the investment activity; custody of the assets; managing and accounting for the banking; receiving and remitting deposits; oversight controls; and indirect and overhead expenses are charged to the investment earnings based upon actual labor hours worked in respective areas. Costs of these respective areas are accumulated by specific cost

accounting projects and charged to the Pooled Investment Fund on a quarterly basis throughout the fiscal year.

The Department of Finance will allocate the net interest earnings of the Pooled Investment Fund quarterly. The net interest earnings are allocated based upon the average daily cash balance of each Pooled Investment Fund participant.

X. Reviewing, Monitoring and Reporting of the Portfolio

The Review Group will prepare and present to the Director of Finance at least monthly a comprehensive review and evaluation of the transactions, positions, performance of the Pooled Investment Fund and compliance to the California Government Code, Policy, and Investment Guidelines.

Quarterly, the Director of Finance will provide to the Oversight Committee and to any local agency participant that requests a copy, a detailed report on the Pooled Investment Fund. Pursuant to California Government Code section 53646, the report will list the type of investments, name of issuer, maturity date, par and dollar amount of the investment. For the total Pooled Investment Fund, the report will list average maturity, the market value, and the pricing source. Additionally, the report will show any funds under the management of contracting parties, a statement of compliance to the Policy and a statement of the Pooled Investment Fund's ability to meet the expected expenditure requirements for the next six months.

Each quarter, the Director of Finance shall provide to the Board of Supervisors and interested parties a comprehensive report on the Pooled Investment Fund.

Annually, the Director of Finance shall provide to the Oversight Committee the Investment Policy. Additionally, the Director of Finance will render a copy of the Investment Policy to the legislative body of the local agencies that participate in the Pooled Investment Fund.

XI. Withdrawal Requests for Pooled Fund Investors

The Director of Finance will honor all requests to withdraw funds for normal cash flow purposes that are approved by the Director of Finance at a one dollar net asset value. Any requests to withdraw funds for purposes other than immediate cash flow needs, such as for external investing, are subject to the consent of the Director of Finance. In accordance with California Government Code Sections 27133(h) and 27136, such requests for withdrawals must first be made in writing to the Director of Finance. When evaluating a request to withdraw funds, the Director of Finance will take into account the effect of a withdrawal on the stability and predictability of the Pooled Investment Fund and the interests of other depositors. Any withdrawal for such purposes will be at the market value of the Pooled Investment Fund on the date of the withdrawal.

XII. Limits on Honoraria, Gifts, and Gratuities

In accordance with California Government Code Section 27133(d), this Policy establishes limits for the Director of Finance; individuals responsible for management of the portfolios; and members of the Investment Group and Review Group who direct individual investment decisions, select individual investment advisors and broker/dealers, and conduct day-to-day investment

trading activity. The limits also apply to members of the Oversight Committee. Any individual who receives an aggregate total of gifts, honoraria and gratuities in excess of \$50 in a calendar year from a broker/dealer, bank or service provider to the Pooled Investment Fund must report the gifts, dates and firms to the designated filing official and complete the appropriate State forms.

No individual may receive aggregate gifts, honoraria, and gratuities in a calendar year in excess of the amount specified in Section 18940.2(a) of Title 2, Division 6 of the California Code of Regulations. This limitation is \$440 for the period January 1, 2013, to December 31, 2014. Any violation must be reported to the State Fair Political Practices Commission.

XIII. Terms and Conditions for Outside Investors

Outside investors may invest in the Pooled Investment Fund through California Government Code Section 53684. Their deposits are subject to the consent of the Director of Finance. The legislative body of the local agency must approve the Sacramento County Pooled Investment Fund as an authorized investment and execute a Memorandum of Understanding. Any withdrawal of these deposits must be made in writing 30 days in advance and will be paid based upon the market value of the Pooled Investment Fund. If the Director of Finance considers it appropriate, the deposits may be returned at any time to the local agency.

Appendix A

Comparison and Interpretation of Credit Ratings

Long Term Debt & Individual Bank Ratings				
Rating Interpretation	Moody's	S&P	Fitch	Fitch Viability Rating
<i>Best-quality grade</i>	Aaa	AAA	AAA	aaa
<i>High-quality grade</i>	Aa1	AA+	AA+	aa+
	Aa2	AA	AA	aa
	Aa3	AA-	AA-	aa-
<i>Upper Medium Grade</i>	A1	A+	A+	a+
	A2	A	A	a
	A3	A-	A-	a-
<i>Medium Grade</i>	Baa1	BBB+	BBB+	bbb+
	Baa2	BBB	BBB	bbb
	Baa3	BBB-	BBB-	bbb-
<i>Speculative Grade</i>	Ba1	BB+	BB+	bb+
	Ba2	BB	BB	bb
	Ba3	BB-	BB-	bb-
<i>Low Grade</i>	B1	B+	B+	b+
	B2	B	B	b
	B3	B-	B-	b-
<i>Poor Grade to Default</i>	Caa	CCC+	CCC	ccc
<i>In Poor Standing</i>	-	CCC	-	
	-	CCC-	-	
<i>Highly Speculative Default</i>	Ca	CC	CC	cc
	C	-	-	c
<i>Default</i>	-	-	DDD	f
	-	-	DD	f
	-	D	D	f

Short Term / Municipal Note Investment Grade Ratings			
Rating Interpretation	Moody's	S&P	Fitch
<i>Superior Capacity</i>	MIG-1	SP-1+/SP-1	F1+/F1
<i>Strong Capacity</i>	MIG-2	SP-2	F2
<i>Acceptable Capacity</i>	MIG-3	SP-3	F3

Appendix A

Short Term / Commercial Paper Investment Grade Ratings

Rating Interpretation	Moody's	S&P	Fitch
<i>Superior Capacity</i>	P-1	A-1+/A-1	F1+/F1
<i>Strong Capacity</i>	P-2	A-2	F2
<i>Acceptable Capacity</i>	P-3	A-3	F3

Fitch Support Ratings

Rating	Interpretation
1	A bank for which there is an extremely high probability of external support. The potential provider of support is very highly rated in its own right and has a very high propensity to support the bank in question. This probability of support indicates a minimum Long-Term Rating floor of 'A-'.
2	A bank for which there is a high probability of external support. The potential provider of support is highly rated in its own right and has a high propensity to provide support to the bank in question. This probability of support indicates a minimum Long-Term Rating floor of 'BBB-'.
3	A bank for which there is a moderate probability of support because of uncertainties about the ability or propensity of the potential provider of support to do so. This probability of support indicates a minimum Long-Term Rating floor of 'BB-'.
4	A bank for which there is a limited probability of support because of significant uncertainties about the ability or propensity of any possible provider of support to do so. This probability of support indicates a minimum Long-Term Rating floor of 'B'.
5	A bank for which external support, although possible, cannot be relied upon. This may be due to a lack of propensity to provide support or to very weak financial ability to do so. This probability of support indicates a Long-Term Rating floor no higher than 'B-' and in many cases no floor at all.

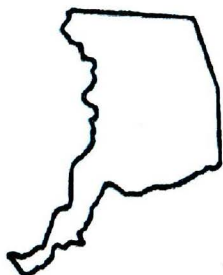
Appendix A

Fitch Sovereign Risk Ratings	
<i>Rating</i>	<i>Interpretation</i>
AAA	Highest credit quality. 'AAA' ratings denote the lowest expectation of default risk. They are assigned only in cases of exceptionally strong capacity for payment of financial commitments. This capacity is highly unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality. 'AA' ratings denote expectations of very low default risk. They indicate very strong capacity for payment of financial commitments. This capacity is not significantly vulnerable to foreseeable events.
A	High credit quality. 'A' ratings denote expectations of low default risk. The capacity for payment of financial commitments is considered strong. This capacity may, nevertheless, be more vulnerable to adverse business or economic conditions than is the case for higher ratings.
BBB	Good credit quality. 'BBB' ratings indicate that expectations of default risk are currently low. The capacity for timely payment of financial commitments is considered adequate but adverse business or economic conditions are more likely to impair this capacity.
BB	Speculative. 'BB' ratings indicate an elevated vulnerability to default risk, particularly in the event of adverse changes in business or economic conditions over time.
B	Highly speculative. 'B' ratings indicate that material default risk is present, but a limited margin of safety remains. Financial commitments are currently being met; however, capacity for continued payment is vulnerable to deterioration in the business and economic environment.
CCC	High default risk. Default is a real possibility.
CC	Very high levels of credit risk. Default of some kind appears probable.
C	Exceptionally high levels of credit risk. Default appears imminent or inevitable.
D	<p>Default. Indicates a default. Default generally is defined as one of the following:</p> <ul style="list-style-type: none"> • Failure to make payment of principal and/or interest under the contractual terms of the rated obligation; • The bankruptcy filings, administration, receivership, liquidation or other winding-up or cessation of the business of an issuer/obligor; or • The coercive exchange of an obligation, where creditors were offered securities with diminished structural or economic terms compared with the existing obligation.

SACRAMENTO METROPOLITAN

Cable Television CTC Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 7

DATE: June 6, 2013

TO: Chair and Board of Directors

FROM: Robert A. Davison, Executive Director

SUBJECT: **RESOLUTION NO. 2013-012, HONORING RON COOPER UPON THE OCCASION OF HIS RETIREMENT**

RECOMMENDATION:

It is recommended the Board adopt Resolution No. 2013-012, Honoring Ron Cooper Upon the Occasion of His Retirement.

DISCUSSION:

After more than 20 years of service as Access Sacramento's Executive Director, Ron Cooper announced he is retiring in August.

The Commission hereby recognizes and congratulates Ron on his retirement and thanks him for working diligently towards Access Sacramento's mission to "give voice" and help all Sacramento County residents share their perspectives and insights, and for working cooperatively with the Commission in implementing programs broadcasts on Channels 17 and 18 toward that mission.

Staff recommends the Board adopt Resolution No. 2013-012, Honoring Ron Cooper Upon the Occasion of His Retirement.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachment:

Resolution No. 2013-012, Honoring Ron Cooper Upon the Occasion of His Retirement

RESOLUTION NO. 2013-012

**A RESOLUTION OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION
COMMISSION HONORING RON COOPER UPON THE OCCASION OF HIS RETIREMENT**

WHEREAS, Ron Cooper was here when local public TV programming was launched in 1987;

WHEREAS, Ron Cooper after more than 20 years as Executive Director of Access Sacramento has announced his retirement in August;

WHEREAS, during his tenure, Access Sacramento added web streaming capabilities for video and radio;

WHEREAS, in 2000, Ron Cooper helped launched “A Place Called Sacramento”, a film festival which has helped amateurs produce and showcase films about the city;

WHEREAS, Ron Cooper has worked cooperatively with the Sacramento Metropolitan Cable Television Commission, implementing programs cablecast on the public access channels on local cable systems;

WHEREAS, Ron Cooper has been instrumental in bring foreign language programming to Access Sacramento, to serve the many different national and ethnic groups that have made their homes in Sacramento;

WHEREAS, Ron Cooper has been an active member of the Alliance for Community Media, including servicing on its Board in numerous capacities, promoting access programming and bringing new ideas to the Sacramento PEG cable providers;

WHEREAS, Ron Cooper helped launch “Game of the Week”, which cablecast local high school sports and “Hometown TV” which documents and share the best of Sacramento County events with 265,000 cable TV viewing households on Access Sacramento;

NOW THEREFORE BE IT RESOLVED, that the SMCTC is grateful for Ron’s more than 20 years of dedicated service as Access Sacramento’s Executive Director and does hereby recognize and honor RON COOPER on the occasion of his retirement and wish him well in this life transition.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Cable Television Commission this 6th day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

By: _____
Chair, Sacramento Metropolitan
Cable Television Commission

Attest By:

Clerk/Secretary of the Board

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 8

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: DECLARATION OF SURPLUS PROPERTY (FIXED ASSETS)

RECOMMENDATION:

It is recommended the Board receive and file the attached list of fixed assets declared to be surplus property in Calendar Year 2012.

DISCUSSION:

The list of fixed assets (equipment/supplies) attached were declared to be surplus property as of and for the calendar year ended December 31, 2012. This refers to fixed assets with the following characteristics:

- 1) It does not function in whole or in part.
- 2) It is beyond repair.
- 3) It is technologically obsolete.
- 4) It is no longer needed by the Commission.
- 5) It has fully depreciated and has no residual value.

As recommended by the Auditor at the Commission's last audit, staff implemented the practice of conducting a physical inventory of fixed assets annually in order to maintain an accurate list of Commission-owned equipment and furnishings.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachment:
List of Surplus Property (Fixed Assets) for Calendar Year 2012

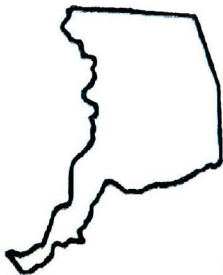
surplus run 10-2-12

Tuesday, October 02, 2012

4:54:07 PM

co Number	Make	Model	Serial Number	Description	location	surplus date
183765	MOVATECH			PC CODI BOARD	SURPLUS	10/2/2012
195686	SONY	CCU M5A	10227	CCU	SURPLUS	10/2/2012
195680	SONY	CCU M5A	10378	CCU	SURPLUS	10/2/2012
195677	SONY	CCU M5A	10424	CCU	SURPLUS	10/2/2012
195683	SONY	CCU M5A	10659	CCU	SURPLUS	10/2/2012
195684	SONY	DXC-D35	10903	CAMERA BODY	SURPLUS	10/2/2012
195681	SONY	DXC-D35	10904	CAMERA BODY	SURPLUS	10/2/2012
195678	SONY	DXC-D35	10911	CAMERA BODY	SURPLUS	10/2/2012
195675	SONY	DXC-D35	10913	CAMERA BODY	SURPLUS	10/2/2012
195674	sony	rcp-tx7	11403	camera & ccu remote control panel	SURPLUS	10/2/2012
	SONY	PVM-411	2001426	QUAD 2.5" B/W MONS	SURPLUS	10/2/2012
170125	Leader	LVS-5850B	6040733	Vector scope	SURPLUS	10/2/2012
170106	Leader	LBO-5860B	6070551	WAVEFORM MONITOR	SURPLUS	10/2/2012
	SONY	RDRVX-500	6530331	DVD/VHS RECORDER	SURPLUS	10/2/2012
212150	APC	SUA 1500	AS0941222202	UPS 1500VA USB 120V	SURPLUS	10/2/2012
190029	ECHOLAB	MVS-5	M 5218	SWITCHER CONTROL PANEL	SURPLUS	10/2/2012
204913	PANASONIC	CT-1389VYD	ME40930031	VIDEO MONITOR	SURPLUS	10/2/2012
167008	ANVIL	CASE	NONE	BLUE ANVIL CASE 20RU	SURPLUS	10/2/2012
212121	ECHOLAB	ADVSG-F	ZSA141616	SYNC GENERATOR	SURPLUS	10/2/2012

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 9

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CHAIR AND VICE-CHAIR ELECTION

RECOMMENDATION:

It is recommended the Board elect a Chair and Vice-Chair for Fiscal Year 2013-14.

BACKGROUND

The Commission's By-Laws state the Board of Directors shall annually elect its Chairperson. Traditionally, assumption of duties and responsibilities of the new Chair occurs with the new fiscal year. In the absence of the Chairperson, the Vice-Chair shall preside at the said meeting and shall have all the same duties.

The attached Chair/Vice-Chair History (1982 – June 2013) is provided to assist in the deliberations for the election to fill those seats.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. A. Davison", written over a horizontal line.

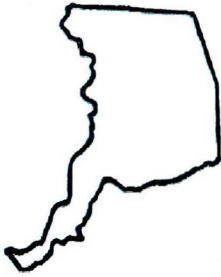
ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

Attachment:
Chair/Vice-Chair History (1982-June 2013)

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION
CHAIR / VICE-CHAIR HISTORY
(1982 – JUNE 2013)

Effective Date	CHAIR		VICE-CHAIR	
	Jurisdiction	Name	Jurisdiction	Name
June 2012	Citrus Heights	Turner	Elk Grove	Detrick
June 2011	Folsom	Morin	Citrus Heights	Turner
March 2011	Folsom	Morin	Citrus Heights	Turner
June 2010	Folsom	Morin	Citrus Heights	Miller
June 2009	City	Waters	Folsom	Morin
February 2009	County	Nottoli	Sacramento	Waters
June 2008	Elk Grove	Leary	Citrus Heights	Miller
June 2007	Elk Grove	Leary	County	MacGlashan
April 2006	Sacramento	Sheedy	Elk Grove	Leary
April 2005	County	Nottoli	Sacramento	Sheedy
April 2004	Sacramento	Waters	County	Nottoli
March 2003	Sacramento	Waters	County	Nottoli
February 2002	Sacramento	Waters	County	Nottoli
March 2001	Sacramento	Waters	County	Nottoli
March 2000	Citrus Heights	Shelby	Sacramento	Waters
March 1999	County	Collin	Citrus Heights	Shelby
March 1998	County	Collin	Sacramento	Waters
March 1997	Sacramento	Pannell	County	Collin
March 1996	Folsom / Galt	Pratt	Sacramento	Pannell
Jan. 1995	County	Dickinson	Folsom / Galt	Pratt
April 1994	Sacramento	Pane	County	Dickinson
April 1993	County	T. Johnson	Sacramento	Yee
April 1992	Folsom / Galt	Fletcher	County	Collin
April 1991	Folsom / Galt	Fletcher	Sacramento	Kastanis
May 1990	Sacramento	Ferris	County	G. Johnson
Dec. 1989	County	Streng	Sacramento	Ferris
April 1989	Sacramento	Pope	County	Streng
April 1988	County	T. Johnson	Folsom / Galt	Fletcher
April 1987	Sacramento	Kastanis	County	T. Johnson
April 1986	County	Collin	Sacramento	Kastanis
April 1985	Folsom / Galt	Fletcher	Sacramento	Robie
April 1984	Sacramento	Kastanis	County	Collin
April 1982	County	Bryan	Sacramento	Kastanis

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 10

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: **GENERAL ADMINISTRATIVE REPORT**

RECOMMENDATION:

It is recommended the Board receive verbal reports on the following items:

- A) Production Director Applicant Interviews
- B) Compensation & Classification Study Update
- C) Future Commission Board Meetings

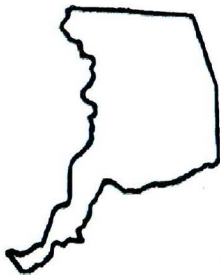
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R.A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 11

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: STATE FRANCHISEE REPORTS

RECOMMENDATION:

It is recommended the Board receive verbal reports from state franchisee representatives who may be present:

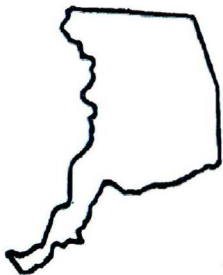
- A) AT&T
- B) Comcast
- C) SureWest

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 12

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CHANNEL LICENSEE REPORTS

RECOMMENDATION:

It is recommended the Board receive verbal reports from Channel Licensee representatives who may be present:

- A) Access Sacramento
- B) Capital Public Radio
- C) KVIE
- D) Religious Coalition for Cable Television
- E) Sacramento Educational Cable Consortium

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

AGENDA ITEM NO. 13

DATE: June 6, 2013
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: PUBLIC COMMENTS

RECOMMENDATION:

It is recommended the Board receive comments from the public on matters that are not on the agenda.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. A. Davison", written over a horizontal line.

ROBERT A. DAVISON, Executive Director
Sacramento Metropolitan Cable Television Commission