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# SACRAMENTO METROPOLITAN Cable Television Commission

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ROBERT A. DAVISON, EXECUTIVE DIRECTOR

## SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION REGULAR BOARD MEETING

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

THURSDAY, JUNE 6, 2013 - 3:00 P.M.

### ACTION SUMMARY

#### CALL TO ORDER / ROLL CALL

*The Sacramento Transit Authority's special Board meeting scheduled at 1:30 p.m. ran long, which delayed the start time of the Commission meeting.*

Chair Turner called the meeting to order at 3:16 p.m. Director Warren led the Pledge of Allegiance.

Board Members Present: Mel Turner, Steve Detrick, Ted Wolter (Alternate for MacGlashan), Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Allen Warren, Aaron Chong (Alternate for Yee)

Kevin McCarty arrived at 3:18 p.m.

Board Members Absent: Roberta MacGlashan, Susan Peters, Phil Serna, Jay Schenirer, Jimmie Yee, Ex-Officio Donald Terry

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

To insure there was a quorum for the closed Executive Session, Legal Counsel Harriet Steiner suggested the Board address the other items on the agenda first.

#### **ITEM NO. 1) CLOSED EXECUTIVE SESSION:**

The Board adjourned to a closed session at 3:43 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to subdivision (a) of Government Code Section 54956.9) - CITY OF LOS ANGELES, SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, and CITY OF EL SEGUNDO vs. PACIFIC BELL TELEPHONE COMPANY, d/b/a SBC PACIFIC BELL TELEPHONE COMPANY, d/b/a AT&T CALIFORNIA, Los Angeles Superior Court, Central District, Case No. BC414272.

The Board adjourned to a closed session at 3:43 p.m.

**Board Action:**

Chair Turner reconvened the regular meeting at 4:04 p.m. Legal Counsel Harriet Steiner stated there was no reportable action.

**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**

Executive Director Bob Davison presented an overview of the components in the Fiscal Year 2013-14 General Fund (094A) and PEG Fee Fund (094B) budgets.

**Board Action:**

On a motion by Director Warren, seconded by Director Detrick, the Board approved:

- A) Resolution No. 2013-005, Adopting the Fiscal Year 2013-14 Proposed General Fund Budget, to include the Production Assistant III position in the proposed staffing;
- B) Resolution No. 2013-006, Adopting the Fiscal Year 2013-14 Proposed PEG Fee Fund Budget, with an additional \$15,000 budget allocation from Contingency to fund the SEVA lab project requested by the Sacramento Educational Cable Consortium; and
- C) the following documents enclosed in the staff report:
  - 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's 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 Agencies
  - Fiscal Year 2013-14 PEG Fee Funding Requests from Members Agencies & Channel Licensees

**AYES:** UNANIMOUS VOICE VOTE

Steve Detrick, Ted Wolter (Alternate for MacGlashan), Kevin McCarty, Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Mel Turner, Allen Warren, Aaron Chong (Alternate for Yee)

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Roberta MacGlashan, Susan Peters, Phil Serna, Jay Schenirer, Jimmie Yee

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

Executive Director Bob Davison explained the adoption of the Resolutions and approval of the CalPERS documents would be necessary in order for the Commission to participate in the CalPERS CERBT Program, as approved by the Board at their May 2, 2013 meeting.

**Board Action:**

On a motion by Director Nottoli, seconded by Director Warren, the Board adopted and approved the following documents:

- A) 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);
- B) 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;
- C) CalPERS Agreement and Election of SMCTC to Prefund Other OPEB through CalPERS;
- D) Certification of OPEB Funding Policy and GASB 43/45 Reporting Compliance; and
- E) Reaffirm the initial funding in the amount of \$58,200 to establish the CERBT Plan in the Fiscal Year 2013-14 General Fund Budget.

AYES:            UNANIMOUS VOICE VOTE

Steve Detrick, Ted Wolter (Alternate for MacGlashan), Kevin McCarty, Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Mel Turner, Allen Warren, Aaron Chong (Alternate for Yee)

NOES:           None

ABSTAIN:       None

ABSENT:        Roberta MacGlashan, Susan Peters, Phil Serna, Jay Schenirer, Jimmie Yee

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

Executive Director Bob Davison reported the review of franchise and PEG fees remitted by AT&T, Inc. for period January 1, 2009 through December 31, 2010 as performed by the Sacramento County Chief of Audits resulted in a clean audit report.

**Board Action:**

The Board received and filed the review of franchise and PEG fees remitted 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**

Executive Director Bob Davison explained although the Commission's Legal Counsel did not believe it is legally necessary to issue a subpoena, Resolution No. 2013-013 requests the authority issue a subpoena which would allow the Commission's Auditor to review AT&T Inc.'s business records relating to franchise & PEG fees remitted to the Commission in Calendar Years 2011 & 2012.

**Board Action:**

On a motion by Director Morin, seconded by Director Detrick, the Board approved Resolution No. 2013-013, Authorizing the Issuance of a Subpoena Relating to an Audit of AT&T, Inc.'s franchise and PEG fees, remitted to the Commission for the period of January 1, 2011 through December 31, 2012.

AYES: UNANIMOUS VOICE VOTE

Steve Detrick, Ted Wolter (Alternate for MacGlashan), Kevin McCarty, Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Mel Turner, Allen Warren, Aaron Chong (Alternate for Yee)

NOES: None

ABSTAIN: None

ABSENT: Roberta MacGlashan, Susan Peters, Phil Serna, Jay Schenirer, Jimmie Yee

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

Executive Director Bob Davison reported since the Commission is a participant in the County's Pooled Investment Fund, the Board's action to receive and file the County's Calendar Year 2013 policy constitutes consideration at a public meeting, as recommended by Government Code Section 53646(a)(2).

**Board Action:**

The Board received and filed the County of Sacramento's Calendar Year 2013 Investment Policy for the Pooled Investment Fund.

*Director Allen Warren departed @ 3:41 p.m.*

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

Executive Director Bob Davison stated Resolution No. 2013-012 recognizes Ron Cooper on his upcoming retirement after 20 years of services as Access Sacramento's Executive Director. The Board acknowledged and thanked Ron for his years of dedicated service and congratulated him on his retirement.

**Board Action:**

On a motion by Director Detrick, seconded by Director McCarty, the Board approved Resolution No. 2013-012, Honoring Ron Cooper Upon the Occasion of his Retirement.

AYES: UNANIMOUS VOICE VOTE

Steve Detrick, Ted Wolter (Alternate for MacGlashan), Kevin McCarty, Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Mel Turner, Allen Warren, Aaron Chong (Alternate for Yee)

NOES: None

ABSTAIN: None

ABSENT: Roberta MacGlashan, Susan Peters, Phil Serna, Jay Schenirer, Jimmie Yee

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

Executive Director Bob Davison recommended the Board receive and file the list of fixed assets declared to be surplus property in 2012.

**Board Action:**

The Board received and filed the list of fixed assets declared to be surplus property in CY 2012.

**Director Kevin McCarty departed @ 4:16 p.m.**

**ITEM NO. 9) CHAIR AND VICE-CHAIR ELECTION**

Executive Director Bob Davison indicated the Commission’s By-Laws states the Board shall elect a new Chair and Vice-Chair for each new fiscal year. In the absence of the Chair, the Vice-Chair shall preside at the said meeting and have the same duties.

**Board Action:**

On a motion by Director Nottoli, seconded by Director Morin, the Board nominated Director Steve Detrick as Commission Chair for Fiscal Year 2013-14.

- AYES: UNANIMOUS VOICE VOTE  
Steve Detrick, Ted Wolter (Alternate for MacGlashan), Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Mel Turner, Aaron Chong (Alternate for Yee)
- NOES: None
- ABSTAIN: None
- ABSENT: Roberta MacGlashan, Kevin McCarty, Susan Peters, Phil Serna, Jay Schenirer, Allen Warren, Jimmie Yee

On a motion by Director Nottoli, seconded by Director Detrick, the Board nominated Director Ted Wolter to serve as Vice-Chair in Fiscal Year 2013-14.

- AYES: UNANIMOUS VOICE VOTE  
Steve Detrick, Ted Wolter (Alternate for MacGlashan), Andy Morin, Don Nottoli, Celia Coronado (Alternate for Serna), Mel Turner, Aaron Chong (Alternate for Yee)
- NOES: None
- ABSTAIN: None
- ABSENT: Roberta MacGlashan, Kevin McCarty, Susan Peters, Phil Serna, Jay Schenirer, Allen Warren, Jimmie Yee

The Board thanked Chair Turner for his service as Chair this past year.

**ITEM NO. 10) GENERAL ADMINISTRATIVE REPORT**

Executive Director Bob Davison reported the compensation and classification is underway. It is anticipated a meeting will be scheduled in September or October to adopt the Fiscal Year 2013-14 final budgets.

**ITEM NO. 11) STATE FRANCHISEE REPORTS**

There were no representatives present from State Franchisees.

**ITEM NO. 12) CHANNEL LICENSEE REPORTS**

Liz Rhodes, Sacramento Educational Cable Consortium's Executive Director thanked the Board for their continued support and presented a video of the SEVA lab project, which is funded by PEG fees.

Joanne Fuller, Chair of Access Sacramento introduced Gary Martin, Access Sacramento's newly appointed Executive Director.

Gary Martin, Access Sacramento's new Executive Director expressed his gratitude to the Access Sacramento Board and to Ron Cooper for his leadership. He looks forward to assuming his role in July.

Arla Gibson, Capital Public Radio's Director of Development thanked the Commission for their ongoing support since 1989.

David Lowe, President and General Manager of KVIE also thanked the Commission for their continued support over the years.

**ITEM NO. 12) PUBLIC COMMENTS**

There were no public comments received.

**ADJOURNMENT**

With no other business to conduct, Chair Turner adjourned the regular meeting at 4:36 p.m.

Respectfully submitted,



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Karen Liu, Clerk / Secretary to the Board  
Sacramento Metropolitan Cable Television Commission