

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, May 27, 2015 at 7:45 am

\*\*\*Village of Beverly Hills

Council Chambers\*\*\*

18500 West 13 Mile Road

1. Roll Call
2. Approve Meeting Minutes For Cable Board Meeting of April 15, 2015-M
3. Public Comments
4. Birmingham Public Schools PEG Grant Request
5. BCTV Contract Renewal-M
6. Committee Reports
  - a. Cable Action Committee
  - b. PEG Committee
7. Executive Director's Report-M
8. Provider Related Topics
  - a. Comcast
  - b. AT&T
  - c. WOW
9. BAPA/BAMA Report
10. Old Business
11. New Business
12. Public Comments
13. Board Comments
14. Adjourn

PEG Committee meeting immediately following BACB meeting

Present: Heldt, McAlear, McLain - Birmingham  
Borgon, Heyman, Schneider, Verdi-Hus – Beverly Hills  
Stakhiv – Franklin

Absent: Kelly – Birmingham  
Ettenson – Bingham Farms

Also Present: White - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television  
Delaney – Beverly Hills Council representative

McLain called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Heldt, second by Borgon, to amend the agenda to add item 5a, “Discuss Reconciliation of Franchise Fee Fund Balance”.

Motion passed.

#### **APPROVE MINUTES OF CABLE BOARD MEETING HELD MARCH 18, 2015**

Motion by Heldt, second by McAlear, that the minutes of a regular Cable Board meeting held on March 18, 2015 be approved as submitted.

Motion passed.

#### **PUBLIC COMMENTS**

None

#### **GRANT REQUEST – FRANKLIN HISTORICAL SOCIETY**

Before the Cable Board for consideration is a grant request from the Franklin Historical Society to fund the purchase of a one-year Internet subscription from Comcast and a new computer to be used at the Franklin Historical Museum. In a correspondence dated March 27, 2015, Ann Lamott, President of the Historical Society, stated that a computer with on-site Internet access will be invaluable in allowing museum personnel to work at the museum rather than carry documents and files to locations with Internet service. The Internet Service will cost \$87.85 per month or \$1,054.20 annually; a computer will cost \$1,000. The total grant request is for \$2,054.20.

Other tasks that the equipment will be used for include:

- Easier public access to museum records
- Another avenue for public access to obtain information about their local area
- Genealogical research using ancestry.com
- Museum record keeping
- Faster updates for the Franklin Historical Society web site (franklin-history.com)
- Immediate answers to museum visitor questions requiring web access
- Access to the Internet during Birmingham school student visits

The Board discussed whether purchase of a computer was within the scope of the Cable Board grant policy and whether it would set a precedent. It was pointed out that a SmartBoard was purchased by Beverly Hills with a Cable Board grant. McLain read the goals listed in the Grant Policy. She added that entities that request grant money must clarify their intent; grants are considered on a case by case basis. The suggestion was made that the Franklin Historical Society has set forth a project worth supporting.

It was noted that this grant request covers Internet service for the remaining portion of this fiscal year and for the entire 2015/16 fiscal year. The motion will reflect a grant for Internet service through June 30, 2015. A motion could be brought before the Board in July to approve Internet service for FY 2015/16.

Motion by Stakhiv, second by Borgon, that the Birmingham Area Cable Board approve a grant request from the Franklin Historical Society for the purchase of a computer in the amount of \$1,000.00 and for Internet service in the amount of \$87.85 per month through June 30, 2015.

Roll Call Vote:  
Motion passed (8 – 0).

**CLOSED SESSION FOR ATTORNEY/CLIENT PRIVILEGED COMMUNICATION PURSUANT TO SECTION 8(h) OF OPEN MEETINGS ACT**

Motion by Heldt, second by Schneider, to go into closed session at 8:04 a.m. for attorney/client privileged communication pursuant to Section 8(h) of the Open Meetings Act.

Roll Call Vote:  
Motion passed (8 – 0).

The Board returned to open session at 8:28 a.m.

**DISCUSS RECONCILIATION OF FRANCHISE FEE FUND BALANCE**

Heldt reviewed that, at the February meeting, Board members received a financial report listing the Board's franchise fee and PEG fund balance year-to-date as of February 22, 2015. This report showed a franchise fee amount in excess of \$800,000 in the fund balance. There was discussion on whether the Board should distribute unused franchise fees to the member communities.

Heldt provided information with the intent to analyze and reconcile the franchise fee fund balance and arrive at a recommendation on how to proceed. The fiscal year ending 6/30/14 Franchise Fee balance was \$889,363 per the audit. The four communities received an administrative grant in January of 2015 in the amount of \$180,000. Current fiscal year net franchise revenue amounts to \$93,997. The February 22, 2015 franchise fee fund balance was \$803,950.

Current fiscal year revenue should not be granted back to the communities for the reason that the Grant Policy states that excess franchise fees are distributed following the year end audit. Further, the Board policy on franchise reserves calls for retention of 25% of “last year’s franchise revenue” for “working capital”. Per the audit, 25% equals \$83,757.

Heldt recommended that the Board transfer \$200,000 to the PEG reserve, which is presently underfunded. He outlined the three components of the PEG reserve policy adopted by the Board in January of 2014.

Heldt summarized that \$803,950 (2/22/15 franchise fee balance) minus \$93,997 (current FY net franchise revenue) minus \$83,757 (working capital) minus \$200,000 transfer to PEG leaves \$426,196 available for an Administrative Grant. The distribution amount could be rounded off to \$425,000.

Heldt addressed questions from Board members on the proposed franchise fee reconciliation and permitted uses for franchise and PEG funds.

Motion by Heyman, second by McAlear, that the Birmingham Area Cable Board transfer \$200,000 from the Franchise Fee balance to the PEG Reserve Fund and provide an Administrative Grant to the four communities in the amount of \$425,000 based on the percentage of their franchise fee contributions.

Borgon disagreed with transferring franchise fee money to the PEG reserve. He expressed the view that franchise fee reserves should be returned to the municipalities.

Roll Call Vote:

|           |       |
|-----------|-------|
| McLain    | - yes |
| Borgon    | - no  |
| Heyman    | - yes |
| Schneider | - yes |
| Verdi-Hus | - yes |
| Stakhiv   | - yes |
| Heldt     | - yes |
| McAlear   | - yes |

Motion passed (7 – 1).

**PROPOSED FISCAL YEAR 2015-2016 BACB BUDGET**

The Board is in receipt of the proposed 2015/16 Cable Board budget prepared by Executive Director White with the assistance of Jeff Heldt and Elaine McLain. White referred to the budget material and noted a change in the accounting for Administrative Grants. She mentioned that a budgeted amount of \$2,000 was omitted from the Tech Support/Consulting line item.

Questions from Borgon regarding an increase in legal fees and anticipated revenue were addressed by White.

Motion by Borgon, second by Heldt, to approve the Birmingham Area Cable Board Budget for Fiscal Year 2015/16 and forward copies of the document to the member municipalities for their review and comment.

Roll Call Vote:  
Motion passed (8 – 0).

## **COMMITTEE REPORTS**

### **Cable Action Committee**

Verdi-Hus reported that she and Cathy White were present at the April 2 meeting of the Cable Action Committee. They discussed the BACB website and results of the Google Analytics web tracking report.

Verdi-Hus related that White participated in the FCC webinar for State and Local Governments on March 30, 2015. The webinar addressed the FCC's recent Tennessee and North Carolina broadband decision, its Open Internet Order, and its Notice of Proposed Rulemaking released on March 16, 2015. White has provided Board members with a summary of the webinar discussion. The next CAC meeting will be held on May 7 at the Baldwin Library at 5:30 pm.

Stakhiv noted that Board participation in recent Cable Action Committee meetings has been down. She questioned whether a change in the meeting time should be considered in order to increase the involvement and input from members. McLain agreed that other options could be considered.

### **PEG Committee**

Heldt reported that he received a proposal yesterday from Bloomfield Community Television regarding contract renewal with the Birmingham Area Cable Board. This will be a topic of discussion at the May Cable Board meeting. The contract expires on June 30, 2015.

Verdi-Hus and McAlear left the meeting at 8:52 a.m. McLain announced that there were six Board members remaining at the table; seven people are required for a quorum to conduct Cable Board business. Alternate member from Beverly Hills, Jim Delany will leave the meeting following the Executive Director's Report.

## **EXECUTIVE DIRECTOR'S REPORT**

White reviewed one complaint pending from the last meeting, which has been resolved. She outlined four complaints received since the date of the last meeting. Financial information was not updated due to the absence of Beverly Hills' finance director. White reported on checks written in the last month.

A summary of the FCC March 30 Webinar was included in the Executive Director's report. White related that Livonia Television requested the participation of other Michigan PEG operations in its colleague survey. White participated in the survey on behalf of the BACB; Livonia Television intends to share its survey results with all participants.

White summarized information from a Broadcasting and Cable Magazine report indicating that Charter Communications has agreed to buy Bright House Networks.

McLain stated that this Cable Board meeting will conclude due to lack of a quorum. The remaining agenda items include Provider Related Topics, BAPA/BAMA Report, Old Business, New Business, Public Comments and Board Comments. McLain noted that the meeting materials are posted on the BACB website for public review.

The meeting was adjourned at 8:58 a.m.

Kevin J. Galbraith Sr., Executive Director for Information and Technology  
248.203.4608 • Fax: 248.203.4605 • kgalbraith@birmingham.k12.mi.us  
31301 Evergreen Road, Beverly Hills, Michigan 48025

**To:** To the Public, Education, and Government Access (PEG) Committee of the Birmingham Area Cable Board  
**From:** Kevin J. Galbraith Sr.  
**Re:** Grant Request for High School Production Studio Equipment  
**Date:** May 11, 2015

Birmingham Public Schools has been most grateful for the support and commitment of the Birmingham Area Cable Board for many years. Our joint efforts have enabled students, staff, and our communities to directly benefit from the quality cable services that are provided through your leadership and guidance.

In 2002, with the support of a Birmingham Area Cable Board grant, the District was able to install state-of-the-art equipment in the television studios at Wylie E. Groves and Ernest W. Seaholm high schools. While this equipment has served the broadcast and production classes well for over 13 years, it is in need of replacement and updating. In recent years the District have worked to maintain the equipment as curriculum and broadcast-related technologies have advanced. Today, we find ourselves in a position where the equipment no longer supports our student's workflow as they explore, develop, and master the skills necessary for success in this field.

Having completed a year-long design phase for this project, which included our teachers visiting production facilities in other districts, collaborating with their peers while attending conferences and professional learning events, and reviewing designs with consultants, our own District Video Specialist, and myself, we present for your consideration a solution which brings resources more in line with our program's needs and vision.

Birmingham Public Schools respectfully requests your support in providing funding, not to exceed \$72,000, to acquire the necessary video and audio equipment to properly outfit our two high school production studios. Attached you will find a budgetary quote listing the equipment necessary to complete this project. Birmingham Public Schools is prepared to bid this project in accordance with procurement laws/policies from the State of Michigan and the BPS Board of Education and will provide any additional funding or resources necessary, which may exceed this request, to complete the project in a professional manner.

Thank you for considering our request. We look forward to providing additional information or answering any questions you may have.

Sincerely,



Kevin J. Galbraith Sr.  
Executive Director of Information and Technology



**Advanced Lighting & Sound**

Phone: 248-817-2092  
 Fax: 248-817-2093  
 1026 Maplelawn Drive  
 Troy, MI 48084

**Quote**

No.: **5376**  
 Date: 3/2/2015

Prepared for:  
 Daniel Parente (248) 203-4618  
 Birmingham Public Schools  
 1525 Covington Road  
 Bloomfield Hills, MI 48301 USA

Prepared by: Shawn Watts  
 Account No.: 412  
 Phone: (248) 203-4444

| Qty  | Manuf | Item ID          | Description  | Sell        | Total              |
|--|-------|------------------|--|-------------|--------------------|
| <b>Budgetary quote, items and configuration may change</b> |       |                  |  |             |                    |
| <b>TRICASTER SWITCHER</b>                                  |       |                  |  |             |                    |
| 2  | Newte | TC460E           | TriCaster 460 Educational With Control surface                                   | \$19,495.00 | \$38,990.00        |
| 2  | Newte | ZHDD2RU1Media    | 2RU Media Drive Kit (1-1TB drive for TriCaster 460)                              | \$199.00    | \$398.00           |
| 2  | Newte | LiveText2.5EF    | LiveText 2.5 w/ DataLink 3 Technology Educational- Requires Owner furnished PC   | \$495.00    | \$990.00           |
| 4  | Views | VG2732M-LED      | 27" LED Monitor  | \$415.34    | \$1,661.36         |
| 2  | Krame | C-DM/DM-15       | DVI-D (M) to DVI-D (M) Dual Link Cable - 15' Non Plenum DVI Dual Link Cables     | \$31.00     | \$62.00            |
| 2  | Krame | C-HM/DM-15       | HDMI (M) to DVI-D (M) Cable - 15' Non Plenum HDMI to DVI Cables                  | \$29.00     | \$58.00            |
| 2  |       | DUB-H7           | 7 PORT POWERED USB HUB   | \$64.00     | \$128.00           |
| 2  | Hosa  | USB-210AF        | High Speed USB Extension Cable, Type A to Type A, 10 ft                          | \$7.00      | \$14.00            |
| 2  |       | 5 PORT GB SWITCH | 5 PORT GIGABIT SWITCH  | \$59.00     | \$118.00           |
| 2  | Hosa  | CAT-503BK        | Cat 5e Cable, 8P8C to Same, 3 ft   | \$5.00      | \$10.00            |
| 2  | LG    | 47LY340C         | 47" 1080p LED HDTV   | \$731.00    | \$1,462.00         |
| 2  | Premi | PSD-BWL B        | 70" Mobile nesting monitor cart - Black  | \$689.00    | \$1,378.00         |
| 2  | Premi | UFA              | Universal Flat Mount   | \$140.00    | \$280.00           |
| 2  | Black | BMD-CONVMBSH4K   | Mini Converter - SDI to HDMI 4K  | \$279.00    | \$558.00           |
| 2  | Cobal | BBG-S-TO-A       | HD/SD-SDI-to-Analog Component/Composite  | \$464.06    | \$928.12           |
| 4  | Middl | RM-LCD-PNLK      | 3 SPACE (5-1/4"), LCD PANEL MOUNT, VESA PATTERN, TILT MECHANISM, BLACK           | \$123.00    | \$492.00           |
| 2  |       | LAUNCHPAD-MINI   | Novation Launch Pad Mini - 64 button controller                                  | \$82.50     | \$165.00           |
| <b>TRICASTER SUBTOTAL</b>                                  |       |                  |  |             | <b>\$47,692.48</b> |
| 8  | Audio | AT831R           | Cardioid Condenser Microphone  | \$178.00    | \$1,424.00         |
| 4  | Shure | SM58-LC          | Cardioid Dynamic Handheld Mic  | \$99.00     | \$396.00           |
| 2  |       | Install          | Install Materials- cabling, blank panels   | \$475.00    | \$950.00           |
| 2  |       | Labor            | Labor- Installation and integration, removal of old equipment, install of blanks | \$2,100.00  | \$4,200.00         |

**Quote**No.: **5376**

Date: 3/2/2015

| Qty                  | Manuf | Item ID      | Description  | Sell       | Total              |
|----------------------|-------|--------------|--|------------|--------------------|
| <b>ENG Equipment</b> |       |              |  |            |                    |
| 4                    | JVC   | GY-HM200U    | 4KCAM COMPACT HANDHELD CAMCORDER<br>w/INTEGRATED 12X LENS                  | \$2,695.00 | \$10,780.00        |
| 4                    | JVC   | qan0067-003  | Short shotgun microphone with XLR connector                                | \$108.00   | \$432.00           |
| 4                    | JVC   | SSL-JVC50    | 7.4V/5Ah LITHIUM ION BATTERY FOR<br>GY-HM600/650, GY-HMQ10 & DT-X MONITORS | \$166.00   | \$664.00           |
| 8                    | Wynit | TS32GSDHC10  | 32 GB Secure Digital High Capacity (SDHC) - Class 10 - 1<br>Card           | \$35.00    | \$280.00           |
| 4                    | JVC   | LC-2J        | 2 CHANNEL CHARGER FOR SSL-JVC50/75 LITHIUM ION<br>BATTERY                  | \$185.00   | \$740.00           |
| 4                    | Libec | LX5 M        | Head / Tripod with Mid-level spreader / Tripod case                        | \$448.00   | \$1,792.00         |
| 4                    | Compr | BBD1505-100b | 100' 1505 cable with BNC connectors  | \$70.00    | \$280.00           |
| <b>ENG Subtotal</b>  |       |              |  |            | <b>\$14,968.00</b> |

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**Your Price:**                      **\$69,630.48**
**Total:**                      **\$69,630.48**

Prices are firm until 4/1/2015

Terms: COD

**Prepared by:** Shawn Watts, shawnw@go-als.com**Date:** 3/2/2015**Accepted by:** \_\_\_\_\_**Date:** \_\_\_\_\_**Disclaimer**

All prices quoted are valid for 30 business days. Please fax signed quote to 248-817-2093 or email to sales@go-als.com so that your order can be placed. Thank you for your business.

## MEMORANDUM

TO: Board Members

FROM: Cathy White

RE: BCTV Contract Renewal

Our current BCTV contract expires on June 30, 2015. The purpose of this memo is to advise all Board members of the proposed changes to the contract going forward. The proposal is for an annual payment to BCTV in the amount of \$194,950 per year for 7-1-15 through 6-30-17. This represents a 4% increase over the current contract amount which was fixed in 2011.

For the period 7-1-17 through 6-30-18, an annual payment of \$200,800 is proposed (a 3% increase). The Board retains the option of extending for an additional year (7-1-18 through 6-30-19) at the same price. This option is the same as that set forth in the current agreement.

Other than the financial terms recited above, the proposed contract is virtually identical to our current contract. Tim Currier has reviewed the proposed contract and has indicated that it is acceptable to him.

Based on the foregoing, it is recommended that the proposed contract be considered by the Board for approval.

**SECOND RESTATED**

**AGREEMENT FOR CABLE ACCESS MANAGEMENT**

**THIS AGREEMENT** made as of the date of the last signature and effective July 1, 201~~5~~<sup>4</sup>, is by and between **THE BIRMINGHAM AREA CABLE BOARD** (hereinafter referred to as the “Board”), and the **CHARTER TOWNSHIP OF BLOOMFIELD**, providing services as **BLOOMFIELD COMMUNITY TELEVISION** (hereinafter referred to as “BCTV”).

**Recitals.** The Board requires cable television programming services for the Government Access Channel and Public Access Channel, which channels serve the communities of Birmingham, Beverly Hills, Franklin, and Bingham Farms. BCTV has demonstrated that it has the personnel, the equipment, and the ability to furnish the public, and government programming services required by the Board. The parties previously entered into an Agreement for Cable Access Management effective July 1, 2007, as thereafter amended effective July 1, 2008 and June 1, 2009, [as well as Restated Agreement for Cable Access Management effective July 1, 2011,](#) and extended by the [Amendment to the Restated Agreement for Cable Access Management dated July 1, 2014](#); this Restated Agreement restates the July 1, 200~~1~~<sup>7</sup> Agreement, incorporating prior amendments thereto, as appropriate.

Accordingly, the parties agree as set forth below:

1. **Engagement.** The Board hereby engages BCTV to furnish government and public access programming services, and BCTV hereby accepts such engagement, all subject to and in accordance with this Agreement.

2. **Incorporation by Reference.** Except as otherwise expressly provided in this Agreement, the Board and BCTV agree that they shall be bound by all of the terms, conditions, provisions, undertakings and representations as set forth in BCTV's ACCESS POLICIES & PROCEDURES (the "Policies"), as most recently revised in March 2011, a copy of which is attached as Exhibit A, which is hereby incorporated by reference. In the event of any conflict between any provision of Exhibit A, and any provision of this Agreement, the provision of this Agreement shall prevail.

3. **BCTV's Services.**

The services to be furnished by BCTV under this Agreement shall be consistent with those historically provided pursuant to prior contracts between the parties. In general, such services include the operation of two cable channels, one for governmental programming and one for public access, including monitoring of such channels on a 24 hour, 7 day a week basis; the providing of a production facility for such channels; operation of the Board's remote truck, in accordance with paragraph 8 hereof; provide live and rebroadcast coverage of Birmingham City and Beverly Hills Council meetings and other subsidiary governmental meetings and events, and rebroadcast of Franklin Council meetings; provide training, oversight and assistance to public access producers; and provide for rebroadcast of Birmingham Public Schools events on a separately contracted basis. A monthly programming guide solely for Board Productions shall be produced by BCTV at its expense and distributed to Board members with predetermined amounts delivered to each of the municipalities.

4. **BCTV Personnel.** Throughout the term of this Agreement and any extensions or renewal, BCTV will provide the necessary employees to produce the designated programs and staffing of the production facility.

**5. Compensation.** In consideration for BCTV's services, the Board shall pay BCTV as follows:

a. The annual amount of ~~\$178,500~~194,950.00 for each of the one (1) year periods from July 1, 201~~54~~62 to June 30, 201~~62~~73 and July 1, 201~~62~~73 to June 30, 201~~73~~84.

b. The annual amount of ~~\$187,425~~200,800.00 for the one (1) year period from July 1, 201~~73~~84 to June 30, 201~~84~~95, and if the Board exercises its option to extend the term of this Agreement as provided in paragraph 6, for the one (1) year period from July 1, 201~~84~~95 to June 30, 201~~95~~06.

c. The annual amounts shall be payable in equal quarterly payments (~~\$48,737.50~~44,250.00 under paragraph 5a and ~~\$50,200.00~~46,856.25 under paragraph 5b) on or before the first days of the months of July, October, January and April and shall be inclusive of all costs of every kind incurred by BCTV in performing its obligations to the Board. The specified installments of compensation shall be subject to the Board's receipt from BCTV of quarterly invoices for the same.

**6. Term/Effective Date.** The term of this Agreement shall be from July 1, 201~~54~~62 (the "Effective Date") through June 30, 201~~84~~95, with the Board having the option by written notice given to BCTV on or before April 30, 201~~84~~95, to extend this Agreement for an additional one (1) year period that ends June 30, 201~~95~~06 at the compensation rate in paragraph 5b; provided, however, either party may terminate this Agreement, without cause, with sixty (60) days written notice to the other party. Nothing in this Agreement shall prevent the parties from agreeing to further extensions upon mutually agreeable terms and conditions.

**7. Quarterly Performance Reviews.** The Board and BCTV do hereby mutually agree to meet on a quarterly basis during the months of October, January, April and July of each

year this Agreement is in effect to review the parties' performance under this contract. The purpose and intent of the quarterly reviews include, but is not limited to a review program quality and content.

**8. Board Provided Equipment.** To assist BCTV in BCTV's performance of its undertakings, the Board agrees to provide or cause to be provided to BCTV the following:

(a) Board will be responsible for any cost with providing the link between BCTV's facility and cable head ends for all cable service providers;

(b) The capital equipment as listed in the Board's Capital Asset Listing as of July 1, 2011, attached to this Agreement as Exhibit B, and incorporated by reference;

(c) Board owns and will keep equipped, its remote truck to be used by and at no charge to BCTV for meetings and offsite productions of joint interest to the Board or one or more of the communities it serves and BCTV. BCTV may also use the Board's remote truck for programming exclusively within the purview of BCTV for a charge of \$1,000.00 per programming use, with BCTV's payment to the Board for such use to be quarterly on or before the first days of July, October, January and April for uses in the 3 months preceding those dates.

(d) The Board will be responsible for maintenance, repair and providing insurance and license plates for the remote truck, with BCTV responsible for its secure storage at BCTV's studio facilities and for all costs associated with daily operations of the remote truck including gasoline.

(e) In the event of a conflict between joint use and BCTV exclusive use of the remote truck, joint use shall have priority. BCTV's use and operation of the remote truck

shall be subject to and in accordance with the Bloomfield Township Employee Handbook provisions attached as Exhibit C, with operation to be by full time employees only.

(f) Subject to continuing to satisfy its payment, storage and operation responsibilities under subsections (c), (d) and (e), BCTV's right to use of the remote truck for programming exclusively within the purview of BCTV shall survive the expiration or termination of this Agreement for a reasonable time sufficient for BCTV to obtain use of an alternative remote truck.

9. **BCTV Executive Committee.** The Board shall appoint one (1) of its members, and an alternate, to attend the BCTV Cable Access Board meetings. The alternate may attend the BCTV Cable Access Board Meetings in the absence of the appointed member. The Board member shall also be a member of the BCTV Program Development Committee. BCTV shall send a representative to be in attendance at all Board meetings

10. **Status of the Parties.** It is agreed and understood that BCTV is an independent contractor with respect to the Board. Accordingly, this Agreement does not constitute BCTV, the partner, agent or legal representative of the Board for any purpose whatsoever, and BCTV is not granted any right or authority to assume or create any obligation on behalf of the Board or to commit any act or to make any representation which may adversely affect the Board of any right, privilege or power of the Board. It is expressly agreed and understood by the parties that BCTV shall have sole authority and responsibility for the hire and discharge of its employees, for establishing rates of pay, hours and conditions of employment and for all other employment policies and practices regarding BCTV's employees.

11. **Indemnification/Insurance.** BCTV shall maintain comprehensive general liability, auto liability and worker's compensation insurance in accordance with standard BCTV

policy. BCTV shall furnish all certificates of insurance within ten (10) days of the effective date of this Agreement.

12. **Disputes.** If any dispute arising under this Agreement based on an alleged default is not resolved through the required informal process described at the end of this Section, it shall be resolved either by commencement of litigation or by compulsory arbitration at the sole election of the Board. If BCTV believes the Board is in default it shall provide written notice to the Board of its claim, at which time the Board shall have sixty (60) days to cure BCTV's complaint. Should the Board fail to cure the complaint, BCTV's initial notification shall act as its request that the Board elect to resolve the claim by submitting it to compulsory arbitration or by the commencement of litigation in any court having jurisdiction. The Board shall make its election within thirty (30) days of its receipt of such notice. If the Board elects to have the dispute resolved by compulsory arbitration, it shall be resolved pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan with each of the parties appointing one (1) arbitrator and two (2) thus appointed, appointing a third (3<sup>rd</sup>). Any Court having jurisdiction may render a Judgment upon the award of the arbitrators. In the event the Board elects not to have the claim arbitrated or fails to make the election, the dispute shall be resolved by litigation. In the event that the Board believes BCTV is in default, it shall provide written notice to BCTV and include in the notice the method it has elected for resolving the claim (arbitration or litigation). The parties agree to promptly notify the other of any grievance they have with the other based on noncompliance with the Agreement (defaults) and that prior to giving a notice of arbitration or litigation, their authorized representatives will meet on at least one (1) occasion in an effort to settle the dispute.

13. **Retention of Materials and FOIA.** All tapes, recordings, documents, reports, and other written materials prepared by BCTV for the Board pursuant to this Agreement may be retained, used or disclosed by the Board both during the term of this Agreement and thereafter and may be treated by BCTV as public records subject to disclosure under the Freedom of Information Act.

14. **Copyright.** The parties hereto acknowledge and agree that all original programs produced by BCTV for the Board pursuant to this Agreement are a part of Audio-Visual Work and will be works made for hire as such terms are used in Section 101(2) of the Copyright Act of 1976 as amended, 17 USC §101(2). The parties, therefore, acknowledge and agree that the Board shall own the copyrights for productions created by BCTV: (1) for the Board as a work for hire pursuant to this agreement; and (2) in which the primary subject is an event and/or entity located within the Board communities. The parties further agree that they shall own copyrights jointly for productions created per this agreement in which the subject includes an event and/or entity which is identified, in part, with BCTV communities. Registration of a copyright shall be the responsibility of its owner, with BCTV to include a copyright notice on all programming produced under this agreement.

15. **Miscellaneous.**

a) **Amendments.** This Agreement may be amended or modified from time to time, but only by a written instrument executed by both parties.

b) **Entire Agreement.** This Agreement and the attached Exhibits contain the entire understanding of the parties and supersedes all written or oral agreements prior or contemporaneous discussions and understandings.

c) **Notice.** Any notice required or permitted hereunder shall be in writing and shall be deemed given when personally delivered or when sent by registered or certified mail, return receipt requested, addressed to the parties at their respective addresses set forth below their signatures to this Agreement, or at such other address as they may specify in writing. For the Board, notice shall be sent to its Chairperson.

d) **Non-Waiver of Breach.** A Waiver of either party of a particular breach or default in connection with any provision of this Agreement shall not be deemed a waiver of any subsequent default or breach of that same or any other provision of this Agreement.

e) **Captions.** The headings of this Agreement are for purposes of reference only and shall not be considered in constructing this Agreement.

16. **Non-Assignability.** BCTV shall neither assign its rights nor delegate its duties under this Agreement without the prior written approval of the Board.

17. **Benefit.** Except as otherwise provided, this Agreement shall be binding upon, and shall inure to the benefit of the parties and their respective successors and assigns.

BIRMINGHAM AREA CABLE BOARD

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Elaine McLain  
Its: Chairman

CHARTER TOWNSHIP OF BLOOMFIELD,  
BLOOMFIELD COMMUNITY TELEVISION

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Leo Savoie  
Its: Supervisor

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## MEMORANDUM

DATE: May 9, 2015  
TO: Board Members  
FROM: Cathy White  
Re: Monthly Report

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### CUSTOMER COMPLAINTS

Complaint No. 2015-9, which involves a request to WOW to bury the cables currently attached to the Williamsburg of Birmingham condominiums, is still pending. WOW is working on this big project.

Complaint No. 2015-11 involved a billing dispute with Comcast. This complaint has been resolved and the customer was credited for two months of billing.

We have received four (4) complaints since the date of our last meeting. Complaint No. 2015-12 was submitted by a Birmingham resident who had been receiving a \$5.00 monthly courtesy discount from Comcast that expired. She requested that her discount be extended and Comcast has agreed to extend the discount for six (6) months. The customer is satisfied and this complaint is now closed.

Complaint No. 2015-13 was received from a Birmingham resident who experienced a 51% increase in his Comcast bill. A Comcast representative explained to him that his promotional rate had expired. He wanted a lower rate so Comcast worked with him to provide a lower-priced package, including two (2) years of free HBO. This complaint is now closed.

Complaint No. 2015-14 was submitted directly to our website by a subscriber who was disputing the imposition of a late fee by WOW. The customer was given a \$20.00 credit and this complaint is closed.

Complaint No. 2015-15 was submitted to Bloomfield Township by a Birmingham resident who has a billing dispute with Comcast. This complaint is pending.

Complaint No. 2015-16 was received from one of our Board members who has experienced repeated problems with her DVR malfunctioning. She believed that this was a coding and software issue, not a hardware issue. When Comcast worked on the issue, her internet stopped working correctly. The service issues have now been resolved and credits have been applied to her account for both the cable and internet issues. This complaint is now closed.

## FINANCIAL

If I can obtain the information I need from Beverly Hills, the account balance for the MBS, BBCU and Beverly Hills accounts for February through April, budget to actual figures and fund balance amounts for franchise fee and PEG funds will be provided via e-mail and hard copies.

## CHECK DISBURSEMENT

Since the date of my last report, I have written four (4) checks as follows:

1. Birmingham Bloomfield Credit Union (Visa- office supplies) \$99.99
2. Franklin Historical Society (PEG Grant) \$1,263.55
3. Charter Township of Bloomfield (April sports programs) \$5,000.00
4. Birmingham Bloomfield Credit Union (Visa- Norton software renewal) \$148.39

## ADDITIONAL NOTES:

1. The City of Birmingham is requesting the broadcasting of additional City board meetings on a regular basis, specifically:

Board of Zoning Appeals- meets the second Tuesday of each month at 7:30 pm

Advisory Parking Committee- meets the third Wednesday of each month at 7:30 am

Multi-Modal Transportation Board- meets the first Thursday of each month at 6:00 pm

If this is acceptable to the Board, please consider adopting an approving resolution at the meeting.

2. Livonia Television requested the participation of other Michigan PEG operations in its colleague survey. I participated in the survey on behalf of the BACB and Livonia Television has forwarded its survey results to all participants. A copy of the survey results is attached.

3. In an article entitled "Public opposition doomed Comcast merger", the Detroit Free Press reported on April 25, 2015 that more than 800,000 individuals submitted comments to the FCC about Comcast's deal. According to then-Attorney General Eric Holder, the decision to abandon the deal "is the best outcome for American consumers." Comcast dropped its bid to acquire competitor Time Warner Cable on April 24, 2015 when it became evident that federal regulators would not approve the deal.

4. In an article in the Detroit Free Press on April 28, 2015, it was reported that ESPN has sued Verizon over channel packaging. ESPN claims that Verizon is breaching its contract by

unbundling the sports channel from the main programming lineup of Verizon's FIOS TV. Verizon states that it is honoring its obligations while giving customers choices.

5. Digitaltrends.com reported on April 28, 2015 that despite Comcast's failure, AT&T's \$48.5 billion merger with DirecTV seems likely to win federal approval. While the absorption of Time Warner's assets by Comcast would have involved the expansion of internet, cable TV and content covering ground across the country, and leaning towards a monopoly, FCC staff have observed that DirecTV offers no such potential for AT&T. Instead, this involves a merging of regional pay-TV with satellite, a proposition which the government finds much more palatable.

6. On May 6, 2015, the Detroit Free Press reported that Comcast has launched a voice-controlled TV remote for some of its Xfinity customers. The new remote works only with Comcast's X1 cable box. The article stated that existing customers can order one free on the Xfinity website or pick one up at an Xfinity store.

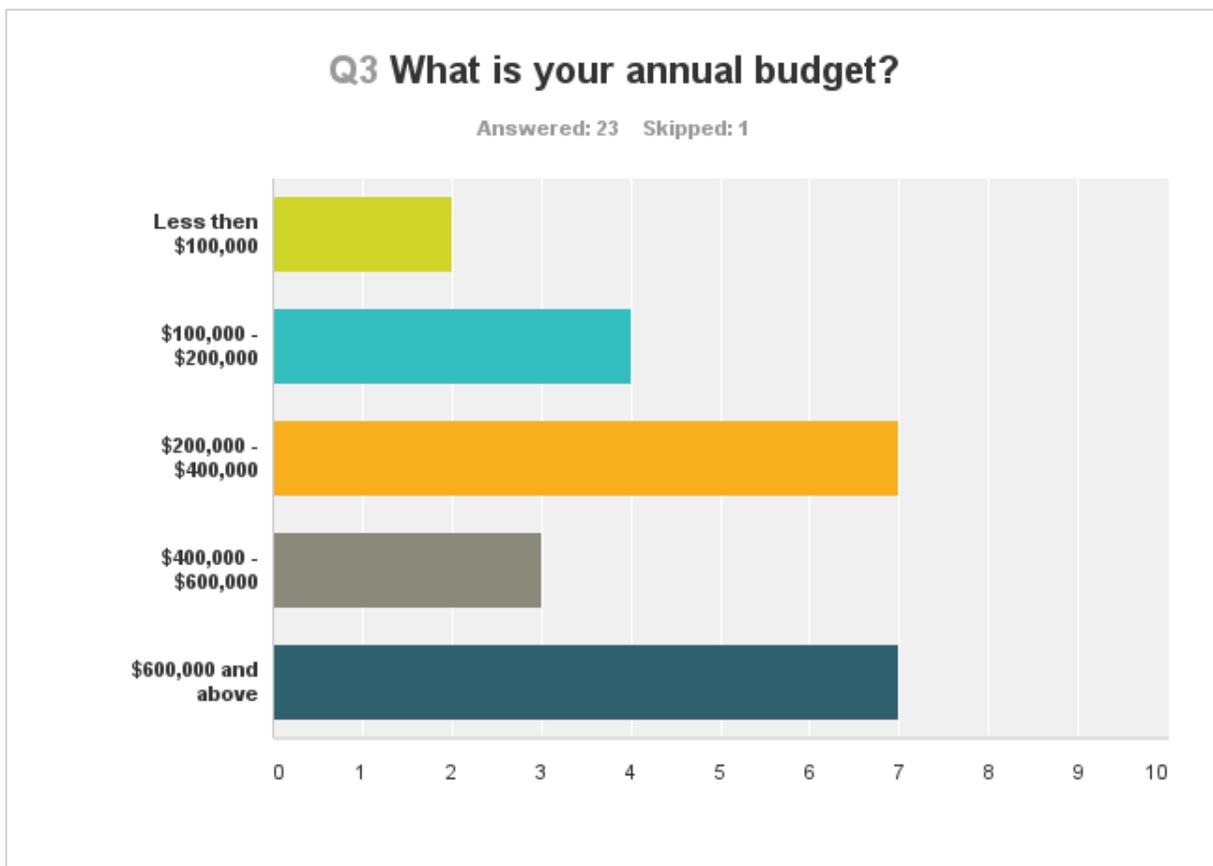
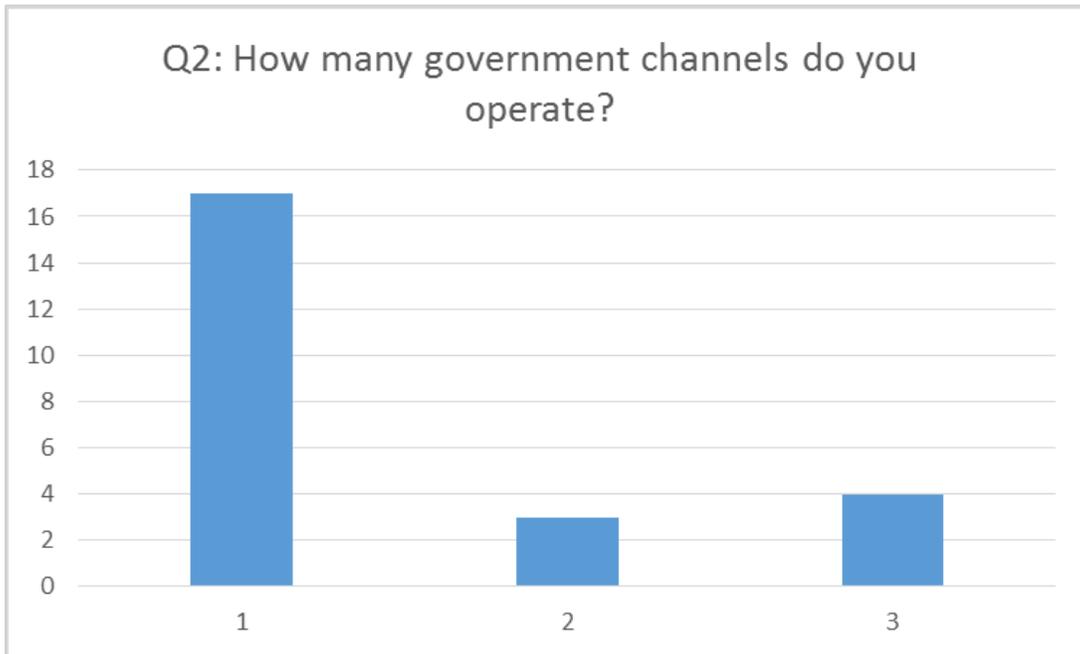
2015

**LIVONIA**  **television**  
*MOVING FORWARD*

W W W . L I V O N I A T V . U S

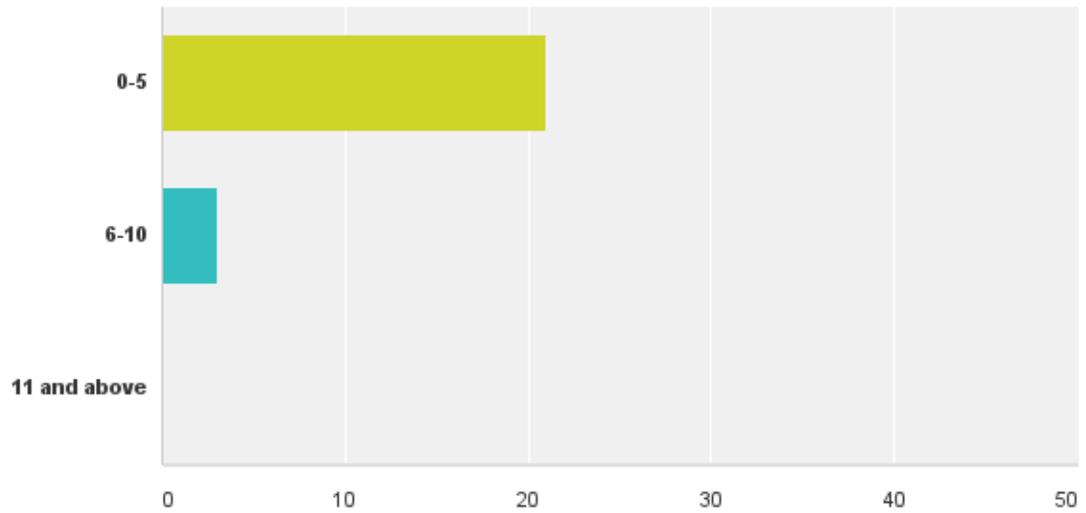
# Colleague Survey Results

**24 stations in Michigan responded to our survey.**



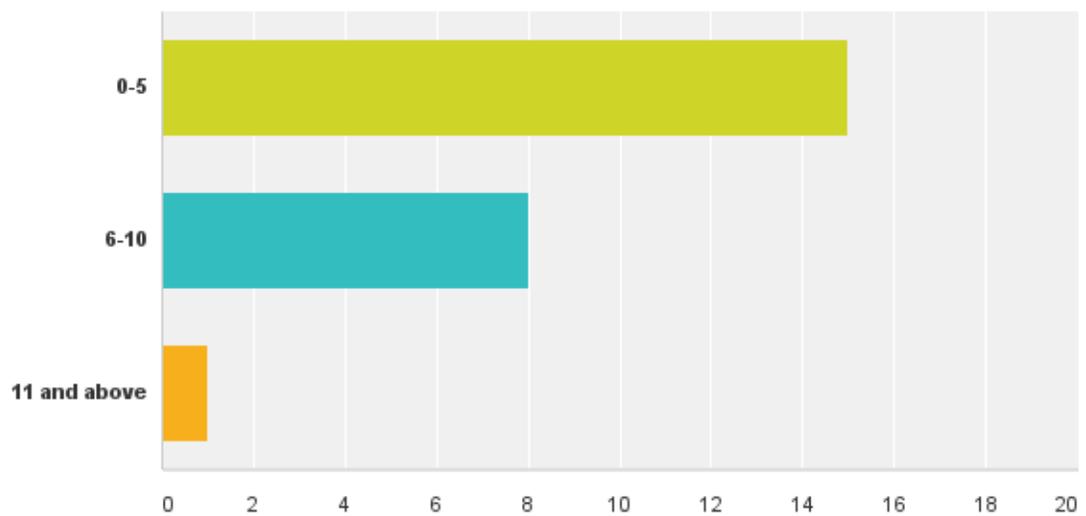
### Q4 How many full time production staff do you employ?

Answered: 24 Skipped: 0



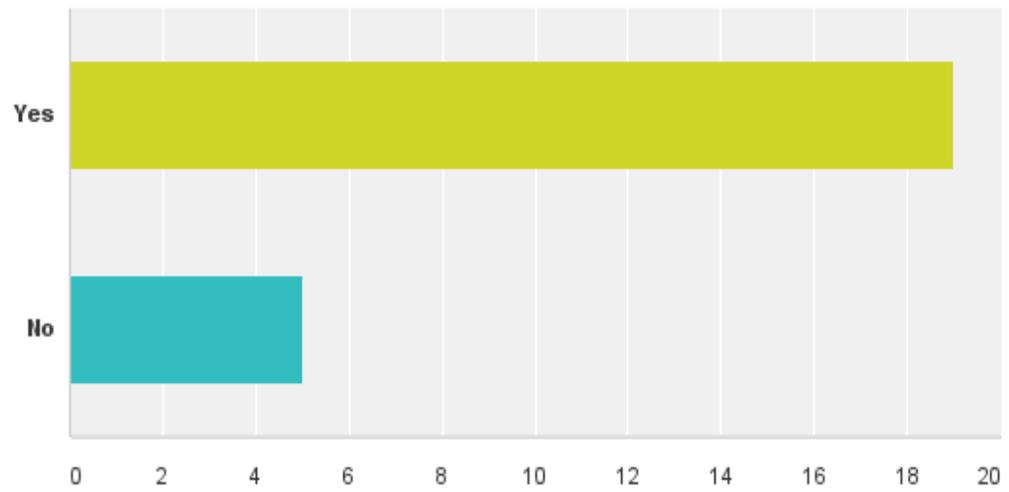
### Q5 How many part time staff do you employ?

Answered: 24 Skipped: 0



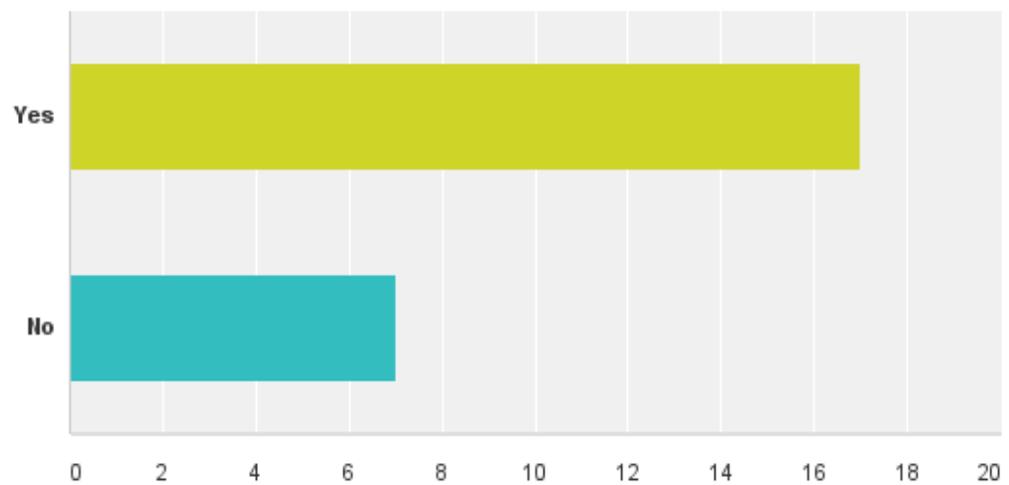
## Q6 Do you have interns?

Answered: 24 Skipped: 0



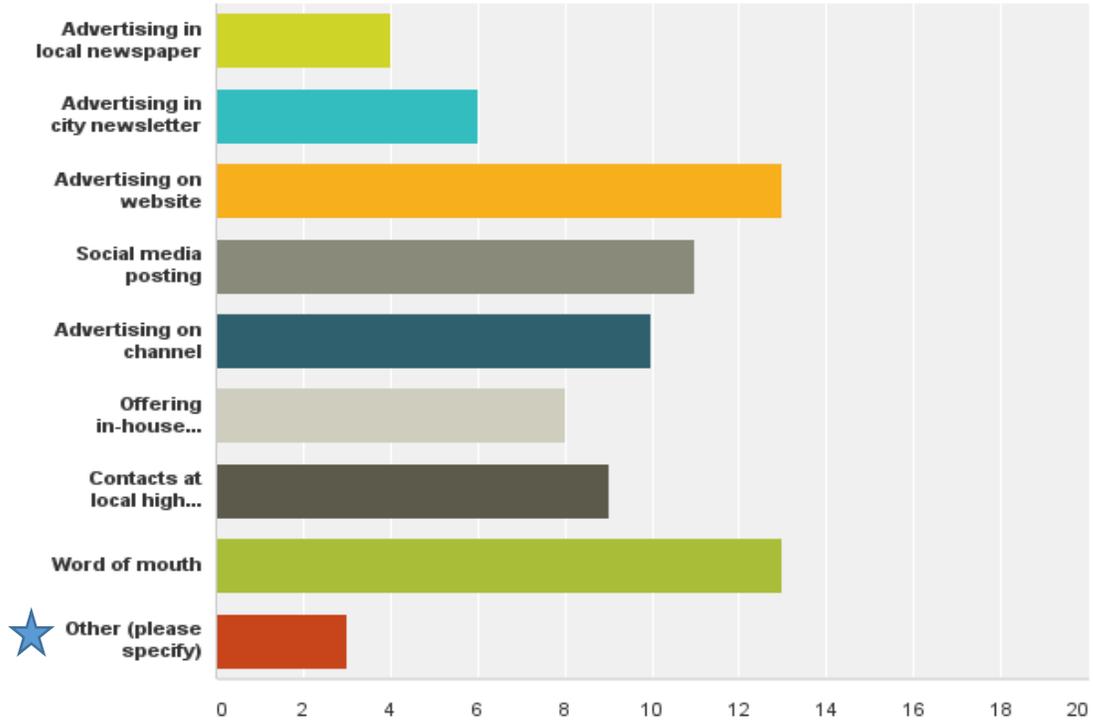
## Q7 Do you use volunteers?

Answered: 24 Skipped: 0

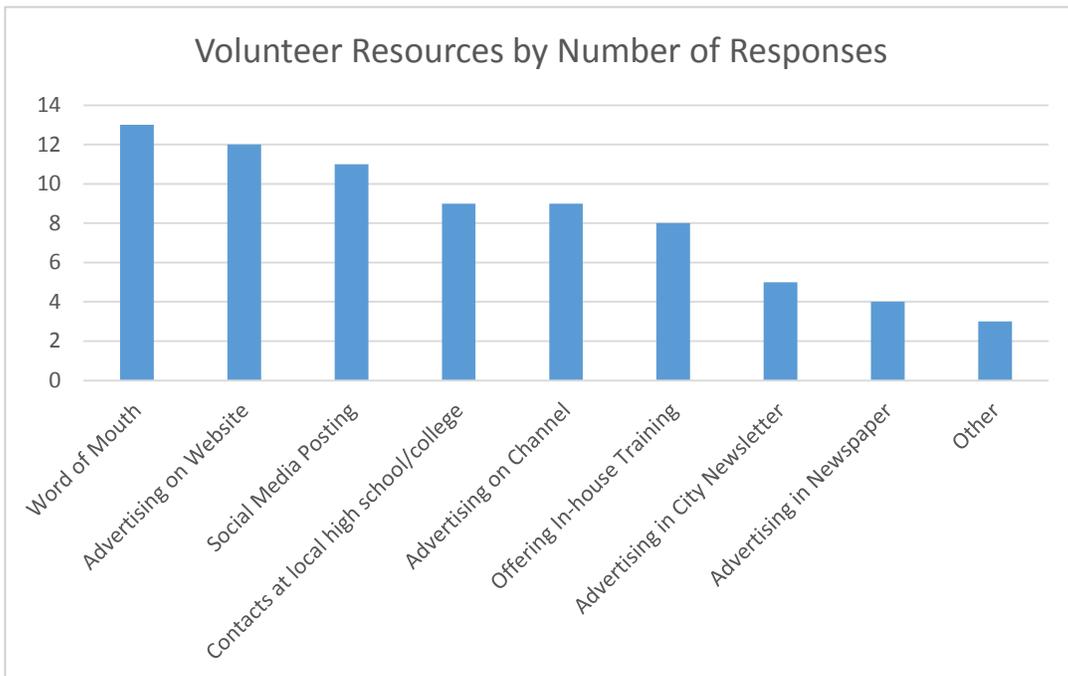


### Q8 If yes, what are your resources for finding volunteers?

Answered: 17 Skipped: 7

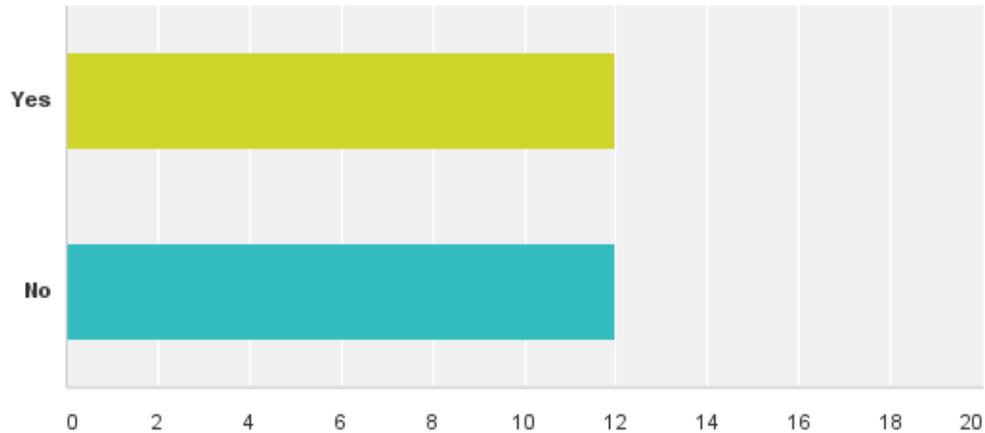


★ Responses in "Other": Email List, Speaking Engagements, Communications Commission



## Q9 Can you measure viewership/ get analytics on your audience in any way?

Answered: 24 Skipped: 0



## Q10: If yes, what methods do you use to get data on viewership?

- Subscriber survey.
- YouTube analytics, PEGcentral stats, survey monkey.
- PEG Central from Leightronix and programming placed on YouTube and directly on Facebook.
- YouTube has a lot of statistical info available about a variety of viewer data.
- Web analytics, not cable television.
- Yes is a misleading answer. We gather viewer analytics through our scheduling software, on-demand feature only.
- Just on the number of hits on online content.
- Just a little on YouTube.
- Analytics only from the website, nothing on the channel.
- We do utilize YouTube on certain programs and can tracks the number of views.
- We use Google Analytics, YouTube analytics, Facebook analytics. We get no data as to people actually watching on television.

**Q10: Continued:**

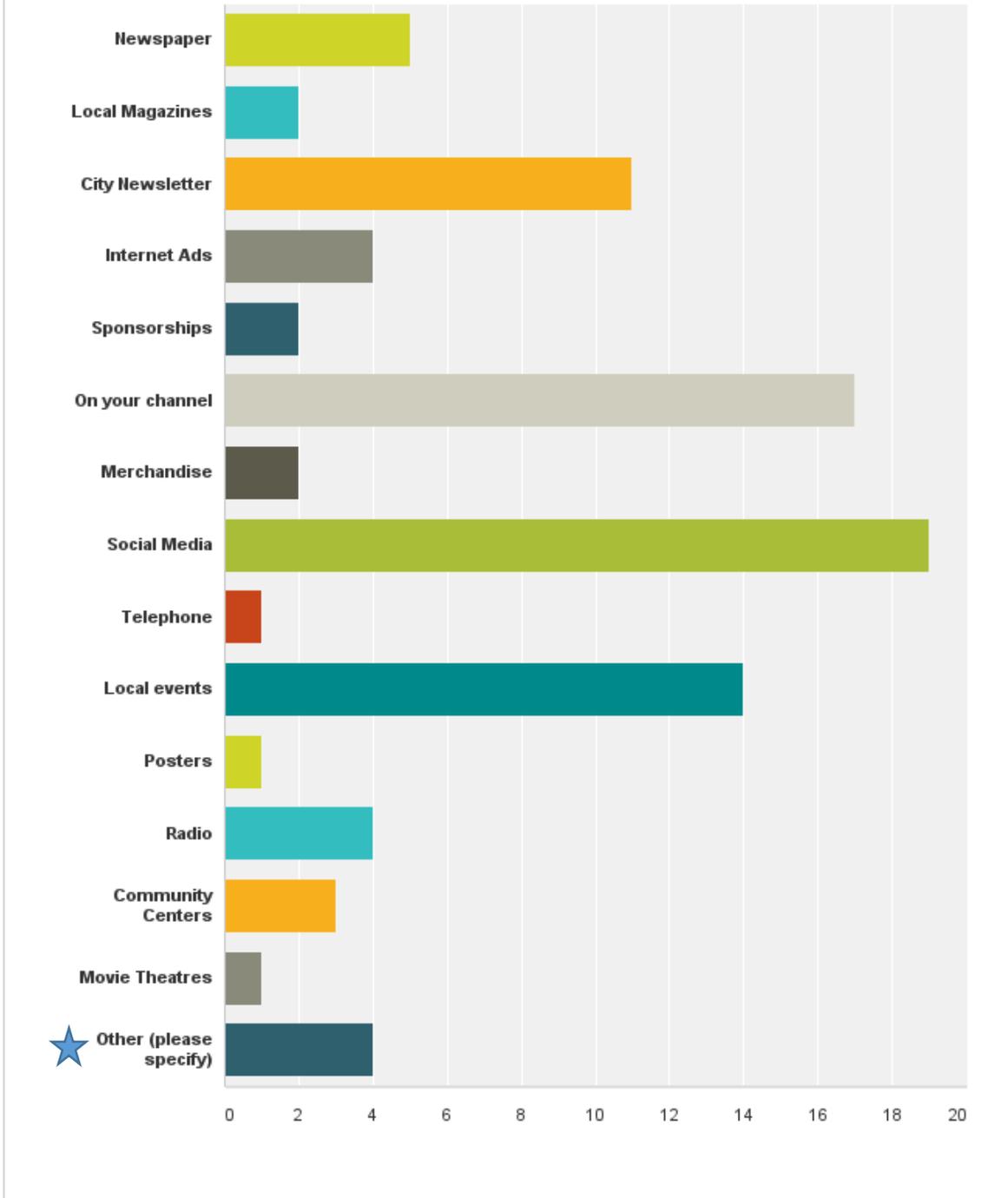
- Google analytics, site analytics, third party aggregators.
- Only on our livestream channel broadcast that keep track of viewer minutes.
- We desperately need viewership analytics, so any suggestions on how to obtain this would be greatly appreciated!
- Stats from YouTube and Vimeo.

**Synopsis**

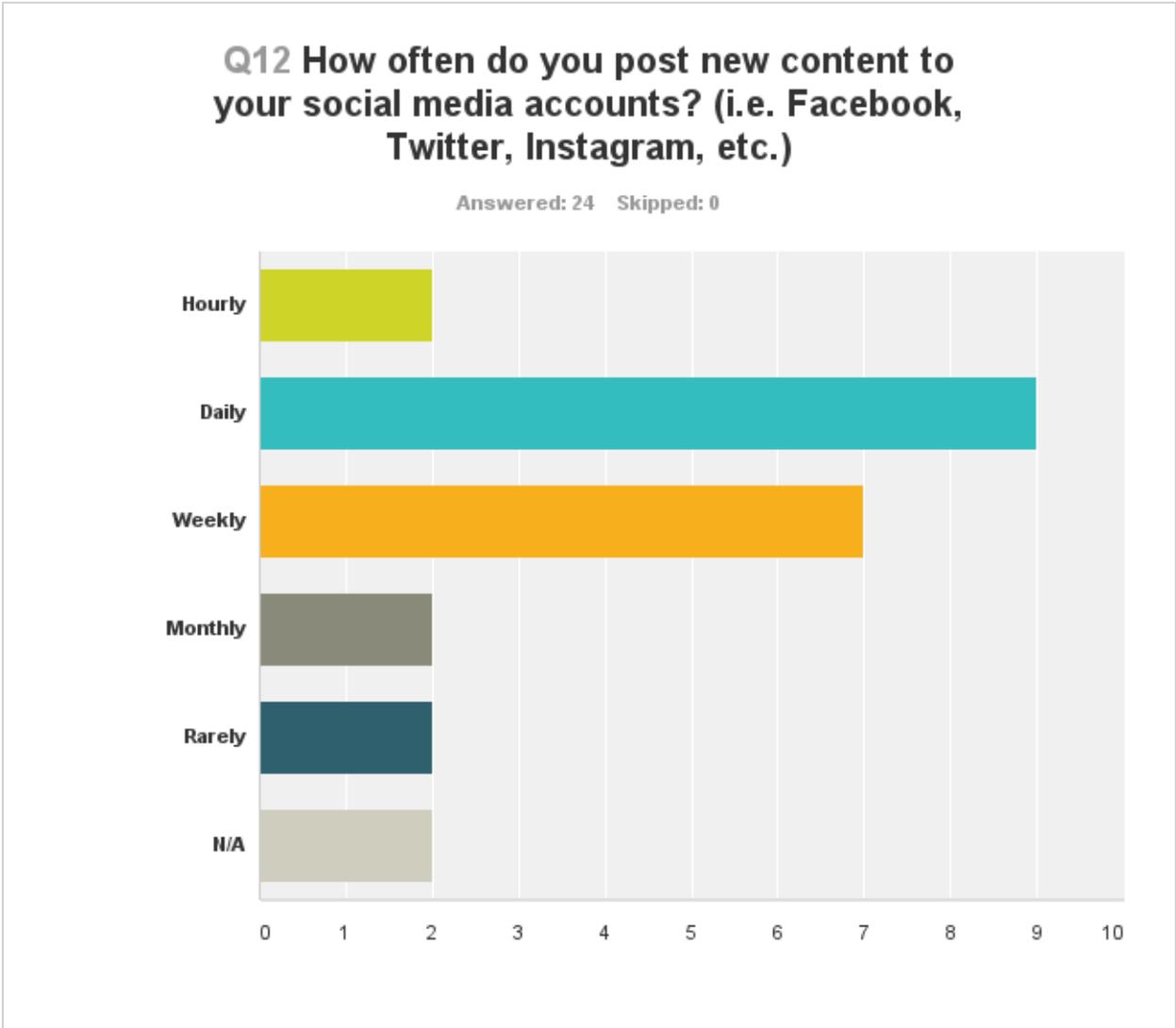
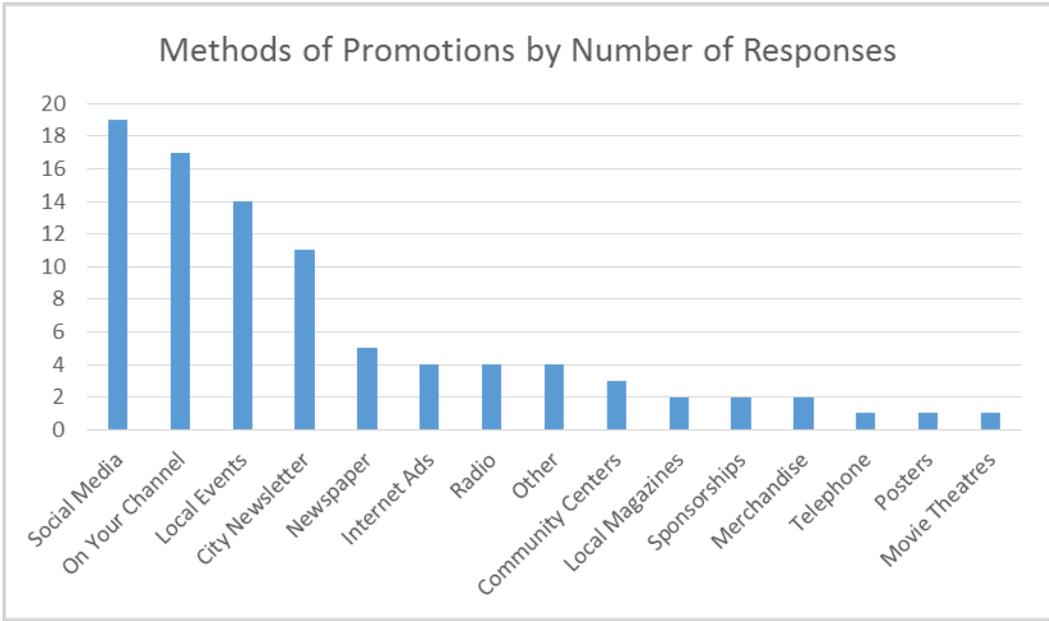
The most frequently mentioned way that our colleagues collect data on viewership are through YouTube/Other online content viewing programs, PEG central, through website/web analytics, and through the on demand feature where feature is available.

### Q11 What methods of promoting your channel have you found most effective? Check no more than 5.

Answered: 24 Skipped: 0

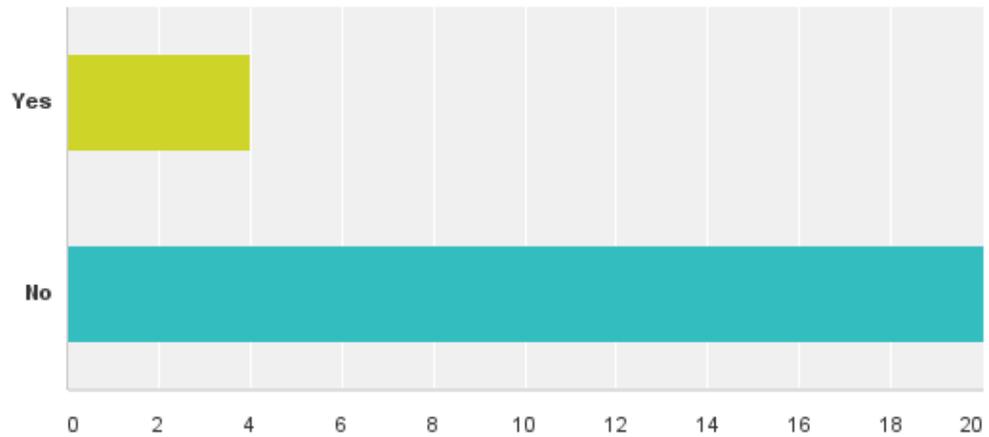


★ Responses for "Other": City Website, Cable Ad Buys, Television PSAs., Occasional Stories in local Newspaper.



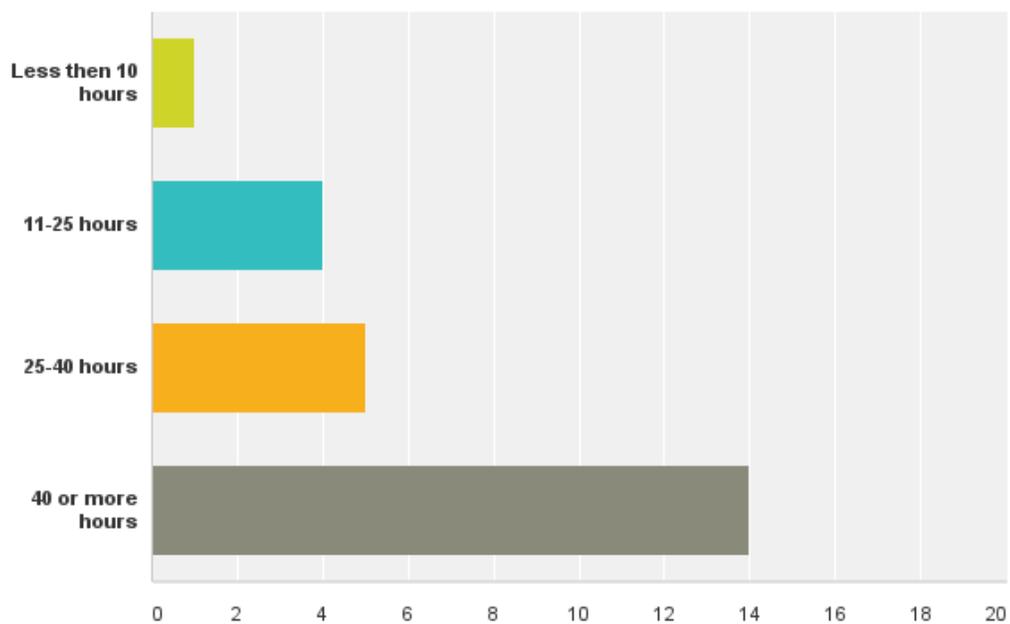
### Q13 Do you have a mobile app?

Answered: 24 Skipped: 0



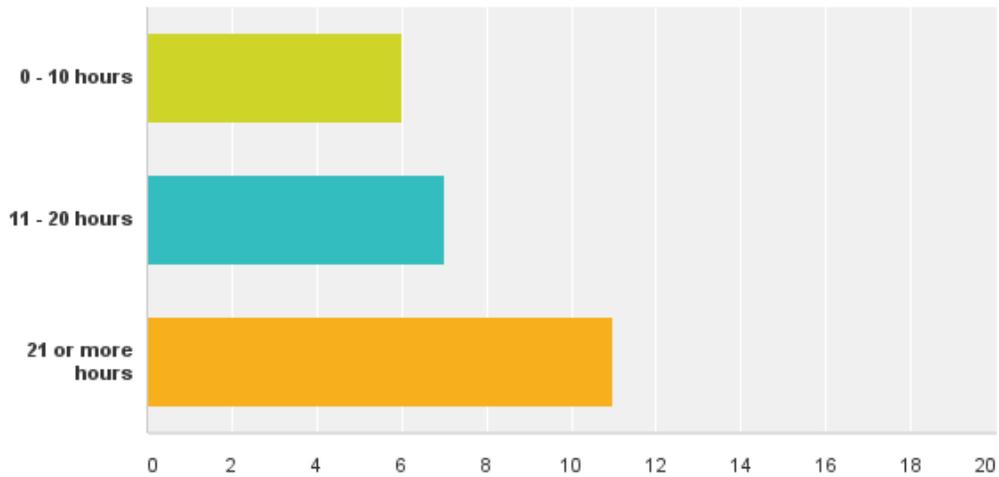
### Q14 On average, how many hours of television programming do you air per week? (Not including message/advertising screens).

Answered: 24 Skipped: 0



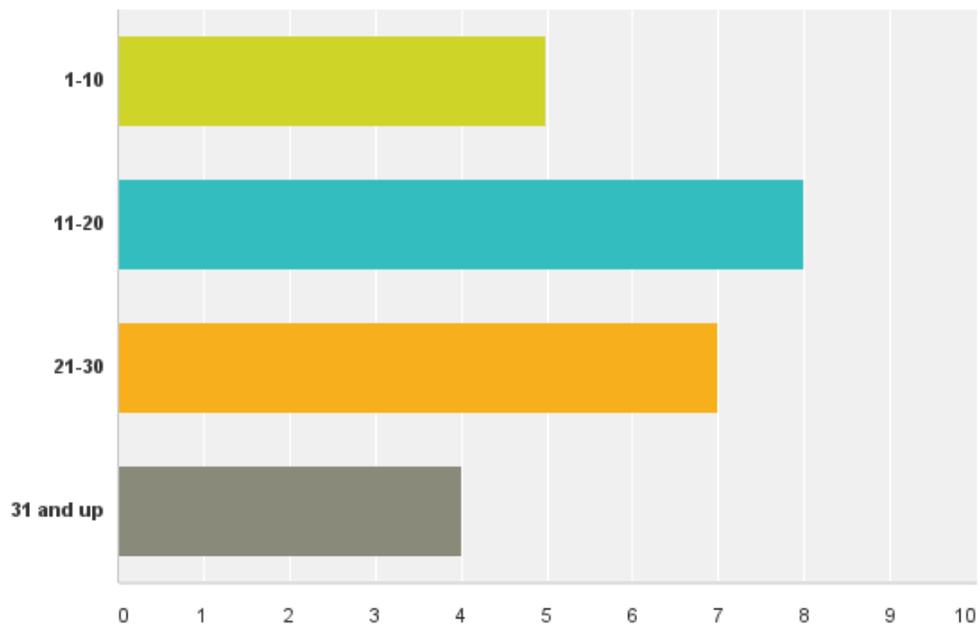
### Q15 Using your response to question number 14, how many hours is original programming?

Answered: 24 Skipped: 0



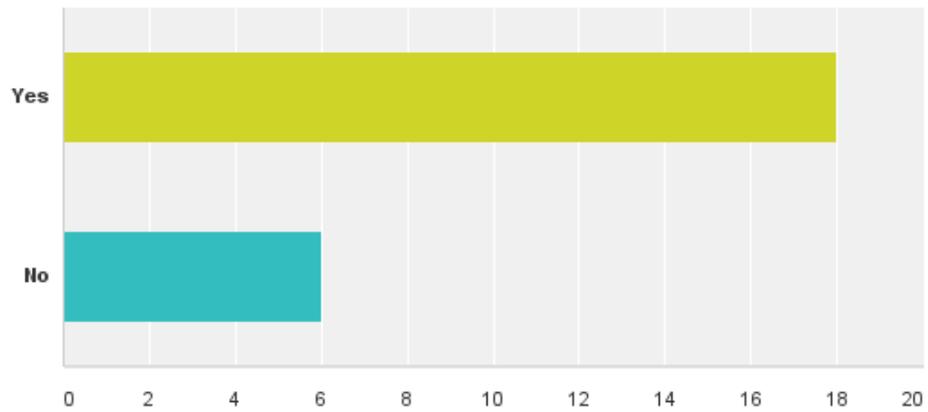
### Q16 Estimate how many original in-house productions you produce in a month (including meeting coverage).

Answered: 24 Skipped: 0



**Q17 Do you augment your programming with shows from other production facilities? (i.e. neighboring communities, other access centers)**

Answered: 24 Skipped: 0



**Q18: If yes, what type of programming are you bringing in?**

- Talk shows, event coverage.
- Religious.
- Informational, educational, entertainment.
- Religious, PSAs.
- Documentaries.
- Talk shows, presentations, meetings.
- Talk shows, cooking shows, community events, sports.
- Talk shows, News magazines, Issue-based programming.
- Civic, community affairs programming.
- Sports, Talk Shows about Gov't.
- Oakland Community College Trustee Meetings, Crimestoppers.
- Resident Showcase' highlights local student/resident video work.
- Already-prepared content from other organizations including lectures, speeches, concerts.
- Three PBS Stations.

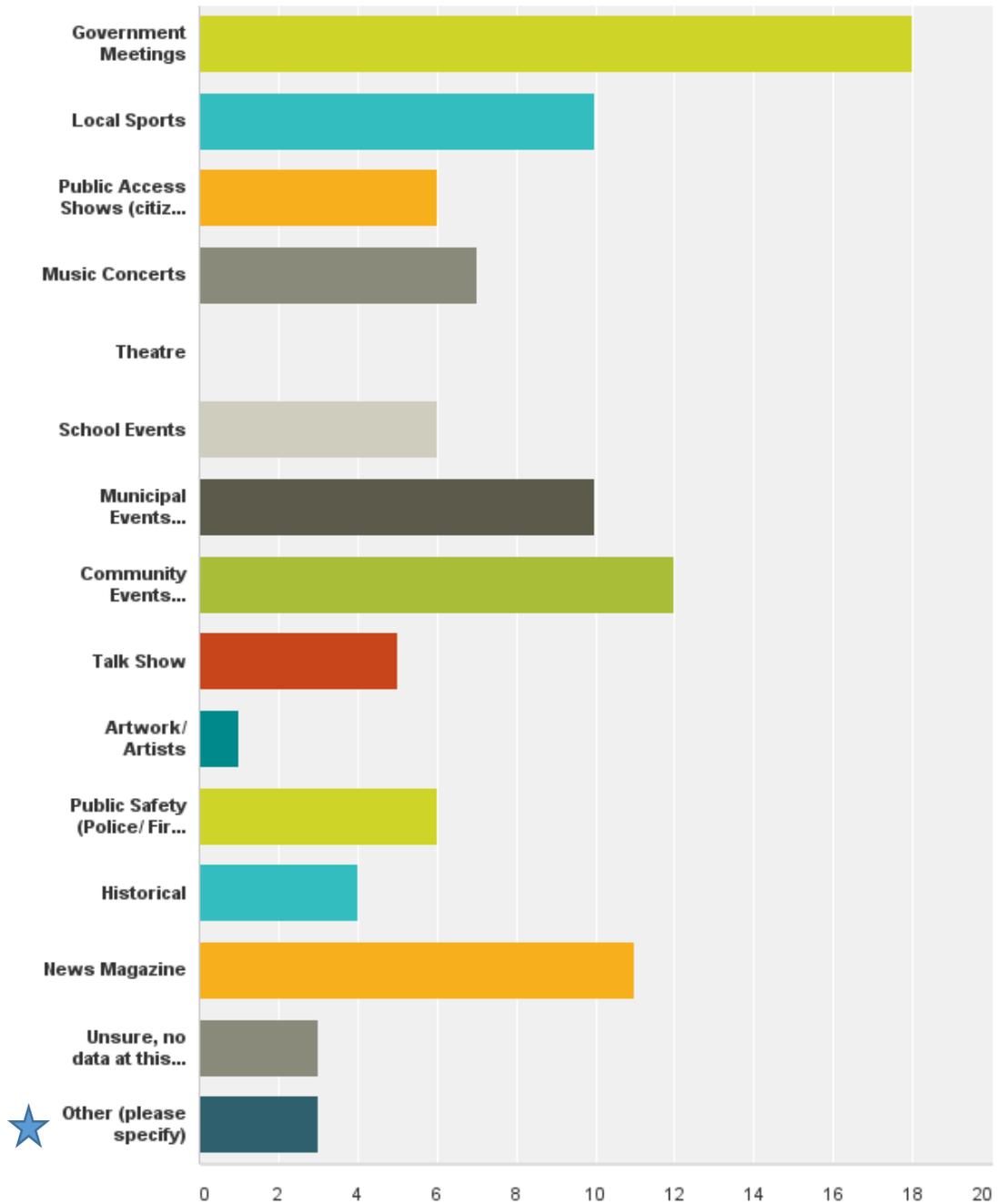
**Synopsis**

The five types of programming most frequently cited are:

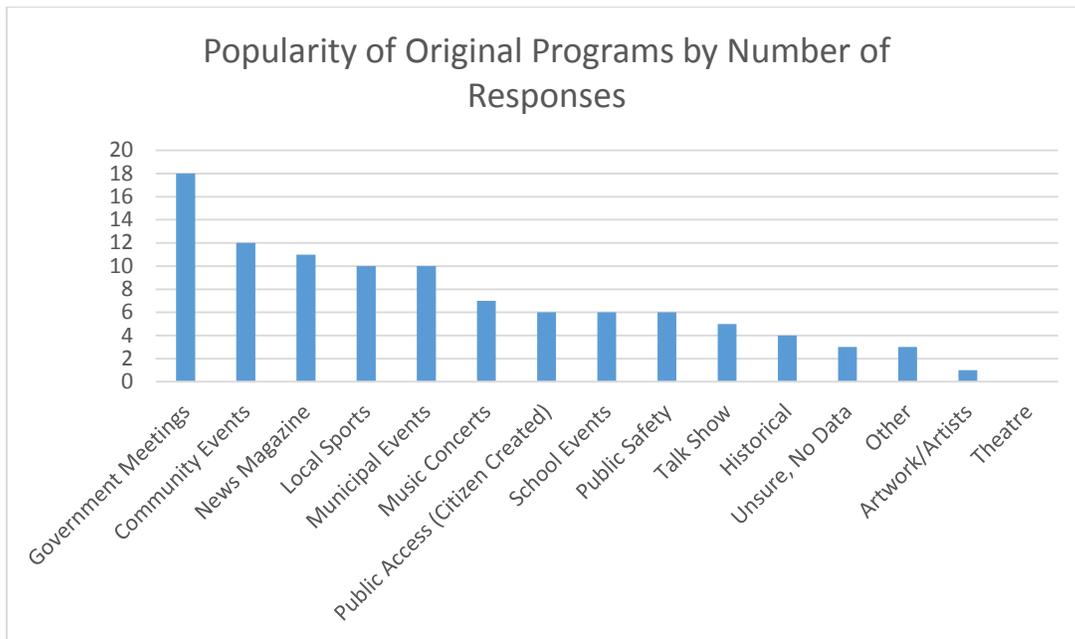
1. Talk Shows
2. Community Events
3. Presentations/Speeches
4. Religious Programming
5. Government Meetings

**Q19 Which of your original programs do you think are most popular? Please select up to 5.**

Answered: 24 Skipped: 0



★ Responses to "Other": News Stories, Nature/Parks, and Recreational Shows.



**Q20: What makes you think these shows are popular?**

- Content, quality and the hard work that goes into producing them.
- Feedback from viewers, hits on website.
- Content, venue, presenter. People like to know what is going on in our towns. And they like entertainment value of some programs.
- They are well produced with attention to content and production quality. In addition these programs are exclusively available on local access television. Government meetings can only be seen here.
- Government Meetings are what people watch on our PEG Central on-demand.
- Stories linked to Police/Fire/DPW, as well as large community events get most views on FB and YouTube.
- Traditional news outlets only cover local municipalities if a tornado hits them or a politician is in trouble. Actual residents are interested in what else is going on that effects them.
- Feedback, requests for DVDs, word of mouth.

## Q20 Continued:

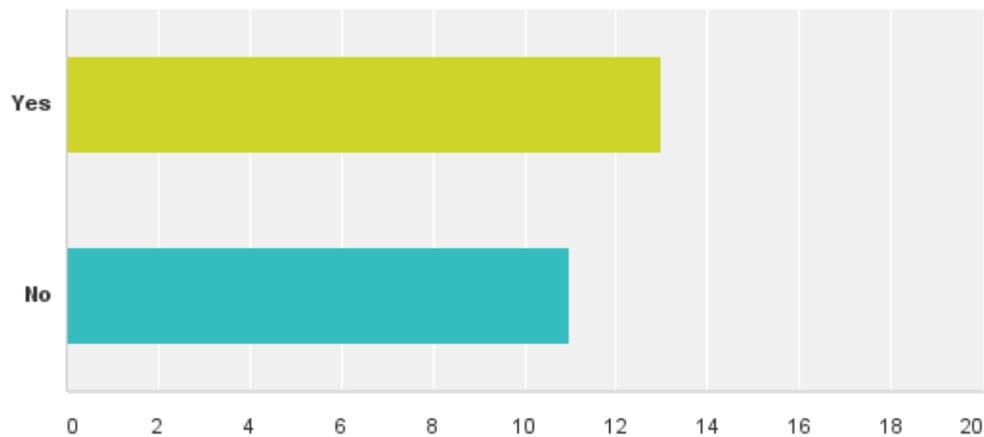
- Our programming is currently under review.
- They involve people and lots of different kinds.
- Local information.
- We receive the most comments from the community regarding these shows.
- Engaged Residents.
- Quality Production Value.
- Timely, Local Coverage.
- Usually word of mouth feedback via social media.
- Cherry Royale Parade is popular because 1/2 to 1 million people come to town for the Cherry Festival. Women of an Uncertain Age brings in notable people from the community. Up Front Fridays is consistent and talks about upcoming local events. We have a lot of retirees who are very interested in local Government issues so the Government meeting do really well when there are hot topics.
- Informal feedback.
- People see themselves or their relatives.
- They are localized.
- Hot Topic, informational.
- Variety of topics covered...entertaining...dynamic graphics.
- Online stats from YouTube and Vimeo.

## **Synopsis**

The most frequent answers as to why we think residents are watching our channels include: (1) Quality, (2) Localized, (3) Online stats/feedback, and (4) Content.

## Q21 Do you share programming with other municipalities/ access centers?

Answered: 24 Skipped: 0



## Q22: If yes, with whom and how?

- WKTU through a LiveU, other interested channels using a web stream.
- With CMN, SWOCC, Royal Oak & West Bloomfield.
- Saline - Dropbox
- Troy, WB, Royal Oak. Producer of every program is in charge of sharing programs with other towns.
- Shows are mostly shared upon request. In the past when we have reached out and offered gardening, cooking, car shows and other programming that we produce in a series format, we have shared via DVD (again by request; staff is limited, so we haven't automatically uploaded shows.) The program that we share the most is Inside Macomb with Macomb County Treasurer Ted Wahby. He takes pride noting that he began his show in the 1980s. It is the longest running show in the county. He has a distribution method to help us get DVC Pro tapes and DVDs to stations throughout the county.
- "Occasionally we share with Shelby Television programs of interest. We used to share sports programs until we stopped recording games. "Legally Speaking" is distributed by the MCBF to area stations."
- Waterford...via DVD.
- Oakland County, Oakland Community College

## Q22 Continued:

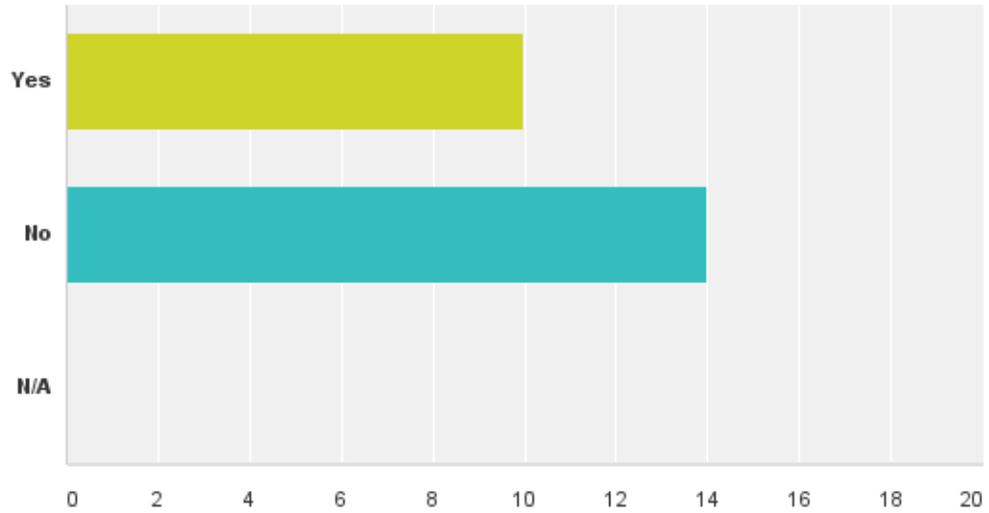
- Shelby TV
- Bruce, Clinton, Harrison, Macomb, Shelby & Washington Twps., Richmond, Romeo, Sterling Heights, Utica & Warren on DVD and MediaFire video sharing through NATOA.
- Programming is shared between us, GRTV and WCET.
- We run two stations and are in discussion with the 2 local education channels to see how we can collaborate better.
- Shelby TV, Chippewa Valley Schools, Clinton Twp., Mt. Clemens, Sterling Heights. DVD exchange or Server downloads.
- When our local producers decide to submit their programs to other centers. That happens on occasion.
- The government and schools channels are separate from ours and have their own programming. We just facilitate the broadcasting from the head-end which is located in our facility.

## **Synopsis**

The main method for those who described how programming is shared was through DVD.

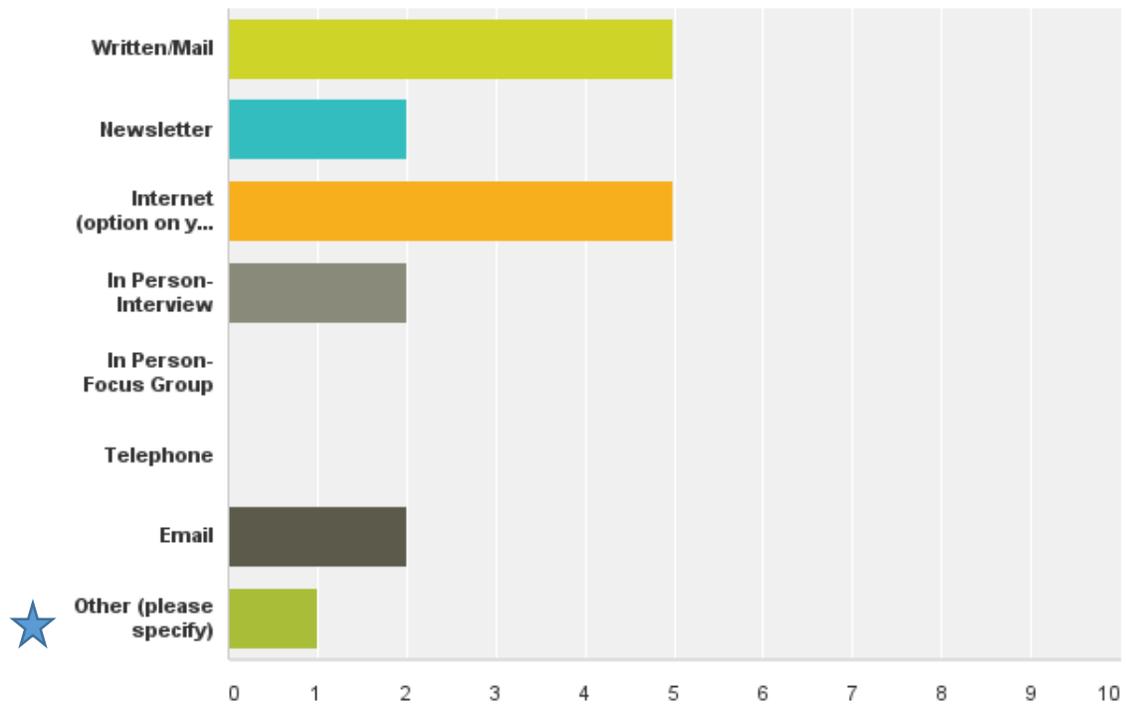
### Q23 Have you surveyed your community?

Answered: 24 Skipped: 0



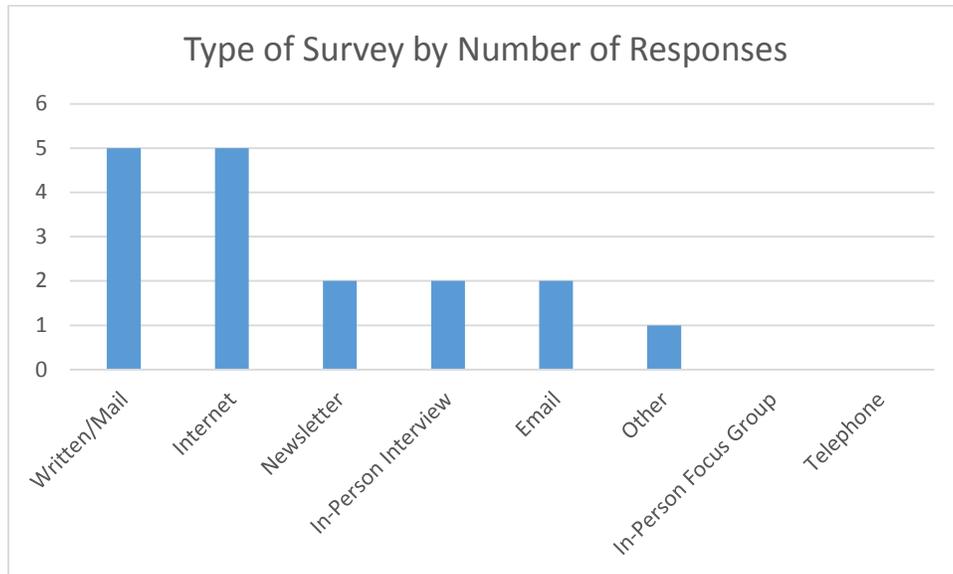
### Q24 If yes, what type?

Answered: 11 Skipped: 13



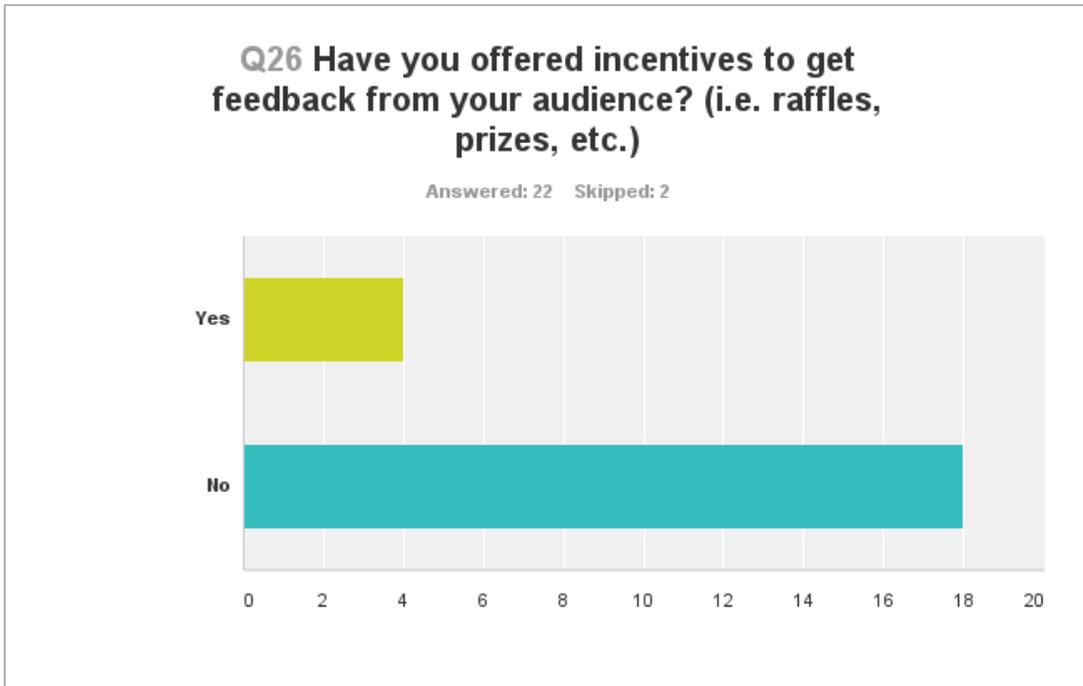


Responses for “Other”: We always invite comment, but haven't conducted a formal survey.



### **Q25: If yes, how often do you survey your community?**

- Every three years, sometimes longer
- Every 1-2 years
- Occasionally done by survey firm. Not done in recent years.
- Surveys are all government services city wide. None specific to PEG channel alone. We have undertaken three surveys city wide since 2000.
- Every other year as part of the broader, City survey put out by the Mayor's Office.
- Once a year.
- We're trying to create one right now.
- We surveyed them officially about 15 years ago. Since then, we've done unofficial surveys annually at business fairs.
- Few times a week, after meetings or new show produced.
- Periodically, but not in the last 5 years

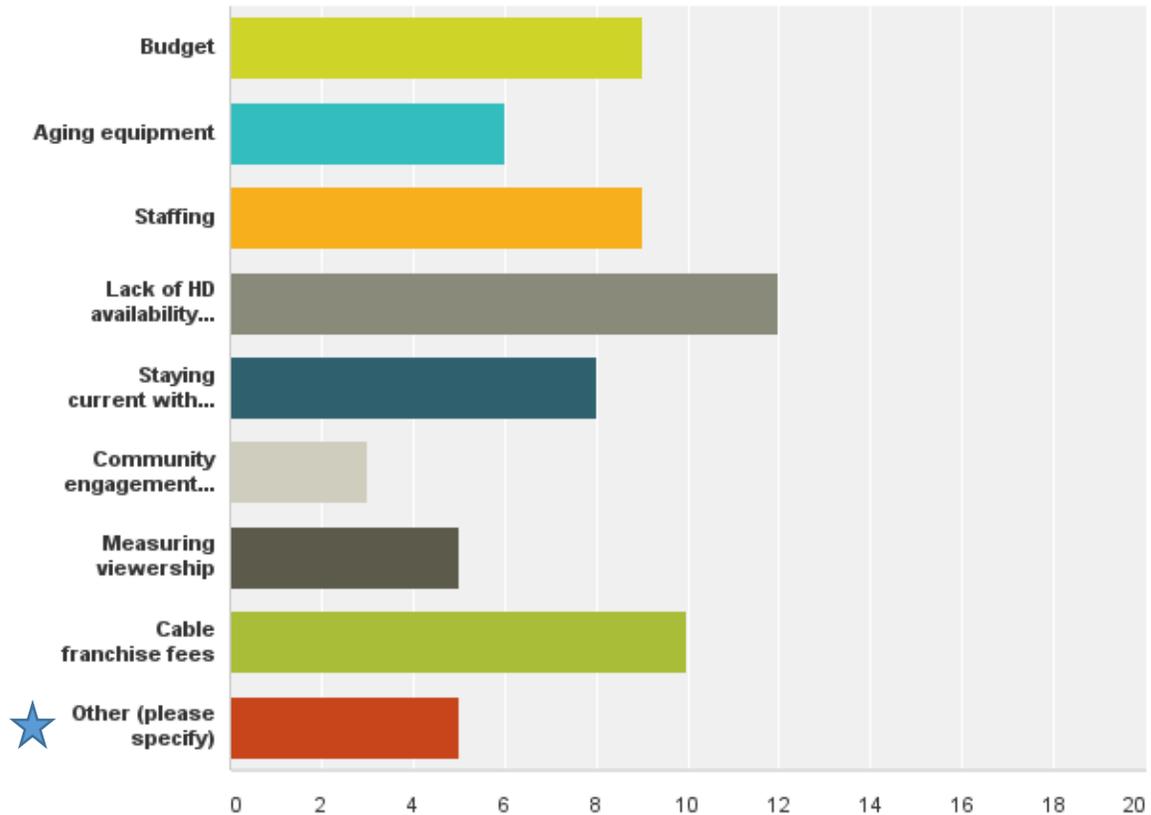


**Q27: Please share any other methods to get feedback from your audience if applicable.**

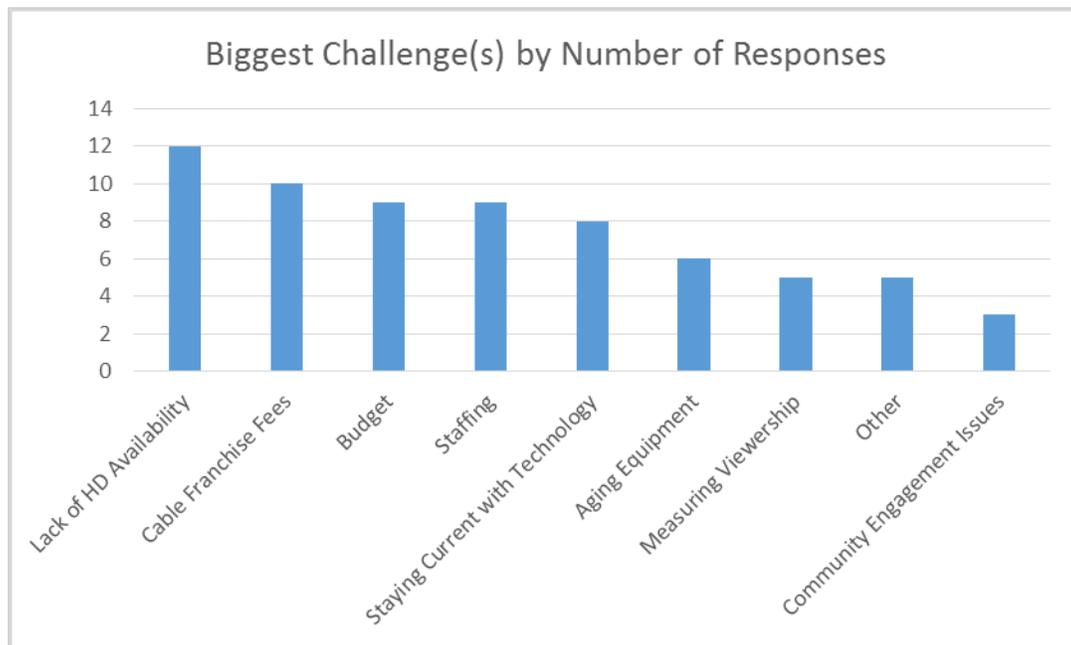
- Written comments as part of our subscriber survey
- We added twitter hashtags to our programming
- Although we obviously don't deliberately do this, when a program is off because of some technicality we often hear immediately from viewers asking what's going. That indicates they are watching. We also get anecdotal feedback.
- Facebook
- Trivia during a show, win a gift card, etc.
- Prior to myself taking over the position of station manager there was a GoPro given away in an attempt to garner more volunteer support. From my understanding very little tangible success came from this.
- Social media
- Encounters with people in township hall from regulars, and when on location shoot.

**Q28 In the next 3-5 years, what do you feel is your biggest challenge(s)? Choose up to 3.**

Answered: 24 Skipped: 0



★ Responses to “Other”: Viewers moving away from Cable TV to VOD, Time shifting and Viewership leaving Cable, Challenge to increase participation and viewership, PEG Fees, and Relevant, quality programming.



**Q29: Please share any ideas regarding overcoming challenges facing the PEG community.**

- Trying to negotiate in franchise renewal so that we continue to get 3% PEG fees.
- Try to stay current with technology and be as available and "access"able as possible to meet the needs of the community.
- We need to share information more, especially in light of Comcast's proposal to merger with Time-Warner and from GreatLands. A lot of us are going through contract renewals now. Let's keep each other posted on status of negotiations.
- Relevant community programming delivered as viewers expect will keep PEG in demand.
- We are operating with a staff of two (was just one for four months until recently) but have just received our first new cameras/editing equipment in nearly 10 years. Other equipment in constant state of disrepair. Very difficult conditions. Interested in ideas but have none to share.
- The big challenge is to make PEG so valuable and desired that it will be funded if and when the current revenue stream dries up.
- Making elected officials aware and care about PEG. We're more than a budget line.

## Q29 Continued:

- Continue to work with the local schools and governments that want us to do programming. Produce the highest quality of that programming.
- We need a VOD presence on NetFlix, Hulu or other venue.
- Personally I feel we need to look toward getting PEG fees to apply to internet access and make ourselves more relevant as a resources for the creation of video content with less focus on the dying medium of television. How can we be more adaptable to the viewing habits of a modern audience?
- We are working to get more non-profits into our facility to use MCTV to promote their services and events. Also hold summer camps for kids to get more youth involved.
- Being seen as relevant.
- Educating decision makers.
- Forge partnerships with schools, etc.
- More frequent meetings with PEG operations to share information and experiences.



Memo

To: BACB  
From: Steve Rota  
cc: Greg Kowalski, Cathy White & Elaine McLain  
Date: 5/5/15  
Re: Report March 19th, 2015 through May 27th, 2015.

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### **BAMA Programs**

During this time period we've completed fourteen regularly scheduled municipal meetings, two Baldwin Library Board Meetings and two BACB meeting.

### **IN STUDIO**

Three *County Corner* hosted by Marcia Gershenson.

### **On Location**

Two *Baldwin Public Library Lectures*.

Three *Birmingham Republican Women's Club Lectures*.

*Birmingham Recommended 2015-2016 Budget Show*.

Celebrate Birmingham Parade.

Birmingham Memorial Day Service.

*Village Beverly Hills Parade and Carnival*.

### **BAPA Programs**

From BACB area individual producers and organizations we've taped 56 programs. From individuals:

- ❖ Five *Self-Talk* hosted by Danco Sotirovski.
- ❖ Six *Spectacles* hosted by Ellen Rogers and Betsy Laboe.
- ❖ Six *Making a Difference at TCH* hosted by Bill Seklar.
- ❖ Three *Eye on Oakland* hosted by Chuck Moss and David Potts
- ❖ Four *Patriot Lessons* hosted by Michael and Leah Warren.
- ❖ Four *Michigan Entrepreneur* hosted by Tara Kachaturoff.

From BACB area organizations:

- ❖ *Annual Beverly Hills Easter Egg Hunt*.
- ❖ Two *Plant Based Nutrition* Lecture.
- ❖ *Birmingham Musicale*.
- ❖ Three TCH *Women's Club* Lecture.
- ❖ Two First Presbyterian Church *Lunch and Learn* Lectures.
- ❖ First Presbyterian Church *Faith Communities Coalition on Foster Care* Lecture.
- ❖ TCH *2nd Annual Patrick Henry Patriot of the Year Awards*.
- ❖ TCH *21<sup>st</sup> Century Leaders* Ceremony.
- ❖ Spectrum Orchestra Concert.
- ❖ Birmingham Community Coalition *Annual Choices Youth Dialogue Day*.
- ❖ TCH *Patriot Week* Lecture.
- ❖ Birmingham Bloomfield Chamber '*Real Estate Forecast*' Lecture.
- ❖ *Birmingham Bloomfield Symphony Orchestra*.
- ❖ DAR Piety Hill Chapter: *Wing Lake School House* Program.
- ❖ TCH Race Relations & Diversity Task Force *Honor Roll Breakfast*.
- ❖ Two *Birmingham Concert Band*.
- ❖ Girls Lacrosse
- ❖ Girls Water Polo
- ❖ Girls Soccer
- ❖ Boys Lacrosse
- ❖ Girls Softball Doubleheader
- ❖ Two Boys Baseball games.

### **CAMERA WORKSHOP**

Our next camera workshop has been scheduled for Tuesday, July 14th, 2015 from 10:00 AM to Noon or 6:30 PM to 8:30 PM. Call 248-433-7790 and sign up today!