

Present: Decker, Heldt, Lurie, McLain, Thorsby, Urcan - Birmingham
Heyman, McFadden, Verdi-Hus, Woodard – Beverly Hills
Ettenson – Bingham Farms
Eads – Franklin

Absent: Armitage - Birmingham

Also Present: Borgon – Executive Director
Currier - Attorney for Cable Board
Rota - Bloomfield Community Television representative
Martinico - Director of Technology, Birmingham Schools
Visperas – Comcast representative
Glenn – Birmingham staff representative
Briggs, Beverly Hills Council liaison

Chairperson McLain called the meeting to order at 7:46 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF REGULAR CABLE BOARD MEETING HELD OCTOBER 21, 2009

Motion by Heldt, second by Thorsby, that the minutes of a regular Cable Board meeting held on October 21, 2009 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

None

GRANT REQUEST – BASCC

The Board is in receipt of a letter from the Birmingham Area Seniors Coordinating Council (BASCC) requesting a grant to defray the cost of basic cable service for the BASCC Senior Center at 2121 Midvale in Birmingham. BASCC was recently notified that the complimentary cable service provided by Comcast to cover basic cable would be discontinued. The lowest rate for basic cable that includes news channels such as CNN and CNBC would cost approximately \$500 per year.

Borgon remarked that BASCC is an important non-profit organization with the goal of meeting the needs of older adults by soliciting and coordinating community resources to provide educational, recreational and social programs, supportive outreach services, and volunteer opportunities. All four consortium communities participate in the BASCC organization. McLain added that AT&T has no commercial product available.

Motion by Heldt, second by Eads, that the Birmingham Area Cable Board approve a grant up to \$500 for one year to provide Comcast cable service to the BASCC Senior Center in accordance with a written request dated October 29, 2009.

Questions from Board members were addressed by Borgon.

Roll Call Vote:

Motion passed unanimously.

GRANT REQUEST – BIRMINGHAM HISTORICAL MUSEUM & PARK

Bill McElhone, Director of the Birmingham Historical Museum & Park, was present requesting a grant in the amount of \$2,357.00 from the Cable Board to cover the annual service fees and equipment cost to access Comcast basic cable service for the historic Allen House at 556 W. Maple. He said that providing cable programming would further their major goal of offering educational services and programming to museum visitors and the community. Over past years, volunteers and museum staff have produced a variety of programs in partnership with Bloomfield Community Television (BCTV); these programs continue to be replayed for the benefit of the viewing audience. All relevant cable programming would be played on a continuous basis in both the museum's visitor entrance area and research library.

The communication provided by McElhone included information on the estimated cable service fee for three years and equipment cost for the grant request. It was noted that AT&T U-verse service is not available at the museum location.

Board members commented on cost estimates quoted in the grant request. In response to an inquiry, McElhone said that this is a one-time grant request for a three year period after which time the museum would build the cost of cable service into its long-range budget planning. He addressed questions from Board members.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board approve a sum not to exceed \$350 for Comcast annual Basic Cable Service and a sum not to exceed \$1,200 for equipment to satisfy the grant request of the Birmingham Historical Museum to provide community programming to the public at the Historic Allen House as outlined in a letter dated November 2, 2009.

Roll Call Vote:

Motion passed unanimously.

COMMITTEE REPORTS

Cable Action Committee

On November 4, 2009 the Birmingham Area Cable Board participated in an all day Strategic Planning Session facilitated by Intellitrends in Clarkston. The output from the session was to: 1) refocus and refine the updated role of the BACB; and 2) create a plan with short and long-term goals that would support the new vision. Eads stated that he received and forwarded a preliminary draft of the meeting plan to the participants for their review and input. Intellitrends staff will be invited to the next Board meeting to present the entire report. Copies of the report will be distributed to Board members at that time.

Those who participated in the session were Executive Director Bob Borgon and members John Decker, Lew Eads, Jeffery Heldt, Dave Lurie, Ken McFadden, Elaine McLain, and Gordon Thorsby. The mission statement drafted by the Board members is as follows:

It is the mission of the Board to act as an advocate for the citizens of the communities of the City of Birmingham and the Villages of Beverly Hills, Bingham Farms, and Franklin in order to maximize the quality of services of cable and related communications providers and support the delivery of public, education and governmental programming.

Eads outlined five immediate goals established at the session:

- 1) Update the Interlocal Agreement to reflect changes in technologies since adoption of the last agreement that will redefine and confirm the Board's role as representatives of the four communities.
- 2) Community outreach to determine how the Board is addressing complaints and working with state and federal governmental bodies. Determine how we can better serve our consumers, which would involve a customer survey.
- 3) Expand public education in terms of working with other cable boards both in Michigan and around the country; explore how this Board can take a leadership role.
- 4) Enhance programming. Discuss how to continue to use equipment, facilities and people to improve programming.
- 5) Review the Educational Component. Explore options to increase school involvement using PEG funds such as high school broadcast classes which are currently being cut. Explore additional grant opportunities for schools/students to determine programs for grants and to review legal/political implications of potential grants.

Eads stated that Board members were assigned tentative leadership roles for each of the five goals. He will assume the lead on the outreach and survey objective but requested input from the Board before moving forward. Intellitrends did an initial survey for the Board in 2006, and they have guided the Board through a productive strategic planning process. Intellitrends was asked to submit a bid to conduct a consumer survey in the four communities. Their proposal will not be presented to the Board at this time if it is the consensus to seek competitive bids. Eads asked the Board member how they wished to proceed.

Board members agreed to solicit competitive quotes. Eads suggested using the specifications from the outline in the Intellitrends proposal to prepare a bid document. Marketing agencies and firms that are familiar with the area of telecommunications will be contacted and requested to submit a quote to do this work. It was suggested that BidNet, an online bid notification service, be used to solicit quotes. This will be a topic of discussion at the December meeting.

Currier stated that municipalities and entities created by municipalities are allowed to bypass the bid process for professional service contracts. He noted that the competitive process does not

require an entity to accept the lowest bidder. The most qualified bidder may be awarded the contract.

Motion by Eads, second by Urcan, that the Birmingham Area Cable Board consents to proceeding with the development of a survey of its constituents.

Motion passed unanimously.

Intellitrends staff will present the final report of the strategic planning session at the December Board meeting. Bound copies of the report will be distributed to Board members.

Eads summarized a report tracking the efficiency and effectiveness of the BACB website. Instructions for accessing this report are available to all Board member. The report provides 2009 monthly statistics on total distinct visits, average time per visit, distinct pages per visit and times viewed, average page views per visit and average time viewed, downloadable files requested and downloads per visit. The figures confirm that the Board's website is effective. Eads reported on the pages most viewed, top entry and exit pages, top "hit once" pages, and top media and downloads.

McFadden stated that Cable Action Committee members participated in the Michigan NATOA meeting. Conversations with other cable board members and providers throughout the state revealed that there is recognition that the landscape with respect to providing television service and access to PEG channels is a strong concern on everybody's docket. The overarching theme is to protect the public interest and insure that television services are developed and presented in a meaningful and accessible manner. The lack of status quo in the 2000 decade is reflective of the increasing complexity of choices that are out there for the consumer. As the telecommunication landscape morphs, the question will be how the trustees of the public interest can insure that the public is provided the optimal product at a minimal cost.

PEG Committee

At last month's meeting, Heldt distributed a press release regarding House Resolution 3745 called the Community Access Preservation (CAP) Act of 2009 to address the challenges faced by public, educational, and governmental (PEG) TV channels and community access television stations. The CAP Act would address the immediate issues facing PEG channels. Heldt distributed copies of a proposed resolution supporting passage of HR 3745.

Motion by Heldt, second by Eads, to adopt the following resolution supporting the Community Access Preservation Act of 2009.

RESOLUTION OF BIRMINGHAM AREA CABLE BOARD

WHEREAS, public, educational and government (PEG) channels play a significant role in the communities represented on this Cable Board, to wit the City of Birmingham and the Villages of Beverly Hills, Bingham Farms and Franklin;

WHEREAS, PEG channels are a unique and valuable resource for local information and discourse for the residents of our communities; and

WHEREAS, PEG channels televise local government meetings, including city council, planning commission,

county board and school board meetings, so that citizens are informed about the actions taken by local elected officials; and

WHEREAS, PEG channels contribute to the democratic process by providing opportunities for candidates and others, such as the League of Women Voters, to discuss local issues during election campaigns; and

WHEREAS, PEG channels provide a window through which residents can view the diversity of cultures, recreational activities and artistic endeavors in their local communities; and

WHEREAS, PEG channels reflect the unique identity of the communities they serve; and

WHEREAS, it is important to preserve PEG channels and funding for PEG channels, and to ensure that the channels continue to be available to the entire community to serve the residents of the BIRMINGHAM AREA CABLE BOARD; and

WHEREAS, HR 3745, the Community Access Preservation Act, addresses critical and immediate threats to PEG.

NOW THEREFORE BE IT RESOLVED:

The BIRMINGHAM AREA CABLE BOARD supports immediate passage of HR 3745; and

The BIRMINGHAM AREA CABLE BOARD calls on our Congressional delegation to take all possible actions in support of the passage of HR 3745, including but not limited to endorsing, co-sponsoring and voting for HR 3745, and to work for its rapid passage.

Motion passed unanimously.

The Resolution will be forwarded to each municipality for its consideration and adoption and to the appropriate Legislators. It was suggested that the Resolution be sent to the various local newspapers, broadcast channels and radio stations. It will be posted on the BACB website.

Heldt announced that there will be a PEG meeting following today's Board meeting. Members will follow up on McFadden's report from Michigan NATOA in terms of the next round of advocacy work that needs to be undertaken.

Personnel Committee

Decker reported on a Personnel Committee meeting held yesterday, November 17, at the Baldwin Public Library. Members continued a discussion on the role, duties, and compensation of the Executive Director. There was conversation regarding adjustment to compensation in subsequent years. After reviewing the Executive Director contract, the committee determined that all compensation decisions with regard to this position should occur during the budgeting process in accordance with the contract. The general sense of the committee was that an appropriate upward adjustment would be anticipated at that time.

Borgon suggested that the Personnel Committee discuss the role and duties of the Executive Director at a future meeting for the benefit of all Board members.

EXECUTIVE DIRECTOR'S REPORT

Borgon reported on eight new customer complaints received this month from Comcast subscribers involving the digital migration. Board members have received nine resolution forms submitted by Comcast. Borgon commented on the quick complaint resolution from Comcast customer service representative Ishania. He added that Lori Doughty responded to an AT&T complaint this month within minutes. Borgon affirmed that the Board's complaint resolution process has been effective.

The meeting packet included data on 2007-2009 AT&T Franchise and PEG fee payments. Board members received copies of the management letter from Plante & Moran that was part of the Cable Board audit report for the year ended June 30, 2009. Borgon related that he received and completed a Michigan Public Service Commission questionnaire regarding the status of competition for video services; copies have been provided to members.

Borgon received notice of a \$410 renewal fee to continue the Board's membership in NATOA (National Association of Telecommunications Officers and Advisors). It was noted that BACB members did not attend the annual conference this year. The Cable Board adopted a policy consistent with that of its member municipalities in terms of restricting out-of-state travel due to budgetary constraints. Board members discussed the benefits of attending annual NATOA conferences. There is more occurring at the conference than the scheduled sessions in terms of outreach and opportunities to talk to people with similar experiences in all areas of the country. The suggestion was made that the Board send representatives to a NATOA conference every other year.

Motion by Heldt, second by McFadden, that the Birmingham Area Cable Board authorize the expenditure of \$410.00 to renew its membership in NATOA for a year.

Motion passed unanimously.

Treasurer Urcan provided an update of Cable Board investments, which were carried out consistent with the Board's investment policy.

COMCAST RELATED TOPICS

Board members have been invited to attend a tour of Comcast facilities in Westland on Wednesday, December 2 from 9–10:30 a.m. Those attending will tour the Excellence Operations Center, Westland headend, and the Regional Operations Center.

Olivia Visperas, Comcast Affairs Manager, updated the Board on a federal lawsuit in front of district court in terms of the four communities that supported action regarding Comcast's intent to move the PEG channels to the digital tier. Comcast has recently informed the court that it was no longer pursuing the move of PEG channels to the digital tier until such time as the full lineup is digitized in the communities. Comcast asked for a conference of the parties involved in order to move towards dismissal of the action.

Attorney Tim Currier stated that Comcast is asking for a judicial conference in order to present its proposal, which is to withdraw the lawsuit because of the pending digitization and actions of

the FCC. The communities involved in the lawsuit will have an opportunity to respond to the proposal. He explained that there is a point in a lawsuit when the court may not allow the lawsuit to be withdrawn unless it is done with prejudice, meaning that the party cannot bring it back. That will be a topic of discussion. Currier said that the public can be assured that nothing is going to happen with respect to moving the PEG channels for a while.

Currier inquired about an issue in another cable consortium involving the elimination of multiple PEG channels in certain communities. He asked if this will affect the BACB communities. Visperas responded that this does not affect the four member municipalities. She elaborated on the PEG channel situation in some of the other cities with respect to their franchise agreements.

Visperas described features of a new bill format that should make it more user friendly.

AT&T RELATED TOPICS

There was no representative present from AT&T. McLain stated that Channel 15 had an encoder issue as soon as it was put up. Bloomfield Community Television diagnosed and addressed the problem and coordinated a solution. McLain mentioned that AT&T still has no U-verse commercial product for viewing PEG programming.

The rebate on T-1 lines discussed when the Board initially negotiated the contract for PEG programming on the AT&T U-verse product was due on November 11. The Board is waiting to receive this \$7,790 rebate.

MLTV15/PA 18 REPORT

Steve Rota reported that a new encoder has been received from IDSolutions; Municipal Channel 15 is now up and running. There were no issues with receiving Public Access Channel 18 on the U-verse product.

Rota presented the Bloomfield Community Television report on programming taped for Municipal Channel 15 (BAMA), PA Channel 18 (BAPA), and programming from BACB area organizations during the last month (information included in BCTV monthly report for October 22, 2009 – November 18, 2009).

Rota and Zack Florance met with Baldwin Library staff members, ROSCOR people, and ProVideo representatives to discuss wiring the Rotary room with video and audio equipment. Quotes will be forthcoming from those vendors.

Rota reported that he spoke with Shawn Watts from ROSCOR to ask whether the Cable Board could obtain an extended warranty on the production equipment in the truck and what that cost would be. Watts is still waiting for an answer from the manufacturers. The Board will be kept informed on this matter.

OLD BUSINESS

Board treasurer Urcan read a Resolution in its entirety that would change the signature authority on the Multi Bank Securities account.

Motion by Urcan, second by Decker, that the Birmingham Area Cable Board adopt a resolution to change the signature authority on the Muti Bank Securities Account to include Chairperson Elaine McLain, Executive Director Robert Borgon, and Treasurer Mike Urcan.

Motion passed unanimously.

NEW BUSINESS

None

PUBLIC COMMENTS

Hildreth Buterbaugh of Beverly Hills commented on the Seger presentation held at the Baldwin Public Library and described it as an example of three governmental entities working together.

Buterbaugh commented on the difficulties he experienced with cancelling deductions from an automatic checking account with Comcast. He complained about not receiving a free movie as advertised when accessing the Comcast web site. Buterbaugh expressed displeasure that Channel 149-Movieplex was moved to a subscription only channel. Buterbaugh informed the Board that a Verizon wireless subscriber can take advantage of a free service whereby home phone calls are relayed to their cell phone. The service is called “courting your number”.

BOARD COMMENTS

Board member Decker related that he presented the Birmingham Area Cable Board Annual Report to the Birmingham City Commission. The Commission was complimentary of this Board and the work it has been doing. Commission members expressed a desire to assist the Board in whatever way it could. It was suggested that the Board compile a list of things that are wrong with Public Act 480 and present the Commission with a plan of action involving their assistance in whatever endeavors the Board undertakes so that residents can receive the best service at the lowest price possible. This was referred to the Cable Action Committee.

The meeting was adjourned at 9:27 a.m.