

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, January 17,2024 at 7:45 am

\*\*\*Village of Beverly Hills

Council Chambers\*\*\*

18500 W. 13 Mile Road

1. Roll Call
2. Approve Meeting Minutes for Cable Board Meeting of November 15,2023- M
3. Public Comments
4. Administrative Grants: Allocation of Late Payment from Village of Franklin, Proposed Change in Administrative Grant Policy and Proposed Payment of Administrative Grants for FY 22-23-M
5. Committee Reports
  - a. Cable Action Committee
  - b. PEG Committee
6. Executive Director's Report
7. Provider Related Topics
  - a. Comcast
  - b. AT&T
  - c. WOW
8. BAPA/BAMA Report
9. Old Business
10. New Business
11. Public Comments
12. Board Comments
13. Adjourn

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – November 15, 2023

Gugni called the meeting of the Birmingham Area Cable Board to order at 7:45 AM. in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

Present: Eick, Abraham, Brown – Birmingham  
Kamoo, Gugni – Beverly Hills  
David – Franklin  
Hagaman – Bingham Farms  
Also Present: Gojcaj – Attorney for the Cable Board  
Black – Director, Community Relations, BCTV  
White – BACB Executive Director  
Absent: Cleary, Shand - Birmingham; Dobies, Henry – Beverly Hills

**APPROVE MINUTES OF CABLE BOARD MEETING HELD September 20, 2023**

Motion by Eick, seconded by Kamoo to approve the minutes of the Cable Board meeting on September 20, 2023.

Gugni made the correction that Shane Henry represents Beverly Hills, not Bingham Farms.

Motion by Eick, seconded by Kamoo to approve the minutes of the Cable Board meeting on September 20, 2023, as amended.

Motion passed unanimously as corrected (6-0).

**PUBLIC COMMENTS**

There were no comments from the public.

**MUNICIPAL SUPPORT SERVICES GRANT REQUESTS (2) – VILLAGE OF BEVERLY HILLS**

Kristin Rutkowski, Village Clerk/Assistant Manager, Village of Beverly Hills, presented the Village’s annual request for WOW! Business Internet Services for the Village Office, DPW Building and the Wi-Fi at the Beverly Park pavilion. The total amount is \$5,747.28 for the Fiscal Year 2023-2024 (July 1, 2023 to June 30, 2024).

Rutkowski answered Abraham’s inquiry that this would be the second year Beverly Park has been included in the request.

Motion by David, seconded by Hagaman and Eick, to approve a Municipal Support Services Grant for internet and Wi-Fi services for the Village of Beverly Hills in the amount not to exceed \$5,747.28 for the FY 2023-2024 (July 1, 2023 to June 30, 2024).

**Roll Call Vote**

Abraham Aye  
Hagaman Aye  
Eick Aye  
Brown Aye

Gugni       Aye  
David       Aye  
Kamoo       Aye

Motion Passed (7-0).

**MUNICIPAL SUPPORT SERVICES GRANT REQUEST – VILLAGE OF BEVERLY HILLS**

Kristin Rutkowski, Village Clerk/Assistant Manager, Village of Beverly Hills, presented the Village’s request for \$2,953.98 to purchase and install a new “smart” display screen for the Village Council Chambers. She stated that such a replacement was not anticipated, therefore, not budgeted for the current fiscal year.

Motion by Kamoo, seconded by Eick to approve a Municipal Support Services Grant for the Village of Beverly Hills for the purchase of a 75” interactive touch monitor screen, adjustable wall mount and set up/installation by the Village’s IT contractor in the amount of \$2,953.98.

**Roll Call Vote**

Hagaman    Aye  
Eick         Aye  
Brown       Aye  
Gugni       Aye  
David        Aye  
Kamoo       Aye  
Abraham    Aye

Motion Passed (7-0).

**MUNICIPAL SUPPORT SERVICES GRANT REQUEST – VILLAGE OF BINGHAM FARMS**

Bill Pattyn, Treasurer of the Village of Bingham Farms, presented the Village’s request for \$3,396.22 for the Village phone system which remains through MISWITCH Communications and internet services which was switched from Comcast Business to AT&T Wi-Fi Internet Services. The Internet services switched from Comcast Business to AT&T to reduce costs.

Replying to David’s inquiry about the request to fund phones, White stated that BACB does not have a policy per se; however, she thought it would be an appropriate expenditure, as it is Municipal Support Services. White confirmed that this request would cover the Fiscal Year ending June 30, 2024. Pattyn understands that it would be necessary for him to return near the beginning of the next Fiscal Year for another request.

Motion by David, seconded by Kamoo to approve a Municipal Support Services Grant for the Village of Bingham Farms in the amount of \$3,396.22 for the Village's phones and Internet Services for the Fiscal Year ending June 30, 2024.

Roll Call Vote

Brown	Aye
Gugni	Aye
David	Aye
Kamoo	Aye
Abraham	Aye
Hagaman	Aye
Eick	Aye

Motion Passed (7-0).

**TREASURER'S REPORT**

David referred to the Financial Report which had been distributed to each Board member which included the summary of the bank balances, as of the end of September 2023. At the next meeting there will be a discussion about the allocation of excess funding for the year. A change in the policy might be appropriate due to the financial status of upcoming commitments.

**AUDIT PRESENTATION OF FY 2022-2023 BY PLANTE & MORAN**

Spencer Tawa, CPA, Engagement Senior Manager, Plante & Moran, distributed hard copies of the final Financial Statements and Audit. He gave a Power Point presentation of the June 30, 2023 Cable Board Audit Report which included the Opinion Letter, Financial Statements, Communication with Those Charged with Governance – End of Audit Letter and Questions. Each slide was fully detailed and explained.

Tawa stated that Plante & Moran has issued an unmodified opinion which is the highest opinion that it can issue.

For the benefit of the Board he explained some details of each page: **Financial Statements** General Fund Balance Sheet/Statement of Net Position, Statement of Changes in Fiduciary Net Position (Income Statement), Revenue Trend, Expenditure Trend. On page 8: Communication with Those Charged with Governance, Internal Control Related Matters Identified and Required Communication with Those Charged with Governance.

White addressed Abrahams' inquiry about the reduction of PEG Fees and Franchise Fees. Over time PEG Fees decreased due to cable cutting and Franchise Fees remain at a standard percentage.

**ANNUAL ELECTION OF OFFICERS**

Gugni listed the current Officers: Gugni – Chairperson; Eick – Vice Chairperson; Kamoo – Secretary; David – Treasurer. The current Officers have agreed to extend their commitment to

another year. Gugini indicated that if anyone else has a desire to hold office or would like to nominate anyone for an office now is the appropriate time to do so. There were no additional nominations.

Motion by Hagaman, seconded by Brown that the current slate of Officers continue for the next year.

Motion passed unanimously (7-0).

Abraham has agreed to continue as Chairperson of the Cable Action Committee and Kamoo has agreed to continue as Chairperson of the PEG Committee.

**REPORT FROM BOARD ATTORNEY RE: PROPOSED STATE LEGISLATION (HB4965)**

Gojcaj gave the Board an update of House Bill 4965 which has passed the House. He is monitoring it. He does not think it has been taken up by the Senate.

Discussion ensued.

**COMMITTEE REPORTS**

**Cable Action Committee**

Abraham stated there had not been a meeting after the September Cable Board meeting nor will there be one after this meeting as there is nothing to discuss. If anyone has anything to discuss, please call him.

**PEG Committee**

Kamoo stated there was a brief PEG meeting after the last full Board Meeting. There was a discussion about the possibility that Bingham Farms might be requesting that their meetings be televised and possible future equipment proposals. There will not be a meeting following this one.

**EXECUTIVE DIRECTOR'S REPORT**

White reported there were 2 new complaints this month which she listed in her report. The first one was from a Beverly Hills resident who had attended the last BACB meeting. It dealt with a removal of a WOW cable in his backyard. WOW came out to his house the day after the meeting to fix the issue. This complaint is closed. The second complaint involved two (2) low-hanging cables on the fence line of a Birmingham resident's property: one from WOW and one from AT&T. The AT&T line was fixed but fell again due to the WOW cable line pulling it down. WOW did not respond to the resident's several calls, so she contacted BACB for assistance. The cable line has now been permanently fixed. This complaint is closed.

**FINANCIAL**

White provided the documents of the financial account balances for the MBS, Michigan United Credit Union and Beverly Hills accounts as of October 31, 2023, as well as BACB Financial

Reports as of October 31, 2023. Hard copies of these documents were distributed to Board Members at the meeting.

White pointed out that the balance of the PEG Fund has been carefully monitored due to declining revenues.

### **CHECK DISBURSEMENT**

White wrote four (4) checks since the date of the last meeting and identified them in her report. She just added another one for the quarterly contract payment to the Charter Township of Bloomfield for BCTV in the large amount of \$77,000.

### **ADDITIONAL NOTES**

The BACB meeting schedule of every other month is included in White's report. There is always an option to schedule special meetings.

WOW Cable TV has stopped selling its current cable TV service and has a deal with Google to offer YouTube TV.

Comcast has several price changes effective October 31, 2023: Curiosity Stream, Viaplay, Midnight Pulp and Screambox. Additionally, effective November 1, 2023, the reactivation fee for TV, Internet, Voice and/Home Security will change to a flat fee regardless of the number of services being reactivated.

Southfield Township is interested in filming and broadcasting its Board meetings. The Township Clerk contacted BACB about possibly doing this for them. Because the Township is not part of the four (4) local community agreement as is the City of Birmingham, the Village of Beverly Hills, the Village of Bingham Farms and the Village of Franklin, BACB asked its attorney, Peter Gojcaj, for his legal opinion. A letter was sent to the Township Clerk advising her that not only would the Township need the approval by BACB but also by each of the four (4) communities listed in the Interlocal Agreement. David was concerned about what the cost of equipment would be.

White participated in a webinar put on by the National Association of Telecommunications Officers and Advisors (NATOA) about a national proposed federal legislation, American Broadband Deployment Act of 2023 (H.R.3557). NATOA is concerned about some federal legislation regarding local rights-of-way.

The BACB Holiday Gathering is scheduled for December 7, 2023 at Brady's Tavern.

### **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.

**BAPA/BAMA REPORT**

Black stated that since the September Report all the regularly scheduled BAMA municipal meetings were completed and 25 programs were taped for the public access channel.

One-on-one Producer and Volunteer Workshops continue to be offered. On Thursday December 14 from 3-5:30 PM there will be an Orientation and Open House. If interested call 248-433-7790 or email him at [GBlack@Bloomfieldtp.org](mailto:GBlack@Bloomfieldtp.org).

Winter Sports Schedule is still being finalized: Wrestling, Basketball, Swim and Dive and Hockey.

Carrie LeZotte, Director of Cable and Community Relations attended the National NATOA conference this year. Black attended day 1 of the MICMA (Michigan Community Media Association).

White wrote a check for a CTI which is the tri-ax cabling (Cable that connects the cameras for the truck to the computers that run them.). White noted that the Board has given her the authority to approve expenditures of \$1,000 or less for equipment repair.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

There was none.

**PUBLIC COMMENTS**

There were none.

**BOARD COMMENTS**

Bob Borgon, long time member of the BACB Board, passed away in early October. The Board passes its condolences and sympathies to the family.

There being no further business, the meeting was adjourned at 8:52 AM.



Memorandum

To: Birmingham Area Cable Board

From: Richard David, Treasurer

Date: January 8, 2024

Re: 2023 Administrative Grants

This memo addresses three items –

- 1) The payment of the deferred Administrative Grant to the participating communities of the late payment of the 2022 fiscal year Franchise fees from the Village of Franklin which were not paid out in prior year grants due to the late receipt of their franchise fee payment
- 2) A recommendation for a change in the BACB Policy related to Administrative Grants, and
- 3) The resulting individual recommended administrative grant amounts to our four communities

ITEM #1

The payment of the deferred administrative grant to the Village of Franklin.

In the prior fiscal year, the Village of Franklin did not make its franchise fee payment on a timely basis. As such, when the BACB determined the 2022 administrative grants at its January 18, 2023 meeting (see minutes excerpt attached to this memo.) the BACB elected to make an additional payment to all of the affected communities in the current year once the late payment of \$37,076 was received. in the current year administrative grant process.

In light of this, **it is recommended that an Administrative Grant of \$ 35,222** (95% of the late payment), be **paid as follows:**

Birmingham	\$ 5,719
Village of Beverly Hills	\$ 2,913
Village of Franklin	\$ 25,828 (reflects the zero payment made in the prior year)
Village of Bingham Farms	\$ 762



## ITEM #2

For the past few years, BACB has been experiencing many financial headwinds

- a ongoing decrease in cable subscribers has caused franchise fees to begin a slow decline
- historically, the BACB has been asked to entertain ever increasing grant requests from our communities and related organizations

(for the upcoming 2023-2024 year alone, the BACB has already committed to a grant of \$185,000 to the Birmingham Public Schools)

- at present, the annual expenditures related to the Bloomfield Community TV (BCTV) contract is soon approaching the entire amount of our annual PEG revenue. This negatively impacts our ability to utilize any remaining PEG funds for grant activity.
- our principal capital asset, the remote broadcast vehicle, is also getting old and its components are in need of regular updating, such as new TV cameras, lens, etc. and it is expected that the BACB will soon be asked to purchase a new vehicle (with a base price in excess of \$300,000)

In light of these financial pressures, I believe that it would be prudent for the BACB to begin to rebuild its financial reserves in order meet its current and future obligations.

The current Board policy regarding Administrative Grants is as follows:

Per the BACB Financial Statement Footnotes

### Franchise Fees

In any given year, the policy is to administratively grant back to the communities 95 percent of the previous year's audited franchise fee revenue in excess of board expenditures.

### Grants

In addition to its two-channel (public and governmental) programming, the Board allocates PEG fees to the member communities (or their affiliated entities) or Birmingham Public School District upon a grant request. These grants are reported in the financial statements as operating grants.

Unused franchise fees collected by the Board are returned to the Parties annually on a pro rata basis in accordance with the Board's franchise fee fund balance policy. The return of unused franchise fees is reported in the financial statements as administrative grants.

As noted above, the current policy is to return 95% of the unspent franchise fee revenue. **It is proposed that the refund rate be reduced to 50% for the recently concluded 2023 fiscal year.**

ITEM #3

An analysis of the proposed Administrative Grants for the 2023 Fiscal Year can be found in the attached Appendix.

In summary, it is recommended that **the following administrative grants be approved.**  
(assuming that that the BACB approved recommendation #2)

Birmingham	\$ 99,756
Village of Beverly Hills	\$ 30,287
Village of Franklin	\$ 8,857
Village of Bingham Farms	-0-

Respectfully Submitted

Richard David, Treasurer

Excerpt from the Minutes of the January 18, 2023 BACB meeting

#### APPROVAL OF PAYMENT OF ADMINISTRATIVE GRANTS

White explained the accounting method and calculation of Administrative Grants year ending 6/30/2022. She noted that Franklin was not included in the total Franchise Fees due to changes in its personnel and its late reporting to the auditors and, therefore, could not be included in the list of Allocation of Administrative Grants. Franklin's payment will be made in 2023. Today the Board will be asked to approve payment adjustments of the 2023 to include Franklin's 2022 allocation.

Gugni further detailed that Administrative Grants are equivalent to 95% of the funds between the Franchise Fee minus the Board Expenditures. Franklin has been notified that it would not be receiving a Grant this year.

Motion by David, seconded by Cleary to approve the Allocation of Administrative Grants to Birmingham, Beverly Hills and Bingham Farms as listed on the information sheet found in the Board's packet.

Birmingham Area Cable Board			
Calculation of Proposed Administrative Grants			
Year ended June 30, 2023			%
Franchise Fees:			
Birmingham		255,245	72%
Village of Beverly Hills		77,495	22%
Village of Franklin	59,739		
(less late payment from 2022)	(37,076)	22,663	6%
Village of Bingham Farms		NONE	0%
	TOTAL	<u>355,403</u>	100%
Board Expenditures:			
Contract labor		381	
Exec Director		39,862	
Liability Insurance		4,531	
Memberships		1,150	
Operating Expenses		5,745	
Professional Fees		19,888	
Municipal Support Services		6,046	
Other			
	TOTAL	<u>77,603</u>	
Excess of Revenues over Exp		277,800	
Proposed Administrative Grant at 50%		<u>138,900</u>	
Birmingham		\$ 99,756	
Beverly Hills		\$ 30,287	
Franklin		\$ 8,857	

## MEMORANDUM

DATE: January 17, 2024

TO: Board Members

FROM: Cathy White

Re: Monthly Report

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### CUSTOMER COMPLAINTS

We have received two (2) complaints since the date of my last report. Complaint No. 2023-24 was submitted on behalf of a Beverly Hills resident who had a cut dangling cable in his backyard that needed to be removed by Comcast. This complaint was forwarded to Comcast and its technicians went out and trimmed/fixed the wire. This complaint is now closed.

Complaint No. 2023-25 was received from a Beverly Hills resident who requested assistance getting a WOW line repaired. The line was gradually coming undone and was sagging noticeably. He had called WOW three times but was unable to get anyone to come out to fix it. This has been taken care of and this complaint is now closed.

### FINANCIAL

The account balance for the MBS, Michigan United Credit Union and Beverly Hills accounts as of December 31, 2023, will be e-mailed to all Board members, as well as BACB financial reports as of December 31, 2023. Hard copies of these documents will also be distributed to Board Members at the meeting.

## CHECK DISBURSEMENT

Two (2) checks have been written since the date of our last meeting as follows:

1. Charter Township of Bloomfield (BCTV quarterly contract payment): \$77,075.00
2. Village of Bingham Farms (municipal support services grant): \$3,396.22

# Bloomfield Community Television

## Memorandum

## Bloomfield Township

To: BACB

From: Steve Rota

Subject: Report December, 2023 through January 2024

Date: January 11, 2024

Cc: Greg Black; Cathy White; Gil Gugni, Ray Kamoo, Carrie LeZotte, David Eick

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### **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 Historic, Zoning, Council, and Planning Meetings. The City of Birmingham's, Commission, Planning Board, Parks and Rec Board, Zoning Board of Appeals, Historic Board and Design Review Board, Advisory Parking Committee, and the Multi Modal Meeting.

### **BAPA Programs**

***From BACB area individual producers and organizations, we've taped 21 programs.***

- ❖ Spectrum Orchestra Concert.
- ❖ League of Women Voters Oakland Area with Lisa Brown, Michigan House of Representatives District 39.
- ❖ Lunch and Learn Lecture.
- ❖ Healing with Ketamine.
- ❖ Birmingham Concert Band.
- ❖ *Two BACB Winter Sports (Boys Hockey and Boys Basketball).*
- ❖ Two Birmingham Musicale concerts.
- ❖ Two Sparkle hosted by Betsy Leboe.
- ❖ *Four Michigan Entrepreneur hosted by Tara Kachaturoff.*
- ❖ Six Eye on Oakland hosted by Chuck Moss.

### **PRODUCER & VOLUNTEER WORKSHOP OR STUDIO TOUR**

We are offering a one on one session for those who are interested in producing their own show and to those who want to work behind the scenes. Please call 248-433-7790.

### **UPCOMING WINTER BACB SPORTS COVERAGE**

Wrestling, Basketball, Swim and Dive, Hockey.

### **NEW SHOWS BEING PRODUCED IN 2024**

AP on Play – Legal Series

Healing Home – Helping families when it comes to postpartum planning.

Birmingham Bloomfield Businesses – Highlighting Businesses in the Birmingham Bloomfield area.