



SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

799 G Street, 4th Floor, Sacramento, CA 95814 • (916) 874-6661 • Fax: (916) 854-9666 • www.sacmetroable.tv

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

AGENDA

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION REGULAR BOARD MEETING

(Board Members may participate via teleconference.)

Sacramento County Administration Center
700 H Street, S. 1450
Sacramento, California 95814

THURSDAY, DECEMBER 2, 2021 - 2:30 p.m.

Board Members: Phil Serna, Patrick Kennedy, Rich Desmond, Sue Frost, Don Nottoli, Katie Valenzuela, Eric Guerra, Mai Vang, Tim Schaefer, Kevin Spease, YK Chalamcherla, Vice Chair Garrett Gatewood
Elected Alternates: Porsche Middleton, Stephanie Nguyen, Siri Pulipati
Appointed Alternates: Lisa Nava (Serna), Keaton Riley (Kennedy), Vanessa McCarthy-Olmstead (Desmond), Chair Matt Hedges (Frost), Michelle Pariset (Valenzuela), Sarah Pollo-Moo (Guerra), Ryan Brown (Vang)

PUBLIC COMMENT PROCEDURES

Members of the public are encouraged to participate in the Board meeting. In compliance with directives of the County, State, and Centers for Disease Control and Prevention (CDC), the meeting will be livestreamed and open to public attendance pursuant to guidelines related to social distancing and minimizing person-to-person contact.

The Health Officer of the County of Sacramento has directed that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings, venues, gatherings, and workplaces, including State and local government offices serving the public. A face covering includes a face mask or a face shield.

Members of the public may address the Board in-person to make a public comment. A face covering and social distancing are required while inside the County Administration Building and Board Chambers. If a member of the public has a medical reason for not wearing a face mask, a face shield will be provided for them. If a member of the public chooses not to wear a face covering, i.e. face mask or face shield, they will not be permitted to provide in-person comment or to enter the County Administration Building or Board Chambers, but still may comment pursuant to the "Telephonic Public Comment" procedures below.

Seating is limited and available on a first-come, first-served basis. Members of the public addressing the Board will be required to complete and submit a speaker request form to Clerk staff. The Chairperson will invite each individual to the podium to make a verbal comment.

Speaker Time Limits

In the interest of facilitating the conduct of the Commission's business, members of the public (speakers) who wish to address the legislative body during the meeting will have specific time limits as enumerated below. Consent matters are acted upon as one unit, while Public Hearings and separate matters are acted upon individually.

Each speaker shall limit his/her remarks to the specified time allotment, as follows:

- Speakers will have 3-minutes total for a single and/or multiple consent item(s);
- Speakers will have 3-minutes total for each hearing item;
- Speakers will have 3-minutes total for each separate item;
- Speakers will have 3-minutes total for any matter not on the posted agenda.

In-Person Public Comment

Members of the public may address the Commission in-person to make a public comment. A face mask and social distancing are required while inside the County Administration Building and Board Chambers. Seating is limited and available on a first-come, first-served basis. Members of the public addressing the Commission will be required to complete and submit a speaker request form to Clerk staff. The Chairperson will invite each individual to the podium to make a verbal comment.

Telephonic Public Comment

On the day of the meeting, dial (916) 875-2500 to make a verbal public comment (follow the prompts for instructions). Refer to the agenda and listen to the live meeting to determine when is the best time to call to be placed in queue for a specific agenda item. Callers may be on hold for an extended period of time and should plan accordingly. When the Chairperson opens public comment for a specific agenda item or off-agenda matter, callers will be transferred from the queue into the meeting to make a verbal comment. Each agenda item queue will remain open until the public comment period is closed for that specific item.

Written Comment

Send an email comment to sacmetro@saccounty.net 24 hours before the meeting. Include meeting date and agenda item number or off-agenda item. Contact information is optional.

Mail a comment to 799 G Street, 4th Floor, Sacramento, CA. 95814 no later than 24 hours before the meeting. Include meeting date and agenda item number or off-agenda item. Contact information is optional. Written comments are distributed to members and filed in the record.

View Meeting

The meeting is recorded and cablecast live on Metro Cable 14 on the Comcast, Consolidated Communications, and AT&T U-Verse Cable Systems. It is closed captioned for hearing impaired viewers and webcast live at metro14live.saccounty.net. There will be a rebroadcast of this meeting on Saturday, December 4, 2021 at 3:00 p.m.

Meeting Material

The online version of the agenda and associated material is available at sacmetroable.tv. Some documents may not be posted online because of size or format (maps, site plans, renderings). Contact the Administration Office at (916) 874-6661 to obtain a copy of the documents.

ACCOMMODATIONS

If there is a need for an accommodation pursuant to Americans with Disabilities Act (ADA), medical reasons or for other needs, please contact the Clerk of the Board by telephone at (916) 874-5411 (voice) and CA. Relay Services 711 (for the hearing impaired) or sacmetro@saccounty.net 24 hours prior to the meeting.

CALL TO ORDER

Roll Call

ITEM NO. 1) CONFERENCE WITH LEGAL COUNSEL

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957
Title: Executive Director
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957
Title: General Counsel

Action:

Adjourn to a closed session to discuss the closed session items, and report out, if necessary.

ITEM NO. 2) REVIEW, APPROVE, AND ADOPT RESOLUTION NO. 2021-018, RECOMMEND APPROVAL BY MEMBER AGENCIES OF THE DRAFT REVISED JPA AGREEMENT AND PROVIDE FEEDBACK ON THE DRAFT REVISED BY-LAWS OF THE SACRAMENTO METROPOLITAN CABLE TV COMMISSION

- ITEM NO. 2) REVIEW, APPROVE, AND ADOPT RESOLUTION NO. 2021-018, RECOMMEND APPROVAL BY MEMBER AGENCIES OF THE DRAFT REVISED JPA AGREEMENT AND PROVIDE FEEDBACK ON THE DRAFT REVISED BY-LAWS OF THE SACRAMENTO METROPOLITAN CABLE TV COMMISSION (Continued)**

Action:

Review, provide feedback, approve, and adopt Resolution No. 2021-018, Recommending Approval by Member Agencies of the Draft Revised JPA Agreement and Provide Feedback on the Draft Revised By-Laws of the Sacramento Metropolitan Cable Television Commission.

- ITEM NO. 3) RESOLUTION NO. 2021-022, AUTHORIZING THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION BOARD TO REMOTE TELECONFERENCE MEETINGS PURSUANT TO THE RALPH M. BROWN ACT**

Action:

Adopt Resolution No. 2021-022, Authorizing the Sacramento Metropolitan Cable Television Commission Board to Remote Teleconference Meetings Pursuant to the Ralph M. Brown Act.

- ITEM NO. 4) RESOLUTION NO. 2021-023, RATIFYING THE ADOPTION OF THE REVISED INJURY AND ILLNESS PREVENTION PROGRAM**

Action:

Adopt Resolution No. 2021-023, Ratifying the Adoption of the Revised Injury and Illness Prevention Program; and receive and file the Code of Safe Practices (Exhibit A).

- ITEM NO. 5) CALENDAR YEAR 2021 SURPLUS PROPERTY LIST**

Action:

Receive and file the Surplus List for Calendar Year 2021.

- ITEM NO. 6) GENERAL ADMINISTRATION REPORT**

Action:

Receive a verbal report from staff on the following administrative matters:

- A. City of Eugene, Oregon vs. Federal Communications Commission
- B. SiFi Network - Request for Local Entities to Executive a Fiber Network Installation Agreement
- C. Metro Cable YouTube Channel Update & Demonstration
- D. Calendar Year 2022 Quarterly Board Meetings

ITEM NO. 7) CHANNEL LICENSEE REPORTS

Action:

Receive and file reports and comments, if any, from the representatives of the following Channel Licensees:

- A. Access Sacramento
- B. Capital Public Radio
- C. KVIE, Inc.
- D. SacFaith TV
- E. Sacramento Educational Cable Consortium

ITEM NO. 8) STATE FRANCHISEE REPORTS

Action:

Receive and file reports and comments, if any, from the representatives of the following State Franchisees:

- A) AT&T
- B) Comcast
- C) Consolidated Communications, Inc.

ITEM NO. 9) PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

ADJOURNMENT



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

AGENDA ITEM NO. 1

DATE: December 2, 2021
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CONFERENCE WITH LEGAL COUNSEL

RECOMMENDATION:

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

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957
Title: Executive Director
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957
Title: General Counsel

Respectfully submitted,

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



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

AGENDA ITEM NO. 2

DATE: December 2, 2021

TO: Chair and Board of Directors

FROM: Robert A. Davison, Executive Director

SUBJECT: REVIEW, APPROVE AND ADOPT RESOLUTION NO. 2021-018, RECOMMENDING APPROVAL BY MEMBER AGENCIES OF THE DRAFT REVISED JPA AGREEMENT AND PROVIDE FEEDBACK ON THE DRAFT REVISED BY-LAWS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RECOMMENDATION:

It is recommended the Board review, provide feedback, approve, and adopt Resolution No. 2021-018, Recommending Approval by Member Agencies of the Draft Revised JPA Agreement and Provide Feedback on the Draft Revised By-Laws of the Sacramento Metropolitan Cable Television Commission.

BACKGROUND:

The Sacramento Metropolitan Cable Television Commission (Commission) is a joint powers agency formed by Sacramento County and all cities within the County with the exception of Isleton. The Commission's Agreement of Formation was adopted and amended by Sacramento County Ordinance and subsequent amendments in the City Ordinances, and is part of the Sacramento County and Cities Codes ("JPA Agreement"). The Commission and JPA Agreement are currently set to sunset on December 31, 2024.

At the September 3, 2020 meeting, the Board expressed an interest in proposing an extension of the Commission for consideration by the member agencies. To help begin this conversation, staff prepared draft amendments to the JPA Agreement and Commission By-Laws and presented those to the Board at its September 2, 2021 meeting. At that meeting, the Board supported the proposed edits and asked staff to meet with and solicit feedback from staff at the member agencies.

DISCUSSION:

Commission staff meet with staff at each member agency. During those discussions, staff at each member agency expressed satisfaction with the Commission's operation and support for the proposed edits. After staff deliberated about the proposed amendments after meeting with the member agencies, it was recognized that one item that is not addressed is the potential withdrawal of one or several of the member agencies.

While staff is not recommending there be any withdrawal, if for whatever reason a member agency wishes to withdraw, staff recommends that there be a withdrawal provision so that the JPA amendment process does not need to be repeated for such a case.

The bullet-point summary of the proposed edits is below and includes the items that were proposed and reviewed by the Board at the September meeting; and also includes an additional recommended inclusion of a withdrawal provision.

Sample withdrawal language is included below:

9. Term. Except as hereinafter provided, this Agreement shall terminate and the Commission shall be deemed dissolved on December 31, 2024, upon a two-thirds vote of the member agencies. Notwithstanding the foregoing, a member agency may withdraw from the Commission with at least one year's prior written notice. Upon withdrawal, the member agency shall be liable for its proportional share of Commission liabilities, including any retirement benefits obligations, in the same proportion as distributions to member agencies have most recently been made pursuant to the provisions of Paragraph 6, above. Such member agency shall not receive or have any right to any share of Commission assets.

For reference is a summary of the proposed edits in the redline:

- Term (5.50.112(9)): Most importantly, the expiration date is removed. The draft proposes that the Commission would remain in existence unless there is a two-thirds vote of the members to terminate. Other alternative options include (1) a new sunset date or (2) some other termination threshold. The Board previously supported the proposed option and no member agency had any issue with the two-thirds requirement.
- Board Composition (5.50.104): The current agreement entitles each city to a Board seat once its population equals 80,000. All cities with less than 80,000 in population share a seat. Shortly, all cities with the exception of Galt will meet this threshold. Given this, the draft proposes to retain the current language where each city member, with the exception of the City of Sacramento which retains its three seats, will have one Board member once the population of Rancho Cordova reaches 80,000 (which is expected to be shown in the State Department of Finance population numbers in January 2022). With the five seats retained by the County of Sacramento, the Board of Directors will include a minimum of 13 members. The City of Sacramento would get an additional Board member if the City of Galt population reaches 80,000, but that is not expected to occur in the near or distant future.
- Officers (5.50.112(2), (7), (8)): The current agreement assumes that Sacramento County will provide Clerk, Auditor, and Treasurer services. While the County is currently providing Treasury services, Clerk services are provided by Commission staff with support from the County's Clerk of the Board. Auditor services are performed by an outside auditing firm (Richardson & Company) as staff was informed by the County auditor that since Commission funds are held by the County, the County Auditor could no longer be the Commission Auditor. The draft would provide the Board with maximum flexibility to determine how to appoint these officers.
- Payments (5.50.112(6)): The current agreement details how and when the revenue distributions to the member agencies are calculated and distributed. The draft provides edits to match the current fiscal year of the Commission and to update the dates that the Commission currently pay the revenue distributions to the member agencies. The current agreement also requires an auditor statement with each distribution that has not historically been provided. The draft proposes to amend this section to reflect current practice.
- General Clean-Up: The balance of the draft edits would conform other sections of the JPA Agreement to the above edits or propose general clean-up to reflect current law or practice. As an example, the law now requires member agencies to be responsible for joint powers agencies' retirement costs. This has been added for clarity.

- Withdrawal: If the Board wishes to include it, the withdrawal language can be added. This would permit an agency to withdraw after payment of its share of outstanding liabilities. The agency would not receive a share of Commission assets to ensure the Commission remains intact.

The proposed By-Laws update includes the following items:

- Consistency with the JPA Agreement: The majority of the edits ensure consistency with the proposed edits to the JPA Agreement.
- Meeting Cadence (1): The current Bylaws assume monthly meetings. The draft changes that to quarterly meetings to reflect current practice.
- Stipend (2): The Board currently receives a stipend for Board meeting attendance. However, this is not reflected in the By-laws. This edit would add that.
- Executive Director Authority (6): The Executive Director currently has the authority to award contracts of up to \$50,000 with Board notification for a total aggregate amount of \$150,000. This has not been updated in a number of years. The draft proposes to keep the \$50,000 threshold but delete the aggregate amount. The draft also proposes to delete a reference to budget consistency. This is unnecessary as all expenditures must be budgeted.

If the Board is interested in moving forward, staff recommends that the Board recommend that member agencies adopt the revised JPA Agreement. This recommendation should include direction on whether to include the withdrawal provision. Once the member agencies adopt the JPA Agreement, staff would bring the revised By-Laws to the Board at a future meeting for adoption.

RECOMMENDATION:

It is recommended the Board review, provide feedback, approve and adopt a Resolution recommending that the member agencies adopt the draft revised Joint Powers Agreement; and provide feedback on the draft Revised By-Laws.

Respectfully submitted,



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

Attachments:

Revised Joint Powers Agreement (Draft)
Revised By-Laws (Draft)

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2021-018

A RESOLUTION RECOMMENDING THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION'S MEMBER AGENCIES APPROVE A REVISED JOINT POWERS AGREEMENT

WHEREAS, the Sacramento Metropolitan Cable Television Commission (Commission) was formed by its member agencies to assist in cable franchising and related telecommunications matters; and

WHEREAS, the Commission is currently set to sunset on December 31, 2024; and

WHEREAS, the Commission continues to provide valuable services to its member agencies and the local community; and

WHEREAS, the Commission's Board of Directors has reviewed the Commission's Agreement of Formation ("JPA") and identified proposed clarifying changes to the JPA to extend the sunset date and incorporate legal requirements or best practices; and

WHEREAS, the Commission's Board of Directors recommends that the member agencies approve an amendment to the Commission's Agreement of Formation ("JPA") to continue the Commission past its current sunset date and make additional clarifying changes; and

NOW THEREFORE, BE IT RESOLVED, that the Commission recommends that its member agencies approve the proposed revisions to the JPA as attached hereto as **Exhibit A** and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Commission staff provide member agencies with draft ordinances, staff reports, and other documents to assist member agencies with their consideration of the proposed changes to the JPA.

On a motion by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted at a regular meeting of the Sacramento Metropolitan Cable Television Commission this 2nd day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chair of the Board

ATTEST:

Clerk of the Board

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SACRAMENTO AMENDING SECTION 5.50.104, 5.50.105 AND 5.50.112 OF THE SACRAMENTO COUNTY CODE REGARDING THE SUBSECTIONS 2.a. AND 9 OF SECTION 5.50.112 OF THE SACRAMENTO COUNTY CODE, THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, TO PROVIDE A MINIMUM OFFOR ONE ANNUAL MEETING PER YEAR AND TO EXTEND THE TERM OF THE COMMISSION TO DECEMBER 31, 2024.

BE IT ORDAINED BY THE SACRAMENTO COUNTY BOARD OF SUPERVISORS, as follows:

Section 1. Section 5.50.104 of the Sacramento County Code is hereby amended to read as follows:

5.50.104 Board of Directors.

The powers and authority of the Sacramento Metropolitan Cable Television Commission shall be vested in a Board of Directors which shall consist of a minimum of ~~nine~~ thirteen (13) members.

a. Five (5) members of the Board of Directors shall be members of the Governing Body of the County.

b. One member of the Board of Directors shall be a member of the Governing Body of one of the cities within the County of Sacramento that is a member of the Commission and whose population is less than eighty thousand (80,000) people. The member shall be appointed by and serve at the pleasure of the Governing Bodies of the appointing cities. All member cities whose populations are each less than eighty thousand (80,000) shall be represented by this member of the Board of Directors.

c. So long as a city with a population less than eighty thousand is a member of the Commission, three (3) members of the Board of Directors shall be members of, appointed by and serve at the pleasure of the Governing Body of the City of Sacramento.

In the event that no city with a population less than eighty thousand (80,000) people is a member of the Commission, four (4) members of the Board of Directors shall be members of, appointed by and serve at the pleasure of the Governing Body of the City of Sacramento.

d. One (1) member of the Board of Directors for each Ccity, other than the City of Sacramento, that is a member of the Commission and whose population is equal to or greater than eighty thousand (80,000) people. Each member of the

Board of Directors who represents such a member Ceity shall be a member of the Governing Board of that Ceity and shall be appointed by, and serve at the pleasure of, the Governing Board of that City.

e. Each member of the Board of Directors shall be authorized to appoint a personal representative to attend meetings of the Board in the absence of the member, and, during such meetings, vote and exercise all other powers of the member. Such an appointment shall be effective when the member files with the Clerk of the Board of Directors a written notice executed by the member which identifies by name and residential address the personal representative who has been appointed. Personal representatives shall serve at the pleasure of the members who appoint them, and such appointments may be revoked by the filing of written notice of revocation with the Clerk of the Board of Directors signed by the member and reciting revocation of the appointment of a designated representative. In the event of removal from the Board of Directors of a member who serves at the pleasure of a Governing Body, such removal shall automatically effect removal of any personal representative which that member has appointed.

f. For purposes of this section, a city's population shall be as ~~certified or reported~~ estimated by the ~~Sacramento Area Council of Governments ("SACOG")~~ California Department of Finance by ~~June-January~~ 1 of each year for the preceding year. Modifications to Board membership based on population changes shall be made on July 1 following the ~~June-January~~ 1 on which such population change was ~~certified by SACOG~~ provided by the Department of Finance.

Section 2. Section 5.50.112 of the Sacramento County Code is hereby amended to read as set forth in the attached Exhibit A, incorporated by this reference.

Section 3. If any part or provision of this ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable and are intended to have independent viability.

INTRODUCED ON _____, ~~20210~~, and PASSED AND ADOPTED by the
County of Sacramento Board of Supervisors on this day of _____, ~~20210~~, by the following
vote:

AYES:

NOES:

ABSENT:

Chair

ATTEST:

EXHIBIT A

5.50.112 Amended and Restated Agreement of Formation.

The Sacramento Metropolitan Cable Television Commission ~~shall be deemed to be created upon execution by each member thereof of an agreement of formation was previously created by the County and Cities.~~ Enactment of this chapter and amendments thereto constitutes approval by the Governing Bodies of the County and Cities of the terms of the amended and restated agreement of formation.

~~—The Chairperson of the Governing Body of the County and Mayor of the Municipality of Sacramento shall execute the following agreement of formation on the date of selection of the Franchisee for the Initial CATV Franchise pursuant to the provisions of Section in Sub Chapter 3. The Mayors of any of the Municipalities of Folsom, Isleton or Galt which have enacted this chapter, shall execute the agreement of formation thirty-one (31) calendar days following the date of selection of the Franchisee for the Initial CATV Franchise pursuant to the provisions of Section in Sub Chapter 3, unless the Governing Body of that Municipality has adopted a resolution making the selection inapplicable to that Municipality pursuant to the provisions of Section in Sub Chapter 3.~~

Amended and Restated Agreement of Formation Sacramento Metropolitan Cable Television Commission

THIS AMENDED AND RESTATED AGREEMENT is made and entered into pursuant to the provisions of Section 6500 et seq. of the Government Code of the State of California by and between the County of Sacramento, herein referred to as "County"; and the City of Sacramento and ~~municipalities-cities of~~ Citrus Heights, Elk Grove, Folsom, Isleton and Galt, and Rancho Cordova, herein referred to as "Cities"; who do hereby mutually agree as follows:

1. Establishment. There is hereby created an organization known and denominated as the Sacramento Metropolitan Cable Television Commission, which shall be a public entity, separate and apart from the County and Cities. The Sacramento Metropolitan Cable Television Commission (hereinafter referred to as "Commission") shall be governed by the terms of this Agreement, the terms of an ordinance enacted by each agency which enters into this Agreement which is entitled "Cable Television Ordinance", and is hereinafter referred to as the "Ordinance", and by such rules as are duly passed and adopted by the Board of Directors of the Commission.

~~Notwithstanding the provisions of the introductory paragraph of this Agreement, it is specifically contemplated that each of the Municipalities of Folsom, Isleton and Galt may or may not execute this Agreement and participate in the formation of and become members of the Commission. Therefore, the Commission shall be formed by, as members, the County, the Municipality of Sacramento, and so many of the other Municipalities as approve and execute this Agreement. If neither Folsom, Isleton nor Galt approve and execute this Agreement, the~~

~~Agreement shall be deemed to have been entered into and the Commission formed by, as members, the County and Municipality of Sacramento.~~

2. Board of Directors. The Commission shall be governed by and the powers of the Commission vested in a Board of Directors. The number of members of the Board of Directors, composition thereof, and tenure of Directors shall be prescribed by Sub-Chapter 2 of the Ordinance.

a. Meetings of the Board of Directors and/or such advisory or other committees as the Board may appoint, shall be governed by the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.). The Board of Directors shall establish a time and place for its regular meetings, which shall be held not less frequently than once per year.

b. A majority of the members of the Board of Directors shall constitute a quorum for the purpose of transacting business.

c. No action taken by the Board of Directors shall be effective except by duly adopted motion receiving the votes of a majority of the Directors of the Board.

d. The Board of Directors shall annually elect its Chairperson and Vice-Chairperson.

e. The Clerk of the Board of Supervisors of the County or the Clerk of the Cable Commission ~~other person retained by the Board~~ shall serve as Clerk Secretary to the Board of Directors, shall be responsible for recordation of the official actions by the Board, and shall be the official custodian of all records of the Board of Directors.

The County may determine reasonable charges to be made against the Commission for the services of the Clerk and the Commission shall pay such charges.

3. Powers. The Board of Directors of the Commission shall be vested with the following powers:

a. To employ or retain in the name of the Commission an Executive Director and such other personnel as the Board of Directors deems appropriate. The Executive Director shall be appointed by and serve at the pleasure of the Board of Directors;

b. To make and enter into contracts in the name of the Commission as authorized by or in order to carry out the objects or purposes of this Agreement or the Ordinance, including, but not limited to, contracts with the County providing for provision by County personnel of services for the Commission and reimbursement of the County by the Commission of the costs thereof;

c. To acquire in the name of the Commission, take title to, hold and dispose of real and personal property;

d. To incur in the name of the Commission debts, liabilities and obligations, which shall not constitute debts, obligations or liabilities of any of the member agencies;

e. To accept in the name of the Commission grants, gifts and donations in the public interest to carry out the purposes and functions of the Commission;

f. To establish and provide for the payment of reasonable compensation to its members or their personal representatives for performance of the duties of office; and

g. To exercise such other powers as are expressly conferred by the provisions of this Agreement or the Ordinance.

The Board of Directors shall also be authorized to sue in the name of the Commission. The Commission shall be subject to suit in its name.

4. Limitations. Pursuant to the provisions of Government Code section 6509, "the powers of the Commission are subject to the restrictions upon the manner of exercising such powers of one of the designated member agencies." For such purposes, the ~~Municipality~~ City of Sacramento is hereby designated.

5. Budget. Prior to July 1st of each fiscal year, the Board of Directors shall adopt a preliminary budget. Prior to September 1st of each fiscal year, said Board shall adopt a final budget.

6. Payments. Not later than the first day of ~~October~~ August of each year during the term of this Agreement, the Commission shall distribute to the County and Cities who are members of the Commission the difference between: (i) the revenue required to finance the costs to be incurred in accordance with the Commission's Budget (including a reserve for contingencies) for the fiscal year commencing on the preceding first day of August for the preceding fiscal year ending June 30; and (ii) the revenues from franchise fees actually received by the Commission on or before the preceding first day of August for the preceding fiscal year ending June 30. ~~Notwithstanding the foregoing, the Commission shall distribute to said County and Cities not later than the first day of each October not less than twenty (20) percent of the revenue from such franchise fees. Revenues from sources other than franchise fees shall be utilized and distributed as required by the source of the funds.~~

The franchise fees shall be paid to the County and Cities who are members of the Commission in the same proportion as the ratios which the population of the unincorporated area of the County and incorporated area of the Cities bear to the total population of ~~the Sacramento Community~~ County, excluding the city of Isleton, as disclosed by the most recent Federal Decennial Census and as updated by the California Department of Finance January 1st of each calendar year. ~~for 1980 during the period ending June 30, 1991, the Federal Decennial Census for 1990 during the Federal Decennial Census for 2000 during any period succeeding June 30, 2001.~~

~~Each distribution shall be accompanied by a statement by the Auditor of the Commission stating the amounts of all franchise fees received by the Commission for the~~

~~distribution period, the dates of receipt, the amount of revenue required to finance the Commission Budget, and the population ratios upon which apportionment of the distribution is being made. This has never been done?~~

7. ~~Treasurer. The Treasurer of the County shall be the depository of funds of the Commission, and said Treasurer shall be the ex officio Treasurer of the Commission. The Board shall appoint a Treasurer in accordance with Government Code sections 6505-6505.6.~~

The Treasurer shall receive and have custody of and disburse Commission funds on the warrant of the ~~Auditor~~ Commission and shall make disbursements authorized by this Agreement. The Treasurer shall invest Commission funds in accordance with the general law. All interest collected on Commission funds shall be accounted for and posted to the account of said funds.

~~The County may determine reasonable charges to be made against the Commission for the Services of the Treasurer, and the Commission shall pay such charges.~~

8. ~~Auditing. The Auditor of the County shall be the ex officio Auditor of the Commission shall be appointed by the Board in accordance with Government Code sections 6505-6505.6, and shall draw warrants against the funds of the Commission when the demands are approved by the Executive Director or his designee.~~ At the close of each fiscal year, as provided in Government Code section 6505, the Directors may contract with a public accountant or certified public accountant to make an audit of the accounts and report of the Commission.

The ~~contracted Auditor~~ Commission shall establish and maintain such funds and accounts as are deemed necessary to account for and report on receipts and disbursements. The Commission shall keep such additional records and accounts which are deemed necessary to account for and report on sources of funds, expenditures, grants and programs as may be required by good accounting practices. The books and records of the Commission shall be open to inspection at all reasonable times by representatives of the member agencies.

~~The County may determine reasonable charges to be made against the Commission for the services of the Auditor, and the Commission shall pay such charges.~~

9. ~~Term. Except as hereinafter provided, this Agreement shall terminate and the Commission shall be deemed dissolved on December 31, 2024 upon a two-thirds vote of the member agencies. The Commission shall review the status of the franchise and the status of state and federal law related to cable franchises no later than June 30, 2010, and shall make a recommendation to the member agencies on whether the Commission shall be dissolved prior to December 31, 2024. Nothing in this section shall preclude the Commission from making a recommendation regarding the continuation or early dissolution of the Commission either prior to or after June 2010.~~

10. ~~Disposition of Assets. Upon dissolution of the Commission, its remaining assets after satisfying all liabilities, including any retirement benefits obligations, shall be distributed to member agencies in the same proportion as distributions to member agencies have most recently been made pursuant to the provisions of Paragraph 6, above unless the member~~

agencies agree to a different distribution. Any real property owned by the Commission shall, in advance of dissolution, be conveyed by the Board of Directors to member agencies as tenants in common with proportional interests equal to the proportion of distributions most recently made pursuant to the provisions of said Paragraph 6 unless the member agencies agree to a different distribution.

11. Debts. Except to the extent provided by law, ~~The~~ debts, liabilities and obligations of the Commission shall not constitute any debts, liabilities or obligations either jointly or severally of the County ~~of Sacramento, City of Sacramento or municipalities of Folsom, Isleton or Galt~~ any City.

12. Amendment. This Agreement may be amended by written contract approved by and executed in behalf of the Governing Bodies of each member agency. No Franchisee or other person or entity shall be deemed to either expressly or impliedly be a party to this Agreement, a third party beneficiary thereof, or to have any interest which precludes amendment of the terms of this Agreement in any manner in which the Governing Bodies of the member agencies, in their discretion, may mutually agree.

IN WITNESS HEREOF the parties hereto have approved and executed this Agreement as follows.

REVISED BY-LAWS

OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

Originally Adopted: December 8, 1982

Amended: _____, 2021

1. **PURPOSE OF BY-LAWS.** These By-Laws of the Sacramento Metropolitan Cable Television Commission (hereinafter referred to as the "Cable Television Commission" or "Commission"), supplement the Commission's Amended and Restated Agreement of Formation, made and entered into pursuant to the provisions of California Government Code section 6500 *et seq.* ("JPA Agreement"). These Bylaws are meant to be implemented in conjunction with the JPA Agreement.
2. **MEETINGS.** Meetings of the Board of Directors and/or such advisory or other committees as the Board may appoint, shall be governed by the provisions of the Ralph M. Brown Act (Government Code section 54950 *et seq.*). The Board of Directors shall establish a time and place for its regular meetings, which shall be held not less frequently than once per year. The annual meeting shall be held at 2:30 p.m. on the first Thursday in June of each year. This meeting shall be held at the Sacramento County Board Chambers, located at 700 H Street, Suite 1450, Sacramento, unless the Commission determines to change the location. The Commission will also schedule regular ~~monthly~~ quarterly meetings on the first Thursday of the last month of the quarter (March, June, September, and December) to take place at 2:30 p.m. ~~on the first Thursday of each month~~ in the Sacramento County Board Chambers. The ~~monthly~~ regular meeting will take place if the Executive Director, in consultation with the Commission's Chair, ~~in consultation with the Executive Director~~, deems it necessary. Directors shall receive a stipend in an amount equal to \$120.00 _____ for attendance at all meetings of the Board of Directors. The stipend may be adjusted by the Board of Directors by resolution or ordinance.
3. **RIGHTS, DUTIES AND PRIVILEGES OF CHAIRPERSON AND VICE CHAIRPERSON.** The Chairperson of the Commission, or such other member as may be presiding, shall have all of the rights and privileges of a Director, and may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members.

The Chairperson shall have the following duties:

- a. To preside at all meetings of the Commission;
- b. To sign all documents of the Commission as may be required, unless, by resolution, the governing body appoints another to execute such items as may be permitted by law;
- c. To perform such other and further duties as the governing body may, from time to time, prescribe;
- ~~d. To appoint a Chairperson pro-tem in his or her absence; and~~
- d. To appoint with concurrence of the Board, as special, standing ad-hoc committee members.

e. The Vice Chairperson shall act as the chair in the Chairperson's absence from a meeting.

4. **ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON.** The Board of Directors shall annually elect its Chairperson and a Vice Chairperson at the annual Board meeting held in June.

5. **VOTING.** On all matters acted upon by the Commission, the voting shall be by roll call, and the ayes, noes and members present but not voting, shall be entered into the minutes or other records of the meeting.

All actions of the Commission shall require an affirmative vote of the majority of the members and all resolutions must be in writing.

The Commission's Secretary-Clerk shall prepare an action summary following each Commission meeting which reflects the time and place of the meeting, the names of the Commissioners present, all official acts of the Commission, and the vote given by the Directors. ~~The Secretary shall cause the action summary to be placed on the agenda of a future Commission meeting. Unless a reading or formal motion is requested by a member of the Board of Directors, the action summary of the past meeting shall be deemed approved without reading or formal motion.~~

6. **PAYMENTS.** Not later than the first day of ~~October~~ August of each year, the Commission shall distribute to the County and Cities who are members of the Commission the difference between: (i) the revenue required to finance the costs to be incurred in accordance with the Commission's Budget (including a reserve for contingencies) for the fiscal year commencing on the preceding first day of July for the preceding fiscal year ending June 30; and (ii) the revenues from franchise fees actually received by the Commission pursuant to the provision of Article 4 d of Sub Chapter 4 on or before the preceding first day of August for the preceding fiscal year ending June 30. Notwithstanding the foregoing, the Commission shall distribute to said County and Cities not later than the first day of each ~~October~~ August not less than twenty (20%) percent of the revenue from such franchise fees.

The franchise fees shall be paid to the County and Cities who are members of the Commission in the same proportion as the ratios which the population of the unincorporated area of the County and incorporated area of the Cities bear to the total population of ~~the Sacramento~~ Community County, excluding the City of Isleton, as disclosed by the most recent federal census as updated annually by the Department of Finance. Revenues from sources other than franchise fees shall be utilized and distributed as required by the source of the funds.

~~Each distribution shall be accompanied by a statement by the Auditor of the Commission stating the amounts of all franchise fees received by the Commission for the distribution period, the dates of receipt, the amount of revenue required to finance the Commission Budget, and the population ratios upon which apportionment of the distribution is being made.~~

Note: Although this provision is included in the JPA Agreement, it is also set forth here because the language that follows subsection (ii), shown above, was inadvertently excluded from the amendments to the JPA Agreement. The language reflected here, including subsection (ii), is consistent with the Commission's current practices regarding distribution of payments to Commission members.

7.6. DELEGATION OF AUTHORITY TO EXECUTIVE DIRECTOR. The duly appointed Executive Director shall be empowered to ~~execute sign~~ all documents of the Commission which have been previously authorized by Commission Resolution.

In addition, the Executive Director is ~~granted authority to approve and authorized to~~ execute all contracts ~~and purchase orders~~, and amendments related thereto, in connection with the provision of necessary consulting services or other goods and services as required to assist the Executive Director to conduct the Commission's business. The Executive Director is granted contracting authority up to \$50,000 per service or agreement; and the Executive Director may sole source ~~such~~ contracts and services at ~~his~~ the Executive Director's discretion. ~~The Executive Director's aggregate authority pursuant to this section shall not exceed \$150,000 for multiple contracts and services, and shall not exceed the Service and Supplies budget allocation in the then effective adopted budget of the Commission.~~

Contracts are to be approved as to form by Commission Counsel and any ~~action contracts or services approved taken~~ by the Executive Director shall be at a minimum reported to the Chair as an update to actions taken, with a report to the full Commission Board at the next scheduled meeting.

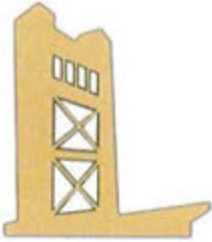
8.7. AUDITING. ~~The Auditor of the County shall be the ex officio Auditor of the Commission, and shall draw warrants against the funds of the Commission when the demands are approved by the Executive Director or his designee.~~ At the close of each fiscal year or, if approved by the Board as provided in Government Code section 6505, every other fiscal year, the Board of Directors may contract with a public accountant or certified public accountant to make an audit of the accounts and report of the Commission.

The Auditor-Commission shall establish and maintain such funds and accounts as are deemed necessary to account for and report on receipts and disbursements. The Commission shall keep such additional records and accounts which are deemed necessary to account for and report on sources of funds, expenditures, grants and programs as may be required by good accounting practices. The books and records of the Commission shall be open to inspection at all reasonable times by representatives of the member agencies. The Commission shall further ensure compliance with the auditor and treasurer requirements of Government Code sections 6505-6505.6.

~~The County may determine reasonable charges to be made against the Commission for the services of the Auditor, and the Commission shall pay such charges.~~

9.8. AMENDMENTS TO BY-LAWS. To the extent these By-Laws are not governed by any other Ordinance or Agreement, they may be amended by a two-thirds vote of all of the Board of Directors.

10.9. ROSENBERG'S RULE OF ORDER. All rules of order not herein provided shall be determined in accordance with "Rosenberg's Rules of Order, Revised.



SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

799 G Street, 4th Floor, Sacramento, CA 95814 • (916) 874-6661 • Fax: (916) 854-9666 • www.sacmetroable.tv

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

AGENDA ITEM NO. 3

DATE: December 2, 2021

TO: Chair and Board of Directors

FROM: Robert A. Davison, Executive Director

SUBJECT: RESOLUTION NO. 2021-022, AUTHORIZING THE SMCTC BOARD TO REMOTE TELECONFERENCE MEETINGS PURSUANT TO THE RALPH M. BROWN ACT

RECOMMENDATION:

Adopt Resolution No. 2021-022, Authorizing the Sacramento Metropolitan Cable Television Commission Board to Remote Teleconference Meetings Pursuant to the Ralph M. Brown Act.

BACKGROUND:

On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625).

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Brown Act, provided certain requirements are met and followed.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 that allows a legislative body subject to the Brown Act to continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body make certain findings.

A required condition of the Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b).

Agenda Item No. 3

Resolution No. 2021-022, Authorizing Remote Teleconference Meetings

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A further required condition of the Government Code section 54953(e) is that the state or local officials have imposed or recommended measures to promote social distancing, or the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees. These findings must be made at the initial remote meeting and at least every 30 days thereafter.

The following conditions currently exist:

- There is currently a Proclamation of a State of Emergency that remains in effect.
- California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(d) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19, based on the fact that particles containing the virus can travel more than six feet, especially indoors.
- On September 28, 2021, the Sacramento County Public Health Officer Dr. Olivia Kasirye issued a Teleconference Recommendation, which states that utilizing teleconference options for public meetings is an effective and recommended social distancing measure to facilitate the participation in public affairs and encourage participants to protect themselves and others from COVID-19.

Because the Cable Commission Board meets regularly on a quarterly basis, more than thirty days will elapse between consecutive meetings. AB 361 is silent as to whether special meetings are required on a more frequent basis to keep up with the thirty-day renewal of findings requirement, although scheduling such meetings would ensure strict compliance. Alternatively, if the Board does not meet within thirty days after its prior meeting, the Board should make its renewed findings at the beginning of its next meeting prior to any other action or discussion. If the Board wishes to continue meetings remotely, staff recommends this approach absent additional clarification.

RECOMMENDATION:

Due to the current conditions listed above, staff recommends the Board adopt Resolution No. 2021-022, Authorizing the SMCTC Board to remote teleconferencing meetings pursuant to the Ralph M. Brown Act.

Respectfully submitted,



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

Attachment:
Resolution No. 2021-022

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2021-022

**A RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS
PURSUANT TO THE RALPH M. BROWN ACT**

WHEREAS, all meetings of the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION (“SMCTC”) and its legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government Code § 54950 et seq); and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, SMCTC has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff, and Commissioners; and

WHEREAS, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

WHEREAS, on September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in SMCTC, specifically, a state of emergency has been proclaimed related to COVID-19, Sacramento County officials are imposing and recommending measures to promote social distancing, and because of the ongoing threat of COVID-19, meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the Sacramento County Public Health Officer Dr. Olivia Kasirye issued a Teleconference Recommendation which states that utilizing teleconference options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and other from COVID-19; and

WHEREAS, the SMCTC has an interest in encouraging public participation in open and public meetings while protecting the health, safety and welfare of those who participate.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the Sacramento Metropolitan Cable Television as follows:

1. **State or Local Officials Have Imposed or Recommended Measures to Promote Social Distancing.** SMCTC hereby finds and proclaims that state and local officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D) and Sacramento County Public Health Officer Dr. Olivia Kasirye's Teleconference Recommendation issued September 28, 2021.

2. **Remote Teleconference Meetings.** SMCTC and any of its legislative bodies are hereby authorized to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, and Staff are directed to take all actions necessary to carry out the intent and purpose of this Resolution.

3. **Effective Date.** This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 2, 2021 or (ii) such time the Authority adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which it and its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

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 2nd day of December 2021, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Chair of the Board

ATTEST:

Clerk of the Board



SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

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

AGENDA ITEM NO. 4

DATE: December 2, 2021

TO: Chair and Board of Directors

FROM: Robert A. Davison, Executive Director

SUBJECT: RESOLUTION NO. 2021-023, RATIFYING THE ADOPTION OF THE REVISED INJURY AND ILLNESS PREVENTION PROGRAM

RECOMMENDATION:

It is recommended the Board adopt Resolution No. 2021-023, Ratifying the Adoption of the Revised Injury and Illness Prevention Program ("IIPP").

DISCUSSION:

The Sacramento Metropolitan Cable Television Commission's IIPP was adopted on July 1, 1991. During a recent review by staff of all Commission policies, procedures, and manuals, it was determined the IIPP would need to be updated to comply with existing laws and current practices. Every California employer must establish, implement, and maintain a written IIPP.

In accordance with Cal/OSHA regulations, the IIPP is based on a model program provided by Cal/OSHA and includes the following elements:

- Responsibility
- Compliance
- Communication
- Hazard Assessment
- Accident/Exposure Investigation
- Hazard Correction
- Training and Instruction
- Employee access to the IIPP

Agenda Item No. 4

Resolution No. 2021-023, Ratifying the Adoption of the Revised Injury and Illness Prevention Program

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In addition, staff has developed a Code of Safe Practices, applicable to all employees in order to instill and maintain safe work practices and help ensure a safe workplace. This Code is attached as Exhibit A to the IIPP.

RECOMMENDATION:

It is recommended the Board adopt Resolution No. 2021-023, Ratifying the Adoption of the Revised Injury and Illness Prevention Program.

Respectfully submitted,



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

Attachments:

Injury and Illness Prevention Program (Revised December 1, 2021)

Code of Safe Practices

SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

RESOLUTION NO. 2021-023

**A RESOLUTION RATIFYING THE ADOPTION
OF THE REVISED INJURY AND ILLNESS PREVENTION PROGRAM**

WHEREAS, the SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION (“Commission”) adopted an Injury and Illness Prevention Program (IIPP) on July 1, 1991; and

WHEREAS, Commission staff, along with Commission Legal Counsel updated the IIPP as of December 1, 2021, to ensure compliance with applicable requirements; and

WHEREAS, the Board of Directors desires to ratify the adoption of the revised Injury and Illness Prevention Program and authorize the Executive Director, or his designee, to make any future amendments that contain only non-substantive and/or administrative changes to the IIPP, as well as any changes which are required by applicable law, with concurrence from Legal Counsel(s).

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sacramento Metropolitan Cable Television Commission receives and files the revised Injury and Illness Prevention Program, along with Exhibit A (Code of Safe Practices). The Executive Director is hereby authorized to make any future amendments that contain only non-substantive and/or administrative changes to the IIPP and the Code of Safety Practices, as well as any changes which are required by applicable law, with concurrence from Commission Legal Counsel.

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 2nd day of December 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Chair of the Board

ATTEST:

Clerk of the Board

INJURY AND ILLNESS PREVENTION PROGRAM for Sacramento Metropolitan Cable Television Commission

RESPONSIBILITY

The Injury and Illness Prevention Program (IIPP) administrator, Executive Director, has the authority and responsibility for implementing the provisions of this program for the Sacramento Metropolitan Cable Television Commission (SMCTC).

All managers and supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering worker questions about the IIPP.

COMPLIANCE

All workers, including managers and supervisors, are responsible for complying with safe and healthful work practices. Our system of ensuring that all workers comply with these practices includes the following practices:

- Informing workers of the provisions of our IIPP.
- Evaluating the safety performance of all workers.
- Recognizing employees who perform safe and healthful work practices.
- Providing training to workers whose safety performance is deficient.
- Disciplining workers for failure to comply with safe and healthful work practices.

COMMUNICATION

All managers and supervisors are responsible for communicating with all workers about occupational safety and health in a form readily understandable by all workers. Our communication system encourages all workers to inform their managers and supervisors about workplace hazards without fear of reprisal.

Our communication system includes the following items:

- New worker orientation including a discussion of SMCTC's commitment to workplace safety.
- Review of our IIPP.
- Posted or distributed safety information.
- A system for workers to inform management about workplace hazards.
- Our establishment has less than ten workers and communicates with and instructs workers orally about general safe work practices and hazards unique to each worker's job assignment.

HAZARD ASSESSMENT

Periodic inspections to identify and evaluate workplace hazards shall be performed at the following times:

1. When we initially established our IIPP.
2. When new substances, processes, procedures, or equipment that present potential new hazards are introduced into our workplace.
3. When new, previously unidentified hazards are recognized.
4. When occupational injuries and illnesses occur.
5. Whenever workplace conditions warrant an inspection.

ACCIDENT/EXPOSURE INVESTIGATIONS

In consultation with the Executive Director, the direct supervisor (or his or her designee) will generally adhere to the following procedures for investigating workplace accidents and hazardous substance exposures:

1. Visiting the accident scene as soon as possible.
2. Interviewing injured workers and witnesses.
3. Examining the workplace for factors associated with the accident/exposure.
4. Determining the cause of the accident/exposure.
5. Taking corrective action to prevent the accident/exposure from recurring.
6. Recording the findings and actions taken.

HAZARD CORRECTION

Unsafe or unhealthy work conditions, practices or procedures shall be corrected in a timely manner based on the severity of the hazards. Hazards shall be corrected according to the following procedures:

1. When observed or discovered; and
2. When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, we will remove all exposed workers from the area except those necessary to correct the existing condition. Workers who are required to correct the hazardous condition shall be provided with the necessary protection.

TRAINING AND INSTRUCTION

All workers, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. Training and instruction is provided:

1. When the IIPP is first established.
2. To all new workers, except for construction workers who are provided training through a construction industry occupational safety and health program approved by Cal/OSHA.
3. To all workers given new job assignments for which training has not previously been provided.
4. Whenever new substances, processes, procedures, or equipment are introduced to the workplace and present a new hazard.
5. Whenever the employer is made aware of a new or previously unrecognized hazard.
6. To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
7. To all workers with respect to hazards specific to each employee's job assignment.

General workplace safety and health practices include, but are not limited to, the following:

1. Implementation and maintenance of the IIPP.
2. Emergency action and fire prevention plan (posted in SMCTC Administration and Metro Cable offices).
3. Provisions for medical services and first aid, including emergency procedures.
4. Prevention of musculoskeletal disorders, including proper lifting techniques.
5. Proper housekeeping, such as keeping stairways and aisles clear, work areas neat and orderly, and promptly cleaning up spills.
6. Prohibiting horseplay, scuffling, or other acts that tend to adversely influence safety.
7. Proper storage to prevent stacking goods in an unstable manner and storing goods against doors, exits, fire extinguishing equipment and electrical panels.
8. Proper reporting of hazards and accidents to supervisors.
9. Hazard communication, including worker awareness of potential chemical hazards, and proper labeling of containers.
10. Proper storage and handling of toxic and hazardous substances, including prohibiting eating or storing food and beverages in areas where they can become contaminated.

In addition, SMCTC's Code of Safe Practices is attached here as Exhibit A.

EMPLOYEE ACCESS TO THE IIPP

1. Our employees – or their designated representatives - have the right to examine and receive a copy of our IIPP. This will be accomplished by either providing access on a SMCTC server or website or by providing a copy within five (5) business days of request to an employee or an employee's authorized representative.

RECORDKEEPING

SMCTC is a local governmental entity (any county, city, or district, and any public or quasi-public corporation or public agency therein), and is exempt from keeping written records of the steps taken to implement and maintain the IIPP.

Despite the fact that SMCTC is not required to keep written records of the steps taken to

implement and maintain its IIPP, SMCTC will keep the following records in order to monitor the effectiveness of the IIPP and ensure safe work practices.

HAZARD CORRECTION RECORD

Date of Observation:

Person Making Observation:

Unsafe Condition or Work Practice:

Action Taken:

ACCIDENT/EXPOSURE INVESTIGATION REPORT

Date & Time of Accident:

Location:

Accident Description:

Workers Involved:

The underlying cause(s) of the accident/exposure:

Actions Taken:

Manager Responsible:

Date Completed:

CODE OF SAFE PRACTICES

HAZARD	Preventative Safe Work Conditions, Safe Work Practices or Personal Protective Equipment
<p>Video Monitor Operation</p> <p>Visual stress due to improper lighting and work station design.</p>	<p>a) Background lighting and screen lighting should be compatible and adjustable.</p> <p>b) Eye care and rest periods should be taken as necessary.</p> <p>c) Screen protectors can be provided.</p>
<p>Lifting / Carrying</p> <p>Back strain from improper lifting techniques.</p>	<p>a) Use proper lifting techniques.</p> <p>b) Don't over lift – use two people for heavy / awkward items or dolly or other wheeled racks / carts, etc.</p> <p>c) If you need assistance, ask.</p> <p>d) Obtain approval from Production Director before using a ladder.</p>
<p>General Work Area</p> <p>Low back strain.</p>	<p>Proper posture while typing, editing, sitting, or standing (particularly for long periods).</p>
<p>Open file drawers when not in use – employees walking into or tripping over open file drawers.</p>	<p>Close file drawers when not in use.</p>
<p>Horseplay or scuffling.</p>	<p>Avoid horseplay, scuffling, or other physical acts that tend to adversely influence safety.</p>
<p>Fire extinguishers blocked by storage / debris.</p>	<p>a) Fire extinguishers shall be kept in a clear area and freely accessible.</p> <p>b) Stairways, aisles, hallways, and/or walkways should be kept clear.</p> <p>c) Work areas be kept neat and orderly.</p> <p>d) Any spills be promptly cleaned up.</p>
<p>Exits blocked, unlit, or doors blocked.</p>	<p>a) Employees shall keep exits unlocked and accessible during work hours.</p> <p>b) Inspections shall verify ease of access.</p>
<p>Storage of excess combustibles may be fire hazards.</p>	<p>Employees shall not store excess amounts of combustibles in the work area.</p>
<p>Aisles blocked.</p>	<p>a) Aisles and hallways shall be kept clear.</p> <p>b) Goods should be properly stored to prevent stacking them in an unstable manner.</p> <p>c) Goods should not be stored against doors, exits, fire extinguishing equipment and/or electrical panels.</p>

Telephone, power cords lying across walk areas (trip / fall hazard).	Remove, reroute, tape / cover lines.
Coffee, food, loose items, and water on floor – presents slip and trip hazards.	Remove (pick up) objects on floor and wipe up or remove any liquids immediately.
Eye strain / improper lighting.	Provide for proper lighting in office areas.
General Production Area Video / audio cable lying across walk areas (office & remote location) (trip/fall hazard).	<ul style="list-style-type: none"> a) Choose least traveled route. b) Tape or cover cables. c) Post cones as necessary.
Identification of Employees	Metro Cable employees should wear an ID badge and a SMCTC-issued shirt with logo.
Camera Operations Standing / sitting long periods. Back strains and other strains / pulls / stiffeners.	Change standing and sitting positions during shoot (consider rotating job assignments).
Eye strain.	Give eyes rest by shifting view from viewfinder.
Van Backing van (accident / injury / damage to staff / public property). Parking (street, alley, lot, misc.) (accident injury / damage to staff / public property). Driving (accident / injury / damage to staff / public property).	<ul style="list-style-type: none"> a) When appropriate, driver to use another person outside as spotter / guide. b) Use mirrors – set for personal preference before each start-up of engine. c) Drive defensively. <ul style="list-style-type: none"> a) If needed, post cones all four corners of van to warn oncoming vehicles and foot traffic. b) Do not block building or parking lot exits. c) Obtain any parking permits in emergency zones. <ul style="list-style-type: none"> a) Always use seat belts. b) Limit number of passengers to number of seat belts. c) Use mirrors – set for personal preference before each start-up of engine. d) Use mirrors / signals to change lanes.

<p>Van (Continued)</p> <p>Highway Stops (flats / breakdown)</p> <p>Accessing / Loading</p> <p>Fueling</p>	<ul style="list-style-type: none">a) Use “buddy system” on field shoots requiring more than two staff to load/unload.b) As necessary, turn on vehicle hazard lights, set cones / reflectors around van, and / or use flares. Road assistance can be obtain by calling: 7:00 a.m. – 5:00 p.m. County Automotive – (916) 874-6462 5:00 p.m. – 7:00 a.m. County Operator – (916) 875-6900 Call 911 for immediate need of fire, law enforcement, or ambulance services. <ul style="list-style-type: none">a) Avoid street side.b) Check for oncoming traffic from street, etc. <p>No smoking – do not overfill.</p>
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SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION

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

AGENDA ITEM NO. 5

DATE: December 2, 2021
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CALENDAR YEAR 2021 SURPLUS PROPERTY LIST

RECOMMENDATION:

It is recommended the Board receive and file the Surplus Property List for Calendar Year 2021.

DISCUSSION:

As a result of the recommendation made by the Commission's Auditor several years ago, staff implemented the practice of conducting a physical inventory of fixed assets annually in order to maintain an accurate list of inventory and control of Commission-owned equipment and furnishings over the years and surplus items that are no longer needed or in use.

The items on the attached list were declared to be surplus property for Calendar Year 2021 and were disposed of, based on the Commission's Fixed Assets Disposal Policy. This refers to 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.

The six items on the Surplus List in CY 2021 were deemed obsolete, as they are Standard Definition and the manufacturer is no longer in business. Therefore, staff did not feel that those six items would be worthwhile to donate to any organizations.

During the process of identifying equipment that were to be surplus this year, staff took into consideration the suggestion from several Board Members from a previous meeting, to consider donating equipment that may still have useful life and create a process to donate such equipment to non-profits, small organizations, charter schools, etc.

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Calendar Year 2021 surplus Property List
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As a result of that suggestion, staff has identified and set aside a number of items deemed to have useful life, and is in the process of drafting a Donation Policy and a process and means, where equipment with useful life but no longer needed by our Metro Cable Team can be donated to local non-profits, small organizations, charter schools, etc.

Once the Policy is final and the process is streamlined and reviewed by Legal Counsel, staff will present the Policy for Board approval and provide a demo of the process at a future meeting.

RECOMMENDATION:

It is recommended the Board receive and file the Calendar Year 2021 Surplus Property list.

Respectfully submitted,



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

Attachment:
Surplus Property List (Calendar Year 2021)



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SURPLUS PROPERTY LIST CALENDAR YEAR 2021 (REVISED 12/01/2021)

Inventory Tag #	Serial #	Brand/Make	Description of Property	Model #	Reason for Disposal
213698	00739	Synergy	Digital Encoder	N/A	Standard Definition Encoder purchased in 2011 and is now obsolete; manufacturer no longer in business.
213699	000740	Synergy	Digital Encoder	N/A	Standard Definition Encoder purchased in 2011 and is now obsolete; manufacturer no longer in business.
213700	000737	Synergy	Digital Encoder	N/A	Standard Definition Encoder purchased in 2011 and is now obsolete; manufacturer no longer in business.
213703	00742	Synergy	Digital Encoder	N/A	Standard Definition Encoder purchased in 2011 and is now obsolete; manufacturer no longer in business.
213704	00743	Synergy	Digital Encoder	N/A	Standard Definition Encoder purchased in 2011 and is now obsolete; manufacturer no longer in business.
213710	00741	Synergy	Digital Encoder	N/A	Standard Definition Encoder purchased in 2011 and is now obsolete; manufacturer no longer in business.
154557	N/A	N/A	Desk, Typist	N/A	Broken, not usable
154559	N/A	N/A	Desk, Wood	N/A	Broken, not usable



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AGENDA ITEM NO. 6

DATE: December 2, 2021
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: GENERAL ADMINISTRATION REPORT

RECOMMENDATION:

It is recommended the Board receive a verbal report from staff regarding the following Commission matters:

1. City of Eugene, Oregon vs. Federal Communications Commission
2. SiFi Networks - Request for Local Entities to Executive Fiber Network Installation Agreement
3. Metro Cable YouTube Channel Update & Demonstration
4. Calendar Year 2022 Quarterly Meetings

Respectfully submitted,

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



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AGENDA ITEM NO. 7

DATE: December 2, 2021
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: CHANNEL LICENSEE REPORTS

RECOMMENDATION:

It is recommended the Board receive and file reports and comments, if any, from the representatives of the following Channel Licensees:

- A) Access Sacramento
- B) Capital Public Radio
- C) KVIE, Inc.
- D) SacFaith TV
- E) Sacramento Educational Cable Consortium

Respectfully submitted,

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



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AGENDA ITEM NO. 8

DATE: December 2, 2021
TO: Chair and Board of Directors
FROM: Robert A. Davison, Executive Director
SUBJECT: STATE FRANCHISEE REPORTS

RECOMMENDATION:

It is recommended the Board receive and file reports and comments, if any, submitted from representatives of the following state franchisees:

- A) AT&T
- B) Comcast
- C) Consolidated Communications, Inc.

Respectfully submitted,

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



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AGENDA ITEM NO. 9

DATE: December 2, 2021
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,

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