

MARIN TELECOMMUNICATIONS AGENCY
MINUTES OF THE REGULAR MEETING
JUNE 10, 2009

SAN RAFAEL CITY HALL
1400 FIFTH AVE., SAN RAFAEL CA

Present:

Andrew Berman, Chairman, City of Mill Valley
Judy Arnold, County of Marin
Larry Bragman, Town of Fairfax
Larry Chu, City of Larkspur
Ted Freeman, Town of San Anselmo
Barbara Heller, City of San Rafael
Jonathan Leone, Vice Chair, City of Sausalito
Robert Ravasio, Town of Corte Madera

Absent:

Tom Cromwell, City of Belvedere
Richard Collins, Town of Tiburon
Christopher Martin, Town of Ross

Staff:

Barbara Thornton, Executive Officer
Gregory W. Stepanicich, General Counsel
Suki Sennett, Clerk

Agenda item A: Call to Order: the Chair called the meeting to order at 7:00 PM.

Agenda item B: Director's comments:

Chairman Berman urged going forward with the performance review for the Executive Officer and to track ourselves against the Work Plan, i.e. web site.

Agenda item C: Executive Officer's report:

Executive Officer Thornton gave an update regarding the research about the computers the MTA received from Comcast as part of the Franchise Agreement. In January 2007 Comcast provided nine new computers that were picked up by the City of San Rafael IT Manager on behalf of the MTA. Three went to the Teen Center at Pickleweed Park Community Center and are heavily used, and three went to Manzanita Center in Marin City. Two went to San Rafael Main Library children's area. The last one was being used in San Rafael where it benefits the public. She also reported that MERA would be moving out of the office on June 30 and would be moving to Novato Fire District. LAFCo would be moving in with the MTA/MGSA shortly. She reminded Board members that she had sent them a Doodle asking about their availability for the July and August meetings. She added that she had met with Gus Bush, San Rafael IT Manager and Michael Eisenmenger to look at video enabling and audio-visual aids for the San Rafael Council Chamber. She also met with the County and Michael to discuss the "G" Channel that would be launched June 15 on Chanel 27.

Agenda item D: Consent Calendar

- 1) Approve minutes of May 13, 2009 Board Meeting
- 2) Budget Status Report

- 3) Authorize Executive Officer to contribute \$500 to NATOA in support of NATOA's development of comments to be filed on the FCC's Broadband Plan Proceeding.

Thornton noted that the MTA was mentioned as one of the seventeen "forward thinking partners", along with NATOA in filing the National Broadband Comments with the FCC.

Chairman Berman said this was one of the things that should be tracked and added to the Work Plan. There was no public comment.

M/S/P Arnold/Chu, to move the Consent calendar.

AYES: ALL

NOES: NONE

Motion carried

Agenda item E: Open time for items not on the agenda. There were none.

Agenda item F: Update Report from Comcast

Executive Officer Thornton introduced Deb Padia, Government Affairs Manager, Comcast –North Bay. She said Comcast and MTA staff continued to have regular meetings regarding Comcast's provision of cable services in Marin. Chairman Berman recommended regular, quarterly review regarding MTA's partnership with Comcast, AT&T and Horizon as part of the Work Plan. Padia said the Digital Enhancement had been completed in May. Marin was one of the first in the Bay Area to go through it and would be followed by Napa, Sonoma and Solano Counties. Comcast was currently following up with customers who had not responded to notices regarding the need for new terminal equipment required by the network change to digital. She reviewed a number of benefits to subscribers, including 47 new HD channels, faster internet speed, 20,000 additional videos on demand a month, and an inter-active TV Guide. Service technician teams had done installations in senior facilities such as The Redwoods, Creek Side, Parnell Friendship House, Nazarene House, Aegis, and Smith Ranch. Comcast had invested in infra-structure rather than digging up streets and had invested in the community with enhanced services. Channel 27, the Government "G" channel would be launched on June 15. Subscribers would be notified on their bills. Directors Leone and Chu recounted in detail their difficulties in installing the Digital Transport Adapter (DTA) and with customer service which had not been set up as consumer friendly. They had also received a number of complaints from constituents with regard to the Digital Enhancement. Chairman Berman asked what was being done to improve customer service. Padia said Comcast had brought on 150 new employees and has added staff at the call centers. He and Vice Chairman Leone further strongly urged her to take back our concerns to Comcast and to utilize lessons learned from the Marin conversion. The Chair said he expected her to return on a regular basis. There was no public comment.

Agenda item G: Community Media Center of Marin (CMCM) Report

Michael Eisenmenger, CMCM Executive Director, said he was involved with providing video expertise for outfitting the San Rafael and Sausalito Council Chambers for video recording. Construction was almost complete in the media center in time for the launching of channels 26 and 27 at 6:00 AM June 15. Many people were bringing in content for access programming. They were going to be bringing in UCTV and similar programming on the G channel until there are additional government programs. He requested the creation of a Government Programming Advisory Committee two or three months down the road, composed of persons designated by each of the member agencies (cities/County) as liaison. They would advise on the mechanism for government schedules for programming and as stakeholders to help share in developing programming recommendations. Vice Chairman Leone said the group should come up with G channel criteria. Eisenmenger said the media center would be all staffed up by the end of next week. Victoria Fong was on board as operations manager. There was no public comment.

Agenda item H: Adoption of FY09-10 MTA Operating Fund (70040) and PEG Fund (70041)

Executive Officer Thornton said the MTA's FY09-10 budget was comprised of two distinct funds: the MTA Operating Fund (70040) and the PEG Fund (70041). MTA's Finance & Policy Committee had reviewed the FY09-10 Operating Fund Budget at their May 8, 2009 meeting. The MTA Board received the FY 09-10 proposed budget at their May 13, 2009 meeting and had set the public hearing for the FY09-1- Budget for tonight's meeting. She reviewed the budgets. Discussion ensued regarding Horizon Cable. General Counsel Stepanicich said their 1991 franchise ran for 20 years. It would be up for renewal in 2011. He would be contacting County Counsel Pat Faulkner to make certain he confirms that he agreed Horizon comes under MTA's authority. Horizon franchise payments go to the County with remittance of a portion of those fees that are assigned to the MTA. Director Bragman asked if the low income discount would be funded through Contingency. Thornton said yes. Director Leone asked that a cash balance be included next time.

The Chair opened the item for public comment.

Scott McKown, MIDAS Network Administrator, asked for clarification regarding inclusion of the CMCM INET circuit costs in the budget. Thornton said they are included. The Chair said he would entertain a motion from the Board.

M/S/P Bragman/Heller, to adopt Resolution No. 2009-1, A Resolution of the Board of Directors of the Marin Telecommunications Agency Adopting the Proposed FY 09-10 Operating Fund (70040) and PEG Fund (70041) Budgets.

AYES: ALL

NOES: NONE

Motion carried

Agenda item I: Approval of MTA FY 08-09 Budget Adjustments (Funds 70040 & 70041)

The Executive Officer said the revised FY09 MTA Operating Budget (70040) reflected a balanced budget with total Revenues of \$3,173,037 and total Expenditures including undesignated contingency of \$3,173,037. The proposed budget adjustments increase Budgeted Franchise Fees Revenues by \$150,000 based on MTA receiving Franchise Fee revenues greater than budgeted. The proposed adjustments also increase the Outgoing Franchise Fee payments to the member agencies by the same \$150,000. There was no public comment.

M/S/P Arnold/Bragman, to approve MTA FY 08-09 Budget Adjustments (Funds 70040 & 70041).

AYES: ALL

NOES: NONE

Motion carried

Agenda item J: Low Income Discount

Director Bragman reviewed his memo describing his proposed low income discount program, including a simplified method of processing applications and providing payments to those qualifying for the program. He reviewed the background of low income discounts from the time of the Viacom franchise to the current franchise with Comcast. During the last days leading up to the current 2006 franchise agreement, the low income discount was 20% of the Basic Tier fee. (The current Basic Tier 1 is \$15.43 per month.) The 2006 current franchise agreement with Comcast did not provide for a low income discount for customers going forward. The low income discount issue had come to the Board previously for discussion on how to address providing a discount to additional qualified customers beyond those that were grandfathered in the June 2006 franchise Agreement. He said the Board had concerns regarding the cost and staff resources required to administer the program. Since then, he and staff had researched alternative ideas to resolve those concerns. He said there was a significant community of subscribers that would benefit from the discount because they were a growing demographic group. Over the course of the last six months he had met with various

community members in order to investigate the possibility of creating a new model for the discount. Both the Marin Center for Independent Living (MCIL) and the Marin Housing Authority indicated that they would be willing to help administer a streamlined MTA low income discount program on a pilot basis to determine if it was practical. The MTA program would have similar eligibility guidelines: disabled and low income subscribers. Proof of eligibility would be simplified to require them to present a current Comcast bill and documentation of eligibility. In order to prevent the necessity of mailing checks on a monthly or yearly basis, both agencies agreed to distribute yearly vouchers, such as Safeway gift cards in lieu of a monthly discount payment. He anticipated a cost of \$12,000 annually. He hoped the MTA would consider providing an outlet for subscribers at the 555 Northgate offices. He also hoped the Board would approve the proposed pilot program to renew and fulfill MTA's historic commitment to the Low Income Discount. Discussion ensued. Director Arnold advocated moving forward to determine costs and procedures of a pilot program. Director Freeman supported moving forward. Director Leone advocated moving forward to determine costs, scope, procedures and criteria. Directors Heller, Chu and Ravasio said they wanted to run it by their respective councils. Heller added that she was concerned about the impact on the MTA's limited staff resources. Chairman Berman said his issue would be the costs to administer and recommended a cap. He summarized the Board's input: three members would go back to their respective councils, and four would proceed with caveats, such as scope, costs, procedure, and to go forward as a pilot project. Board direction was that Director Bragman finalize details, everyone go back to their councils', and then refine the proposal. He recognized that this proposal was a "Labor of Love".

Agenda item K: American Recovery and Reinvestment Act (ARRA) – Status Report

Executive Officer Thornton provided an oral update regarding ARRA and the MTA work in progress. Staff, with Tom Robinson continues to have meetings and discussions with Marin entities regarding opportunities to be incorporated into a comprehensive grant proposal for submission to the NTIA as part of the Broadband Technology Opportunities Program (BTOP). She reviewed the current view of the project timeline based on the assumption that the NTIA would be issuing its Notice of Funds Availability (NOFA) in late June 2009. She reviewed a MTA-ARRA Grant Project Possibilities Matrix that had been developed to identify nineteen various possibilities, and with information on each of the projects. They were being considered and/or evaluated against the Broadband criteria that were currently known. Additional criteria would be added as it became available. A survey of non-profits was currently underway. They were surveying for partners that were heavily focused on public access to computers and computer training. This would also be useful for other areas of work within MTA's Strategic Plan. There was no public comment.

Agenda item L: Adjourn

M/S/P Arnold/Heller, to adjourn the meeting.

AYES: ALL

NOES: NONE

Motion carried

Meeting adjourned at 9: 26 PM.

Barbara Thornton, Executive Officer

APPROVED AS WRITTEN ON July 8, 2009