

MARIN TELECOMMUNICATIONS AGENCY
MINUTES OF THE REGULAR MEETING
JULY 8, 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
Richard Collins, Town of Tiburon
John Dupar, Town of Corte Madera
Ted Freeman, Town of San Anselmo
Barbara Heller, City of San Rafael
Jonathan Leone, City of Sausalito (7:20 PM)
Christopher Martin, Town of Ross

Absent:

Tom Cromwell, City of Belvedere

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 7:00PM.

Agenda item B: Recognition of John Dupar's Service to MTA

Chairman Berman read into the record a Certificate of Recognition of Service presented to John Dupar upon the occasion of his retirement from the MTA Board of Directors since he had been on the Board since the MTA's inception on March 25, 1998. "In recognition of John Dupar's outstanding contributions to the MTA as a member of the Board representing the Town of Corte Madera; and in recognition of John Dupar's lengthy period of service to the MTA, which has been since the Agency's inception on March 25, 1998; and for more than eleven years John's background in finance has proven to be an invaluable asset to the Board given his realistic approach to the complex and varied issues that come before the Board throughout his tenure; and retracing John's years of service in many ways mirrors the history of the MTA. John was on the Board during the rebuilding of the Marin franchise area cable system in 1999, when Greg Stepanicich was retained as MTA's General Counsel, during the early preparations for the initiation of the franchise renewal negotiations with TCI, and during the subsequent merger of TCI and AT&T Broadband; and John's term of service also spanned the protracted cable franchise renewal process that included the transfer of ownership from AT&T Broadband to Comcast, the successful franchise renewal outcome with Comcast, and the creation of the Community Media Center of Marin; and John gave generously of

his time and financial expertise contributing to the MTA Executive Committee and its successor committee, the Finance and Policy Committee; and that the past and present Board of Directors and staff of the Marin Telecommunications Agency recognizes John Dupar's long tenure of dedicated public service and express their appreciation for his commitment and contributions to the Agency's success."

Agenda item C: Director's comments - There were none.

Agenda item D: Executive Officer's comments

The Executive Officer said Agenda Item G: Update report from Comcast was continued due to vacation. LAFCo had moved into the office. MERA, MGSA and LAFCo had their first monthly joint meeting. Topics to be discussed were best practices, records management, costs and resources, and up-dating the web site. A Mobility workshop was being planned with the County and the cities for October.

Agenda item E: Consent Calendar

The Chair opened the item for public comment.

Norman Carlin of Media Action Marin (MAM) asked for a clarification in the minutes of June 10, 2009 Agenda Item C: Executive Officer's Report. He wanted to know the location of the third computer in San Rafael and how it benefitted the public. The Chair asked staff to find out the details. Carlin also requested a hard copy of the agenda packet be mailed to him. The Chair asked for a motion to approve the Consent Calendar.

M/S/ P Arnold/ Chu, 1) Approve the minutes of June 10, 2009 Board Meeting, 2) Budget Status Report , and 3) authorize Executive Officer to execute Agreement with Gladwell Government Services for Records Management Services Phase 3.

AYES: Berman, Arnold, Chu, Bragman, Freeman, Heller, Martin

NOES: NONE

Abstain: Collins, Dupar

Motion carried

Agenda item F: Open time for items not on the agenda

Norman Carlin of MAM said he was concerned that the low income discount was not on the agenda. He thanked Director Bragman for his efforts. Director Bragman clarified that the low income discount should be correctly entitled "Disabled and Elderly Low Income Discount." The Independent Journal article had incorrectly called it a low income discount. It was an extension to the same group of people who had had it for the past twenty years. He had nothing further to report at that time as the Board was in the process of bringing it back to their respective councils. Carlin further cited several examples regarding inadequacies of the MTA web site, such as the PEG budget details report was missing. When he brought up the staff report on low income there was no staff report from the Executive Officer, only one by Director Bragman. He also found the attachment confusing as it was an old staff report. Chairman Berman said the Board had asked Director Bragman to write the report and the attachment was helpful in providing a historical background to the issue. Chairman Berman assured him the re-vamping of the web site was on the current Work Plan. Director Dupar said he was concerned that the MTA Living Wage Ordinance was in conflict with having MCIL and

the Housing Authority administer the program without compensation. Director Bragman responded the Living wage was not contrary to volunteerism. The Chair asked General Counsel to look into it. (Director Leone present.)

Agenda item G: Update report from Comcast – continued.

The Chair said he expected to hear a report from them in the future.

Agenda item H: CMCM Report

CMCM Executive Director Michael Eisenmenger was unable to be present so Executive Officer Thornton gave a brief update. She reported that the Center was open from 2PM to 7PM, Monday through Friday at 819 A Street, San Rafael. Channel 26 had been activated for Community Access programming and Channel 27 for Government Access programming on June 15. She urged the Board to visit the Center.

Agenda item I: American Recovery and Reinvestment Act (ARRA) - Status Report

Executive Officer Thornton said activities with regard to stimulus funds for broadband were hot and heavy. On July 1 the Notice of Funding Availability (NOFA) and solicitation of applications was issued jointly by the Department of Commerce's National Telecommunications and Information Administration (NTIA) and the USDA's Rural Utilities Service (RUS). It was heavily focused on the un-served and underserved areas. Staff and Tom Robinson were in the process of evaluating projects for submission. It was funded at \$1.6 billion for Round #1, not a lot of money. There were many questions as not many Marin projects as initially envisioned fit into un-served and underserved. The strategy being discussed was to submit in the first round. She would be attending a meeting at the CPUC in San Francisco Friday. There were a number of surprises in the NOFA, including that BTOP applicants were expected to make a showing that a Census Block qualifies as an underserved area. She was working with County GIS on this, although much of the needed information was kept proprietary by the carriers. A NATOA filing of comments indicated that the rules outlined in the NOFA jeopardized the eligibility of local government infrastructure projects, and absent changes in the NOFA, urban areas would be shut out from connecting public safety and community anchor institutions e.g. libraries and schools, and organizations and agencies serving low income and the aged. Those questions and concerns would be brought up at Friday's CPUC meeting. Applications will be accepted between July 14 and August 14, 2009; a shorter time frame than was anticipated. She and Tom Robinson were reviewing the detailed NOFA. Board discussion ensued with regard to the Fact Sheet attachment. In response to Director Collins request for an explanation of the Point System, Thornton said she would email the Board with an explanation. Director Bragman asked that the Board be provided with more Census Block information as it applies to un-served and under-served populations. He recommended partnering with Horizon Cable with regard to west Marin. Director Chu asked at what point the decision would be made to stop the process. Thornton responded that we would know by August whether to submit or not. Vice Chair Leone said there was a potential application for an innovative public safety project in the public disaster centers, such as council chambers. Chairman Berman noted that \$4.7 billion total for BTOP was nothing for broadband infrastructure deployment. He cautioned not to lose sight of the Work Plan, and to keep everything moving. Vice

Chair Leone added to take the best shot at it, but to keep work on other things. The Chair opened the item for public comment.

Norman Carlin of MAM thanked the Board for its serious consideration as MAM was intensely concerned regarding the un-served and underserved in the county. Executive Officer Thornton said Bruce Bagnoli, President of the Board of the Community Center of Marin was present and suggested he give a short status report on CCMC. He said the Government (G) channel was now operational and was seeking more programming. He urged the cities to provide some content. They were actively promoting training and producing. There were now two staff members, one in engineering and the second in operations. There was lots of participation from the Marin Youth Center (MYC). Radio Sausalito was being carried. The Center was becoming much more of a community activity. Vice Chair Leone encouraged the member agencies to submit Public Service Announcements (PSAs) to Radio Sausalito.

Norman Carlin wanted to know how he could receive channels 26 and 27 since he had Dish Network rather than Comcast cable service. Bagnoli said they were working on making the channels available on the internet.

Agenda item J; Adjourn

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

AYES: All

NOES: NONE

Motion carried

The Chair said the Finance and Policy Committee meeting would be convened in 5 minutes.

Barbara Thornton, Executive Officer

APPROVED AS WRITTEN ON October 14, 2009