

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, January 19, 2022 at 7:45 am

***Village of Beverly Hills

Council Chambers***

18500 W. 13 Mile Road

This meeting will be held IN PERSON

1. Roll Call
2. Approve Meeting Minutes for Cable Board Meeting of December 15, 2021-M
3. Public Comments
4. Approval of Costs to Continue Steaming PEG Channels 24/7- M
5. Consideration of Changing Meeting Dates to Every Other Month-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 After Regular Meeting

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – December 15, 2021

Gugni called the meeting to order at 8:02 AM. in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

Present: Eick, Abraham, Cleary – Birmingham
Gugni, Kamoo, Henry – Beverly Hills
Mydloski - Franklin

Absent: Fenberg, Shand, Tootell

Also Present: McLain – former Chairperson of BACB
Spencer Tawa, CPA, Plante & Moran
Gojcaj – Attorney for Cable Board
Rota and Black – Bloomfield Community Television

APPROVE MINUTES OF CABLE BOARD MEETING HELD November 17, 2021

Motion by Eick, seconded by Henry to approve the minutes of the Cable Board meeting on November 17, 2021, as presented.

Motion passed.

PUBLIC COMMENTS

Elaine McLain, former Chairperson of BACB and currently an elected member of Birmingham City Commission, addressed the Board.

Gugni, Chairperson of the Cable Board, presented McLain with a special gavel with a plaque stating, “To Elaine McLain, with deep appreciation from the Birmingham Area Cable Board. Chairperson 2006 – 2021”.

McLain stated that her involvement with BACB was her first experience in municipal government as an appointed official. It all began when she had a challenge with her cable provider and she came to her first BACB meeting. More meetings followed which eventually led to her taking on the role as Chairperson which she stated has been an honor of her life. She was proud of her connection with the Cable Board and will share her knowledge of connectivity of all whenever and wherever possible. She will do this with elected officials going forward.

Gugni spoke for the Board when he expressed how much she would be missed. McLain pointed out that in her opinion any appointed or elected official has a very high ethical standard of behavior; therefore, the sharing of knowledge, appreciation and participation by those officials as well as by the public can make a difference.

AUDIT PRESENTATION BY PLANTE & MORAN

Spencer Tawa, CPA, Plante & Moran, presented the Audit Report of the Birmingham Area Cable Board which included the Cable Board Financial Report with Supplemental Information (June 30, 2021) and the End of Audit Letter to the Board, all of which were provided to each Board member. He noted that the Financial Report and Letter are in draft form as they are still being finalized. Through his PowerPoint presentation Tawa detailed and fully explained each slide: Financial Statement Opinion and Unmodified Opinion, Financial Statements ((General Fund Balance Sheet/Statement of Net Position, Statement of Changes in Fiduciary Net Position (Income Statement), Revenue Trend, Expenditure Trend)), Communication with Those Charged

with Governance – End of Audit Letter. The final report should be submitted to the State by the end of the month. The BACB received an Unmodified Opinion from the Auditor which is the highest level given by the Auditors.

Gugni thanked Tawa for a thorough job. He also noted and thanked White and Fenberg for all their work and help on this report.

APPROVAL OF AMENDMENT TO BCTV CONTRACT

Gojcai referenced an email he had sent to all the Board Members about the changes made to the contract. The document, THIRD RESTATED AGREEMENT FOR CABLE ACCESS MANAGEMENT, was prepared by BCTV’s counsel and basically duplicates what the Cable Board had done before and added items to the Recitals, including a history of what had previously occurred. Gojcai listed those other changes including the biggest which was in Exhibit B, the meetings to be covered by BCTV. He personally reviewed the contract and accepted it.

Motion by Mydloski, seconded by Eick to adopt the BCTV contract as presented at the December 15, 2021 Birmingham Area Cable Board meeting.

Roll Call Vote

Henry	Aye
Gugni	Aye
Kamoo	Aye
Abraham	Aye
Cleary	Aye
Eick	Aye
Mydloski	Aye

Motion Passed. (7-0).

Black commented that the next step for BCTV would be to take the contract to the Bloomfield Township Board of Trustees for approval. Its next meeting would be January 10, 2022. He looks forward to continuing the relationship with BACB and remarked that 2022 will mark 22 years working together.

COMMITTEE REPORTS

Cable Action Committee

Abraham reported there had not been a December meeting as there were no items to discuss. The next meeting will be Thursday January 6, 2022 at 4:30 PM in the Birmingham Baldwin Public Library. Abraham reminded Board members to let him know if they have any information they want included on the website.

PEG Committee

Mydloski stated that there would be a brief PEG meeting following this one. The following three (3) items had been discussed in the last PEG meeting and was now being brought before the Board for further discussion and a vote:

1. Purchase of equipment for WOW upgrade
2. Purchase of internet service for WOW upgrade

According to Rota, WOW wants to expand its service to include PEG channels 10 and 18 onto the WOW! tv+ streaming video service for HD quality. This expansion would require a one-time purchase and installation of equipment (IP encoders) totaling \$4,375.00 and the need to upgrade the Business Internet speed (\$293.40 monthly or at the cost of \$7,041.60 for a 24-month term agreement). Rota added there might be a one-time installation charge of \$119.95 for the Business internet.

These purchases are only for WOW customers, not for AT&T or Comcast customers.

Motion by Henry, second by Kamoo to purchase WOW Peg Bundle – SD/HD Peg Encoder with Comcast Business Internet (Equipment and Install - \$4,375), the cost of the Business Internet Upgrade (\$293.40 monthly – 24-month term agreement of \$7,041.60) and the one-time installation charge of \$119.95 for the Business Internet in the amount not to exceed \$11,700.00.

Roll Call Vote

Gugni	Aye
Kamoo	Aye
Abraham	Aye
Cleary	Aye
Eick	Aye
Mydloski	Aye
Henry	Aye

Motion Passed. (7-0).

3. Approval of BCTV Filming Winter Sports Events

Rota commented that this item need not be discussed as it is part of the contract and automatically would be approved if the Board approves the contract. Under the advisement of Gojcai, this item should be approved separately. If the contract is signed this commitment would have a starting date of January 1, 2022.

Motion by Cleary, seconded by Kamoo and Eick to approve the filming of winter sports up to eight (8) sporting events at \$2,500 each and not to exceed \$20,000.

Roll Call Vote

Kamoo	Aye
Abraham	Aye
Cleary	Aye
Eick	Aye
Mydloski	Aye
Henry	Aye
Gugni	Aye

Motion Passed. (7-0).

EXECUTIVE DIRECTOR’S REPORT

White referred to her December 9, 2021 monthly report to the Board Members. Four (4) complaints were received last month, two (2) of which were equipment related: a Bingham Farms resident had problems with his email service which were resolved once he was disconnected from Spectrum Network and a Birmingham resident had DVD issues which Comcast resolved. The other two (2) problems dealt with low hanging wires in Beverly Hills. Neither resident knew which provider owned them, therefore, all three (3) providers were contacted. Both complaints are pending.

FINANCIAL

White stated that the November 30, 2021 fund balances for MBS, Michigan United Credit Union and Beverly Hills accounts were emailed to all the Board members, as well as the BACB financial reports. The balance at Beverly Hills is getting high and will necessitate a transfer of funds to the Credit Union which she will do.

CHECK DISBURSEMENT

White wrote four (4) checks since the last meeting. The larger ones were to the Charter Township of Bloomfield for the Quarterly Contract Payment and for BCTV’s filming of September sporting events.

ADDITIONAL NOTES

Comcast has notified the Cable Board that as of January 2, 2022 the prices for certain services and fees will increase which she detailed and noted that all subscribers will be notified. Abraham reminded those customers who have gone paperless to check their statements online which will show the increase. Comcast also related that as of December 31, 2021, NBC Sports Network (NBCSN) will cease operation.

PROVIDER RELATED TOPICS

a. Comcast

There was no representative present and no new information received.

b. AT&T/Uverse/Direct TV

There was no representative present and no new information received.

c. WOW

There was no representative present and no new information received.

BAPA/BAMA REPORT

Rota referred to his memo to BACB, Report November 18, 2021 through December 15, 2021, dated November 8, 2021. In his report he noted the list of all completed **BAMA** regularly scheduled municipal meetings.

For the **BAPA** Programs, 22 programs by producers and organizations were taped, all of which he listed.

PRODUCER AND VOLUNTEER WORKSHOP

Rota reminded everyone that anyone interested in producing or volunteering behind the scenes should call the office to schedule a one-on-one appointment, 248-433-7790.

Rota wished everyone Happy Holidays and Happy New Year.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

PUBLIC COMMENTS

There were none.

BOARD COMMENTS

Henry thanked Gojcai for all his hard work on the new contract with BCTV.

Mydloski welcomed the new Cable Board Chairman.

There being no further business, the meeting was adjourned at 8:45 AM.



Advanced Lighting & Sound

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

Quote

No.: **16727-A**
 Date: 12/13/2021

Prepared for:
 Cathy White
 Birmingham Area Cable Board
 P.O Box 165
 Birmingham, MI 48012 USA

Prepared by: Shawn Watts
 Account No.: 410
 Phone: (248) 336-9445

Qty	Manuf	Item ID	Description	Sell	Total
1	Tight	CBL-REFLECT-BND-R	Annual Cloud-based reflection service operating forboth Cablecast Live and VOD servers	\$1,466.67	\$1,466.67
2	Tight	CBL-CABLECAST-REN	Ongoing subscription fee to maintain ONE branded Cablecast OTT channel. Also requires a Cablecast Reflect subscription Formerly Screenweave	\$166.66	\$333.32

Your Price:
Total:

\$1,799.99
\$1799.99

Prices are firm until 1/20/2022 Terms: COD

Prepared by: Shawn Watts, shawnw@go-als.com

Date: 11/30/2021

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

DATE: January 12, 2022

TO: Board Members

FROM: Cathy White

Re: Monthly Report

CUSTOMER COMPLAINTS

We have received four (4) complaints since the date of my last report. Complaint No. 2022-01 was received from a Beverly Hills resident who is concerned about some low-hanging wires on his property. He requested help identifying which provider owns the wires and getting them raised to their proper height or removed. The Comcast escalation team has reached out to this resident and scheduled the repair, informing the resident that the work could take up to three weeks. This complaint is pending.

Complaint No 2022-02 was submitted by a Beverly Hills resident who indicated that Comcast came out to fix some low-hanging wires and that they “cut everything”, resulting in a loss of service for this resident and the neighbor who lives behind her. This complaint is pending.

Complaint No. 2022-03 was received from a Beverly Hills resident who called on behalf of her elderly mother. A Comcast technician indicated that they had a bad line which needed replacing; however, he needed to get into their neighbor’s yard to complete the work but the neighbor did not answer the door when they attempted to get permission to enter the yard. The Comcast escalation team scheduled a technician to come out again and the work was completed. Comcast also applied a credit on her account. This complaint is now closed.

Complaint No. 2022-04 was submitted by a Beverly Hills resident who had not been able to get HBO Max despite paying for it. Comcast informed her that she needed to go to the Xfinity store and get a new box. She is disabled and could not do that. Comcast scheduled a technician to come to her house and this issue is now resolved. In addition, Comcast issued a credit to allow her to receive one year of HBO Max at no charge.

FINANCIAL

The account balance for the MBS, Michigan United Credit Union and Beverly Hills accounts as of December 31, 2021 will be e-mailed to all Board members, as well as BACB financial reports for the month of December, 2021.

CHECK DISBURSEMENT

Two checks have been written since the date of our last meeting as follows:

1. Michigan United Credit Union (Visa- Phone, Adv/Promotion & Conferences): \$255.88
2. Charter Township of Bloomfield (Comcast Internet for BCTV- Oct-Dec 2021): \$430.05

ADDITIONAL NOTES:

1. Federal funding for Broadband Equity, Access and Deployment (BEAD) in the amount of \$42.5 billion is coming to rural jurisdictions to upgrade to broadband. Implementation will be left to the states and locals. BEAD requires each state to generate a five-year action plan laying out how it will use the funds, including a process for prioritizing locations that are classified as “unserved” or “underserved.” There is a requirement that grant awardees establish a low-cost option, leaving the definition of “low-cost” up to the state. Researchers say similar state-level efforts have not fared well in the past. They predict there is likely to be opposition from awardees about price and eligibility.
2. I have prepared the BACB Annual Report for FY 2020-21 and have attached a copy hereto for your reference.

BIRMINGHAM AREA CABLE BOARD
ANNUAL REPORT
FISCAL YEAR 2020-2021

Submitted By:

Cathy K. White

Executive Director

December, 2021

CABLE BOARD MEMBERS

As of December 31, 2021

BIRMINGHAM

Michael Fenberg-Treasurer

David Eick- Vice Chair

George Abraham- Cable Action Committee Chair

Donovan Shand

Jim Cleary

Vacant

Vacant

FRANKLIN

Heather Mydloski- PEG Committee Chair

BEVERLY HILLS

Kathleen Tootell

Gilbert Gugni- Chairman

Shane Henry

Ray Kamoo- Secretary

BINGHAM FARMS

Vacant

Background

Each year after the completion of the BACB annual audit, we submit an update to our four community members: Birmingham, Beverly Hills, Franklin and Bingham Farms. For the past 15 years, the BACB has been under the outstanding leadership of its Chairperson, Elaine McLain. Last November, Ms. McLain was elected to the Birmingham City Commission which resulted in her resignation as BACB Chairperson and member. The BACB is committed to continuing its high-quality service to our member communities despite the loss of our long-serving Chairperson.

The BACB is confident that this challenge will be met and that the primary part of the BACB mission, to ensure seamless and universally accessible connectivity, will continue. The BACB is greatly assisted by its experienced and highly competent Executive Director Cathy White. Additionally, the BACB has dedicated members who regularly contribute to its ongoing success.

In August 2019, the FCC issued proposed rules regarding PEG (Public, Educational and Government) funding and in-kind services which would reduce revenues currently being distributed to municipalities. These issues are now before the federal courts and the BACB attorney, Peter Gojcaj, has been keeping us updated on their status. The final decisions concerning this matter could occur in 2022 and may have a serious effect on current PEG funding levels. The BACB has planned ahead for this possibility with respect to our budget and financial decisions.

Gil Gugni
Chairman, Birmingham Area Cable Board

BCTV Contract

The contract with BCTV for public and governmental programming, which originally expired on June 30, 2019, has been extended until December 31, 2026. Greg Black currently serves as manager. The cost for BACB production and associated services in FY 2019-20 was \$216,179.00. BCTV has been taping three additional Birmingham public meetings: the Board of Zoning Appeals, the Advisory Parking Committee and the Multi-Modal Transportation Board. In addition, we utilize PEG funds for BCTV to tape local high school sports events.

Board Committees

The Board has three standing committees: PEG (Public Educational Governmental), CAC (Cable Action) and Personnel committees.

PEG Committee

The PEG Committee is charged with oversight and development of programming on the public access and governmental channels as well as reviewing proposed grants for PEG infrastructure. Heather Mydloski is the Chairman; membership is open to any Board member, and representatives of BCTV and the Birmingham Public Schools participate on a regular basis. Live broadcast, as well as rebroadcast, of local governmental meetings continues on the Governmental channel. The Public channel provides opportunities for local citizens to produce their own programs, as well as to broadcast/rebroadcast parades, lectures, concerts and other events of community interest. Rebroadcast of Groves versus Seaholm athletic contests, both boys and girls, is now in its eighth year and is an especially popular undertaking. Comprising its contribution to the "E" in PEG, the Cable Board has made significant

contributions to help fund the broadcast infrastructure for the Birmingham Public Schools and, specifically, the Birmingham Public School Education and Administration Center. We are actively seeking new PEG grant requests to include community equipment upgrades and enhancements to the school facilities within our footprint.

CAC Committee

The Cable Action Committee was formed to follow up on Board initiatives and cable provider commitments at the monthly meetings and drive special projects. Subscriber complaints are reviewed and legal/legislative issues and new initiatives are discussed. George Abraham is the Chairman. Discussions involved PEG and municipal support services grants, financial matters, cable TV industry developments, review and improvement of the new BACB website, FCC rule-making proceedings and long-term planning. We are continuing to expand our outreach to assist more members of the community in resolving customer service issues.

Personnel Committee

The Personnel Committee was formed to address personnel issues, fill Board vacancies and complete performance evaluations of the Executive Director. Gilbert Gugni is the Chairman. The Personnel Committee met in April of 2021 to conduct the annual review of the Executive Director's job performance.

Audit

Plante & Moran, PLLC conducted the annual audit of Board financial operations. The audit included review of the financial activities performed by Beverly Hills, which acts as the BACB fiduciary agent. The audit also reviewed activity on the Michigan United Credit Union (designated funds to purchase capital equipment for PEG-related activities) and our Multi Bank Securities account (institutional investments). The Independent Auditor's Report indicated that the BACB's financial statements received an unmodified audit opinion for 2020-2021, which is the highest level given.

Grants

The Board paid a total of \$110,940.22 in grants during the fiscal year. This amount includes municipal support services grants to the Franklin Bingham Fire Department in the amount of \$2,818.44 and the Village of Beverly Hills in the amount of \$2,147.76 for Village internet costs and \$1,222.22 for Public Safety internet costs. PEG grants were also awarded as follows: Franklin Historical Society received \$1,123.80 (internet service), Beverly Hills received \$139.00 (tri-caster equipment repair), the City of Birmingham received \$12,800.00 (equipment upgrade and purchase of cameras) and \$360.00 (tri-caster upgrade), the Birmingham Public Schools received \$85,455.00 (equipment upgrade) and NEXT received \$4,874.00 (internet costs).

In addition, Administrative Grants from franchise fees, per our Interlocal Agreement, were also returned proportionally to each BACB community.

Complaints

Written complaints to the BACB increased in FY 2020-21. There were approximately 40 formal complaints, compared to 38 complaints the previous year. Our Executive Director accepts all calls and

website complaints including informal actions wherein residents decline to record formal action. Complaints involved pricing/billing, poor service, service interruptions, long wait times on Comcast 1-800 numbers, calls being shifted overseas, missed appointments (without compensation) and downed/unburied wires in the rights-of-way. Subscribers are still encouraged to call their provider first to try to resolve disputes. The BACB continues to accept and process complaints from our residents. We have streamlined the escalation process. WOW!, Comcast and AT&T have escalation teams to promptly deal with residents' problems and are often resolved within 24 hours.

The Michigan Public Service Commission also addresses complaints against cable providers (as well as disputes between local units of government and cable providers). The MPSC process is rather difficult and time-consuming for residents; the BACB, however, continues to address all local complaints immediately.

Fiscal Year Budget

The Board is expected to receive \$621,275.00 in franchise and PEG fees this upcoming fiscal year. This includes \$225,150.00 in franchise fees and \$396,125.00 in PEG fees. PEG fees are designated funds and may only be used for purchase and maintenance of capital equipment.



Bloomfield Community Television

Memorandum

Bloomfield Township

To: BACB

From: Steve Rota

Subject: Report December 15, 2021 through January 19, 2022

Date: January 12, 2022

Cc: Greg Black; Cathy White; Gil Gugni, Heather Mydloski

BAMA Programs

During this time period we've completed all regularly scheduled municipal meetings, which include: the BACB meeting, Baldwin Public Library Board and Trust meeting, The Village of Bingham Farms meeting, The Village of Beverly Hills Council meeting, The Village of Franklin Council, The City of Birmingham's, Commission, Planning Board, Parks and Rec Board, Zoning Board of Appeals, Historic Board and Design Review Board Meetings.

BAPA Programs

From BACB area individual producers and organizations, we've taped 17 programs.

- ❖ Managing the Problems of Daily Living hosted by Linda Circus.
- ❖ Two *Patriot Lessons* hosted by Judge Michael Warren.
- ❖ Three Michigan Planning Today hosted by Robert Gibbs.
- ❖ Four *Gracefully Greying* hosted by Henry Gorenbein.
- ❖ Four Michigan Entrepreneur hosted by Tara Kachaturoff.
- ❖ BACB Sports Wrestling.
- ❖ BACB Sports Boys Basketball.
- ❖ BACB Sports Boys Hockey.

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 UPDATE

A couple of months ago the board approved us to purchase new gear for on location programming (ENG). That gear has been purchased from B & H and there are still items on back order.

The BAPA and BAMA Wow encoders have been ordered through Advanced Lighting and Sound. Those are on back order as well. ETA late February.