

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, February 21, 2018 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 January 17, 2018-M
3. Public Comments
4. Treasurer's Report
5. Request to Approve FY 2017-18 Budget Amendments-M
6. Committee Reports
 - a. Cable Action Committee
 - b. PEG Committee
7. Executive Director's Report
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

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – January 17, 2018

Present: Abraham (alternate), Eick, Fenberg, Heldt, McLain, Shand –
 Birmingham
 Bayer, Borgon, Gugni, Delaney (non-voting liaison), Maly – Beverly Hills
 Ettenson – Bingham Farms
 Stakhiv - Franklin

Absent: Bozell, McAlear – Birmingham

Also Present: Currier – Attorney for Cable Board
 Rota – Bloomfield Community Television
 Kathryn Hagaman – Clerk/Administrator of Village of Bingham Farms
 Spencer Tawa – Plante & Moran
 Andrew Benesio – Plante & Moran

McLain called the meeting to order at 7:45 AM in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

McLain welcomed the newest member to the Board, Donovan Shand from Birmingham. She also thanked him for attending the CAC meeting a couple weeks ago.

APPROVE MINUTES OF CABLE BOARD MEETING HELD December 20, 2017

Stakhiv noted several typographical errors: on page 2, 2nd paragraph, last word on the 2nd line, it should read, “nce” and under **PEG GRANT REQUEST – BAIDWIN PUBLIC LIBRARY**, it should read, “**BALDWIN PUBLIC LIBRARY**”. On page 3, 3rd paragraph, middle of line 6, the name of the firm was misspelled. It should be “Revize”.

Motion by Heldt, seconded by Eick to approve the minutes of the Regular Cable Board Meeting on December 20 2017, as amended.

Motion Passed.

PUBLIC COMMENTS

None

PEG GRANT REQUEST – BINGHAM FARMS (WEBSITE REDESIGN)

Kathryn Hagaman, former Executive Director of BACB (1998-2008), currently Clerk/Administrator of Village of Bingham Farms, provided a brief background of the Village’s website which was created in 2005. It had been updated along the way but the current program the Village uses was no longer being supported and required a professional to update the information. The goal was to be compatible with the latest mobile technology, provide easy access of information for the village residents (which included all meeting minutes), be ADA compliant and allow staff to easily update the site. She listed the criteria used to evaluate each of the four proposals received: Municipal website experience, Security of software – Proprietary or Open Source, Contractor responsiveness, Experience with ADA law and to have a Local Office. For each quote she provided the Cable Board with the redesign cost and yearly maintenance cost. At the Village Council meeting in November she made a formal presentation, including the staff recommendation that Revize be awarded the contract. Hagaman listed the reasons for the

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Council's choice, including the pricing which was competitive with the other proposals and its recent contracts with Beverly Hills and Franklin.

On behalf of the Village of Bingham Farms, she requested a grant in the amount of \$9,800 to redesign the website. This also included a redesign of the website in four (4) years.

Motion by Borgon, seconded by Ettenson and Stakhiv to approve the **PEG** grant request from the Village of Bingham Farms in the amount not to exceed \$9,800 for a website design by Revize.

Ettenson mentioned that as a member of the Bingham Farms Village Council, he was present at Hagaman's presentation and complemented her and the staff on their outstanding job.

Shand confirmed that the Village might come before this Board to request a grant for the cost of the annual maintenance starting 2019. Fenberg observed that the Village may want to reach out to the schools for students to help with the social media and Bayer suggested partnering with Beverly Hills and Franklin to "share" a person for that task. McLain thanked Hagaman for including the "compliance" aspect of the redesign which was very important.

Roll Call Vote:
Motion Passed (11-0).

Revised Roll Call Vote:
Motion Passed (12-0)
Due to a lack of a complete compliment of Birmingham representation, alternate Abraham was added to the Roll Call Vote.

**MUNICIPAL SUPPORT SERVICES GRANT REQUEST – BINGHAM FARMS
(MAINTAINING WEBSITE, ETC.)**

Kathy Hagaman, Clerk/Administrator of the Village of Bingham Farms, requested a grant for \$1,245.00 to offset the cost of maintaining the Village website, hosting of the Village ordinances and search capabilities for Village minutes and ordinances for the year.

Motion by Ettenson, seconded by Fenberg to approve the **MUNICIPAL SUPPORT SERVICES** grant request from the Village of Bingham Farms in the amount not to exceed \$1,245.00 to cover the cost of website hosting of Village ordinances, minutes and search engines for the FY 2017-2018.

Bayer inquired why those functions were not being rolled into the new website. Hagaman responded that Revize would do the design and the grant being requested was for ancillary programs which Revize does not have the expertise to do. American Legal and Minutes on Demand were separate software programs not included in the redesign. She also reminded the Board that this request was for FY 2017-2018 which ends on June 30, 2018. Revize would run these programs but it was necessary to have the other two (2) programs to run updates, which were programs that Revize did not have. Bayer stressed that rolling the other two (2) programs into the new website would be a simple solution. Hagaman will look into the possibility.

Roll Call Vote:
Motion Passed (11-0).

Borgon called a Point of Order. Abraham (Birmingham alternate) should be voting on these issues since Birmingham did not have full representation.

Revised Roll Call Vote:
Motion Passed (12-0)

COMMITTEE REPORTS

Cable Action Committee

Eick, Chairman, reported that the committee had a meeting earlier in the month. A list of about 10 or 11 local companies which would receive the RFPs for the BACB website had been compiled. White will set up interviews for the next meeting.

Borgon stated that he had been waiting for a discussion about the municipal rebate policy. McLain stated that it had happened and Heldt commented that it not only revolved around a change in the policy but also an additional Administrative Grant to the communities. Since the discussion he has found that there appeared to be a minor liquidity problem with the CDs. He was of the opinion that some communities which the BACB represent might want to wait until the Audit to express their opinions on Fund Balances. Therefore, he did not recommend any action at this time; however, he believed that it would happen. Borgon was concerned about the balance in the Beverly Hills account which had reached an amount which he believed to be over the FDIC approved amount. Several options were mentioned. Currier provided some background to explain the reason for such a discussion. According to McLain, Joe Valentine, Birmingham City Manager, would be coordinating a meeting with the other three (3) communities to discuss this policy. A report was expected at the next Board meeting.

PEG Committee

McAlear was unable to attend this meeting. There would be a quick PEG meeting following this one.

AMEND AGENDA

Motion by Heldt, seconded by Stakhiv to amend the agenda to add one item:
COMMITTEE REPORTS – Personnel Committee.

Motion passed.

Personnel Committee

Stakhiv apprised the Board that the Executive Director's annual performance appraisal was coming up at the end February, beginning of March. She would be sending out the Board Review Response for Board input. The Personnel Committee would be having a scheduled meeting which would be posted online. All were welcome to attend and afterwards the performance review would be written.

Stakhiv noted that she always welcomed input so as to make the process better and agreed to send an email to the Board listing all the questions that would be asked.

AUDIT PRESENTATION BY PLANTE & MORAN

Spencer Tawa, Audit Manager and Andrew Benesio, Auditor in charge of the Cable Board's audit, presented each Board Member with the document, Financial Report with Supplemental Information as of June 30, 2017. At the meeting they went over all the financial statements, as well as their End of Audit Letter which goes over the results of the Audit. Tawa thanked White and Fenberg who helped them with the audit by answering any questions they had and for providing all the financial records needed to perform the audit.

Benesio presented an overview of the General Fund Balance Sheet/Statement of Net Position on page 7 of the report. On page 8, Statement of General Fund Revenue, Expenditures, and Changes in Fund Balance/Statement of Activities, he noted the decrease in Total Revenue from the year before and an increase in Total Expenditures which was due to an increase in the Administrative Grants given to the member communities. The Footnotes to the Financial Statements were basically the same as last year, only updated to reflect the current year activity. There were no new accounting pronouncements implemented by the Board for the current year. He brought to the Board's attention the Budgetary Comparison Schedule – General Fund on page 18. He complimented the Board for staying within budget with the only overrun related to Communications expense which was only about \$36.00.

Tawa referred to a letter from Plante & Moran, dated November 8, 2017 on page 2, Other Matters, Required Supplemental Information, and stated it was a follow-up to the one sent during the planning stages of the Audit. This letter stated the Audit results, highlighting the deficiencies that they had identified based in the Board's internal control and included the required communication to the Board based on established auditing standards. He referred to the three (3) weaknesses which had been identified last year: 1. With the help of Fenberg and White, the results were more accurate and "cleaner" this year than in the past. He pointed out that because White used an Excel spreadsheet to track each community's revenue throughout the year, as recommended in last year's report, this Internal Control weakness was removed from this year's letter. 2. With White's and Fenberg's assistance the process at year end to compute and include all activity in the financial statement was improved this year and would continue to get better. 3. Regarding the improvement of the online banking access and transactions with the Credit Union account, this year the Board had instituted a new policy requiring two (2) signatures for any disbursements over a certain amount. However, there remained the issue with the Credit Union of a single person being able to initiate and release wire disbursement. White informed the Board, that she planned on having a discussion with the Credit Union regarding this issue. However, as a matter of practice, no wire transfers take place unless there had been a discussion among the Treasurer, the Chair and herself, which would be documented in an email and there was a consensus of approval that a wire transfer was appropriate. She also clarified that these transfers were only between the MBS and the Credit Union. Tawa explained that at the moment the Cable Board had an "after the fact" control in place and they would like to see a "preventative" control. Several methods of control were discussed.

EXECUTIVE DIRECTOR'S REPORT

White referred to her monthly report dated January 11, 2018. There have been no new complaints filed since her last report in December.

The account balances for the MBS, BBCU and Beverly Hills accounts were provided to the Board, in addition to the monthly Revenue and Expense Budget Reports, as of December 31, 2017.

Since the last meeting White has written eleven (11) checks on behalf of the BACB; most of them were for the PEG Grant for the purchase of the equipment for the Birmingham Control Room which has been installed and up and running. She also made the BCTV quarterly contract payment and an additional payment to BCTV for additional contract payments owed. She explained that the two (2) amendments to the recent contract had not been picked up in BCTV's billing for a couple of years. Heldt provided background details and stated this was an oversight on Bloomfield Township's part. White made the point that for each quarter it was about \$3,000 until the last couple of quarters when it increased to about \$4,500. McLain noted that this was a shared responsibility. White would include the correct updated contract amounts in the New Member Manual and provide a copy for each Board Member's manual. Bayer raised the question of whether this would require a budget amendment. White will come back to the Board in February with such a request.

Additional Notes

White thanked those members who sent articles to her to share with the rest of the Board.

On December 29, 2017, CBS claimed that the Attorney General of the State of Washington had added a new allegation to the original pending lawsuit of August 2016 against Comcast claiming Comcast billed the customers for the company's "Service Protection Plan" without their consent. She will keep the Board updated on the situation. The Attorney General also claimed that Comcast had deleted 90% of the phone calls between customers and Comcast representatives regarding the unwanted protection plans.

After the recent tax cuts which were authorized by Congress which reportedly would create thousands of jobs and allow companies to pay bonuses to employees, Comcast fired 500 sales personnel. This was reported by CBS on January 5, 2018 and White noted that Comcast was reportedly the most activist lobbyist for the tax cuts.

On January 10, 2018 there was an article in the Detroit Free Press about steps customers could take to reduce their cable bills which White elaborated on: (a) Call and negotiate a lower rate, (b) Get rid of extras, (c) Check the fees, (d) Avoid contracts, (e) Cut the cord. This information would be beneficial to subscribers as Comcast would be raising its bills on an average of 2.2% in 2018 and AT&T would be increasing DirecTV's prices by up to \$8.00 per month in January. Stakhiv began a discussion about what constitutes a "contract", written and/or verbal. Borgon suggested that this pertinent information about the different ways to reduce higher bills should be forwarded to municipalities to be put in their newsletters for the residents. He also mentioned

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that CAC might want to include it in an updated brochure and Bayer suggested it be put on the new website. Borgon inquired about the ad that was to be included in the Chamber's publication. White will pursue this and distribute it to the Board.

White informed the Board that every year she completes a survey from the Michigan Public Service Commission about the competition in the cable television industry. One of the BACB's suggestions to the MPSC this year was that it should be a requirement that whatever contract that was agreed upon between the cable company and the subscriber should be put in a written document and given to the subscriber.

Comcast has notified the Board of channel lineup changes.

PROVIDER RELATED TOPICS

a. Comcast

There was no representative present.

b. AT&T/Uverse/Direct TV

There was no representative present.

c. WOW

There was no representative present.

McLain reminded residents that when the law was changed in 2006 and 2007, the providers were no longer required to participate and communicate with the cable boards. This Cable Board, of which there are only a few still in existence, enjoys the information shared by and the discussions with the vendors. She added that BACB escalates claims within 12 hours in most cases.

(Gugni left the meeting)

Stakhiv shared her own cable problems on New Year's Eve night. Questions arose as to the reasons for her TV interruptions: issues in Franklin that persist that might be known issues or delivery issues or maybe underlying infrastructure issues. Stakhiv believed it had to do with underlying infrastructure due to property issues. As a Franklin Council Member, she will continue to invite residents to contact her with their problems. White will also send a note to Kyle Mazurek, Comcast representative to BACB and to the AT&T representative.

BAPA/BAMA REPORT

Steve Rota referred to his memo to BACB dated January 10, 2018. He listed the completed **BAMA** Programs which were the six (6) regularly scheduled municipal meetings, the BACB Meeting, the Parks and Rec Board Meeting, the Advisory Board Meeting, the Multi Modal Meeting, Zoning Board Meeting and Baldwin Public Library Board Meeting.

For the **BAPA** Programs, from the BACB area individual producers and organizations, six (6) programs were taped. He listed all the programs.

(Fenberg left the meeting)

EQUIPMENT – As mentioned last month, the Birmingham City Hall equipment has been installed. To date five (5) meetings have been covered with some minor issues which have since been corrected. Audio issues in this particular room (Beverly Hills Council room) were also resolved. He invited the public to call him if anyone still has an issue while watching a meeting.

Rota provided an update on the Bluewater installation on the new truck equipment. It is scheduled for Feb. 19, 2018 and the project will be completed before the spring sports begin.

Regarding **PRODUCER WORKSHOPS**, they are offering a one-on-one session for those who are interested in producing their own show and to those who want to volunteer and experience behind the scenes. Please call 248-433-7790 to schedule a date and time for you.

The Upcoming **WINTER SPORTS VIDEO COVERAGE** schedule was provided.

OLD BUSINESS

None

NEW BUSINESS

White noted that there was a discussion about changing the time of the CAC meetings to 4:30 PM. She has made a request to the Baldwin Public Library but as of yet it has not been confirmed.

PUBLIC COMMENTS

None

BOARD COMMENTS

On behalf of the Cable Board, McLain attended and will be attending three (3) meetings: MLK Observance with the Diversity committee at the Community House, NEXT meeting, and a Feb. 7 meeting in Lansing about the Digital Divide and Broadband Challenges.

Borgon advised the public of an off-camera conversation about a program, “Hack My Life” which had some solutions regarding how to negotiate with a cable company. One tip was to dial the 800 number and if it was answered by a recording, hit #0, #0, and 90% of the time the call will go directly to a Representative.

Borgon also wished his Granddaughter, Kelly, a Happy 2nd Birthday which would be tomorrow.

(Borgon left the meeting)

Abraham recounted a recent encounter with a Comcast representative who, unsolicited, had come to his house to investigate an issue. Referring to a handout which he was given at the time, he advised residents to keep all written correspondence as they may be charged for something that had been listed on the handout as a “free service”. This piece of paper would be evidence

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that the service was actually “free of charge”. McLain offered to do a 3-way call with anyone and a Customer Service Representative to solve a problem.

Delaney inquired about the purpose of Franchise Fees and PEG Fees which Currier clarified. Heldt added that page 9 of the Audit also identifies the specific Expenditures. It was noted that Franchise Fees could support PEG Fees but PEG Fees could not support Franchise Fees. McLain explained that PEG funds were restricted for equipment and infrastructure while Franchise Fees are returned to the communities and could be used in a community’s General Fund to support such things as Public Safety or to buy a piece of equipment for a community.

White reminded residents not to let strangers inside your house, even if they identify themselves as being from a cable company or any company and especially if you do not have an arranged appointment. Call the cable, utility, or whatever company directly to confirm if the person is affiliated with that company. McLain cautioned that all people working in the rights of way in all four (4) communities have very specific guidelines that must be adhered to. Documentation was most important. Report any and all suspicious activity to the local police or call the 800 number of that particular company. Currier supported the advice to call the Police. White emphasized that teenagers who might be home alone need to be aware of this.

There being no further business, the meeting was adjourned at 9:25 AM.

MEMORANDUM

TO: BOARD MEMBERS

FROM: CATHY WHITE, BACB EXECUTIVE DIRECTOR

SUBJECT: BUDGET AMENDMENTS NEEDED FOR FY 2017-18

When the FY 2017-18 BACB Budget was adopted, the line-item amount budgeted for Administrative Grants was \$140,061.00 which was based in large part on the previous year's Administrative Grants awarded back to the four communities. As many of you know, we typically wait until the annual audit numbers are determined each year before calculating the final amount of Administrative Grants for the fiscal year. Based on this year's audit numbers, the Board determined to award a higher amount of Administrative Grants than what was originally budgeted. Therefore, it is respectfully requested that the Board authorize an amendment to the FY 2017-18 BACB Budget to revise the amount budgeted for Administrative Grants from \$140,061.00 to \$212,497.00. This amount reflects what was paid so far this fiscal year for Administrative Grants (it is possible that a second budget amendment will be necessary in the event another Administrative Grant payment is authorized in this fiscal year).

In addition, our expenditures this year have exceeded budgeted amounts in the categories of Advertising/Promotion, Conferences and Cable Contractor. The higher expenses were due to the BACB advertisements we placed in two publications, our Chairperson's attendance at the annual NATOA conference this year and the back payment that was made to BCTV due to under-billing by Bloomfield Township for our annual contract amounts. Accordingly, it is respectfully requested that the following amendments to the FY 2017-18 BACB Budget be authorized:

1. Increase the line-item budgeted amount for Advertising/Promotion from \$700.00 to \$3,000.00.
2. Increase the line-item budgeted amount for Conferences from \$1,000.00 to \$3,200.00.
3. Increase the line-item budgeted amount for Cable Contractor from \$239,725.00 to \$245,800.00.

Thank you for your consideration in approving these Budget Amendments for Fiscal Year 2017-18.

MEMORANDUM

DATE: February 15, 2018

TO: Board Members

FROM: Cathy White

Re: Monthly Report

CUSTOMER COMPLAINTS

We have received two (2) complaints since the date of my last report. Complaint No. 2018-1 was received from a Beverly Hills resident who wanted assistance in getting some tree limbs removed from his yard which had been left by an AT&T crew after trimming trees. An AT&T representative came to his property to check out the situation and advised the homeowner that he had put in a work order to have the branches removed. This complaint is now closed.

Complaint No. 2018-2 was received from the Birmingham Public Schools which was having problems getting Channel 17 to work properly after a power outage occurred at Covington School. After being contacted by a Comcast representative, the school employee power-cycled the device at issue and the problem subsided. This complaint is now closed.

FINANCIAL

The account balance for the MBS, BBCU and Beverly Hills accounts as of January 31, 2018 will be e-mailed to all Board members. This information will also be provided via hard copies at the meeting, as well as budget to actual figures.

CHECK DISBURSEMENT

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

1. Birmingham Bloomfield Credit Union (Visa- office supplies & advertising/promotion expense): \$114.98
2. Beverly Hills Dept of Public Safety (PEG Grant for TV monitor): \$249.99
3. NEXT (PEG Grant for FY 2016-17 internet costs, etc.): \$4,725.42
4. Baldwin Public Library (PEG Grant for Website Redesign): \$24,524.00

ADDITIONAL NOTES:

1. Multichannel News reported on February 13, 2018 that the cable business is going to look vastly different in the next five years. Whereas today the wireless and cable industries have completely separate networks, it is anticipated that in five years those networks will be as one. The industries are going to converge as well. One analyst calls the coming battle a Clash of the Titans, pitting large cable operators like Comcast and Charter against wireless behemoths like AT&T and Verizon Communications. The analyst predicts that in the ensuing battle for customers, cable will win and will gain nearly \$30 billion in wireless revenue, mostly at the expense of existing carriers. Those carriers will likely gain about \$5 billion in broadband revenue, which will be offset by the wireless declines.
2. MITECHNEWS reported on January 25, 2018 that Comcast announced it would expand its new 1-gigabit-per-second internet service across southeastern Michigan, Flint and Bad Axe by early spring to residential and business customers.
3. The current FCC Chairman Ajit Pai has proposed an order that would dedicate \$500 million in funding to boost broadband deployment in rural areas across America. This effort recognizes that over a third of rural citizens still lack broadband internet access. The FCC Chairman has declared that closing the digital divide is the FCC's top priority.



Bloomfield Community Television

Memorandum

Bloomfield Township

To: BACB

From: Steve Rota

Subject: Report January 18th, 2018 through February 21st, 2018.

Date: February 14, 2018

Cc: Greg Kowalski; Cathy White; Elaine McLain

BAMA Programs

During this time period we've completed seven regularly scheduled municipal meetings, the BACB meeting, Parks and Rec Board Meeting, Advisory Board Meeting, Multi Modal Meeting, Zoning Board Meeting and the Baldwin Public Library Board Meeting.

BAPA Programs

From BACB area individual producers and organizations we've taped 28 programs. From individuals:

- ❖ *Inside Birmingham City Hall* February Edition hosted by City Manager, Joe Valentine.
- ❖ *Beyond the Box Score '2018 Groves Winter Edition'*.
- ❖ *Beyond the Box Score '2018 Seaholm Winter Edition'*
- ❖ *Three Tough Talk* hosted by Paul Taros.
- ❖ *Five Michigan Entrepreneur* hosted by Tara Kachaturoff.
- ❖ *Five Eye on Oakland* hosted by Chuck Moss and David Potts.

From BACB area organizations:

- ❖ *Birmingham Republican Women's Club* Lecture.
- ❖ *Annual Birmingham Youth Assistance Kids' Dog show.*
- ❖ *Birmingham Bloomfield Chamber 'Economic Forecast'.*
- ❖ *Birmingham Bloomfield Chamber 'Real Estate Forecast'.*
- ❖ *Birmingham Musicales.*
- ❖ *Berkshire Middle School Improve Shows.*
- ❖ *Birmingham Concert Band.*
- ❖ *First Presbyterian Lunch and Learn* Lecture.
- ❖ *BACB Sports 'Girls Basketball game 2'.*
- ❖ *BACB Sports 'Boys Basketball game 2'.*
- ❖ *BACB Sports 'Girls Hockey'.*
- ❖ *BACB Sports 'Boys Swim and Dive'.*

PRODUCER WORKSHOP

We are offering a one on one session for those who are interested in producing their own show and to those who want experience behind the scenes. Please call 248-433-7790 and we can schedule a date and time with you.

EQUIPMENT

The Truck has been delivered to Blue Water to install the new equipment. We should receive the truck early March.