



Regular Meeting of February 18, 2015

10200 Slater Avenue  
Fountain Valley, CA 92708

1. **Call to Order:** Chair **Dave Shawver** called the meeting to order at 8:41 a.m.

2. **Roll Call**

Director Tri Ta	Westminster	Present	Director Michael Vo	Fountain Valley	Present
Director Margie Rice	Westminster	Present	Director Cheryl Brothers	Fountain Valley	Present
Chair Dave Shawver	Stanton	Present	Director Mike Posey	Huntington Beach	Absent
Director Carol Warren	Stanton	Present	Director Barbara Delgleize	Huntington Beach	Present

PCTA Staff members present

Michelle Molko	Attorney
John Borack	General Manager
Louis Rocha	Manager of Video Production
Christine M. Gilbert	Administrative Assistant

Also present

Diana Dobbert	City of Westminster
Julie Roman	City of Stanton
Tim Davis	City of Fountain Valley
Julie Toledo	City of Huntington Beach

3. **Public Comments:** None.

4. **Consent Calendar:** Director **Rice** moved approval of the Consent Calendar; seconded by Director **Brothers**, the motion passed unanimously as to those present; Vice Chair **Ta** and Director **Vo** were not present for the vote.

5. **Reports:**

A. **Report of Board Members:** None.

B. **Report of Administration:** General Manager **John Borack** summarized the report, which included a new board member orientation; channel, rate change and programming notifications from the video service providers; a summary of PCTA press coverage, which included an article in *Fountain Valley Living Magazine* on General Manager **Borack** mentioning PCTA and a press release published in the *Orange County News* regarding Stanton Mayor’s Al Ethans’ appearance on “Reflections of Former Mayors”; registration of PCTA staff to attend the eNATOA workshop on SD to HD Conversion in March; the attendance of Christine Gilbert at SCAN-NATOA’s “Telecommunications 101” meeting in January, of which she gave a verbal report; and the inclusion of each city’s programming schedules on their respective video bulletin boards, in addition to being found online. Video Production Manager **Louis Rocha** presented the production status report.

C. **Report of the PCTA Attorney:** Attorney **Michelle Molko** reviewed the *City of Glendale vs. Charter Cable* case that she has worked on since 2009, in which it was ruled a cable provider cannot move the location of a PEG channel without the consent of the City. Charter then took the City of Glendale to court regarding past “improper” spending of PEG fees, but the court found that the City was immune from paying damages.

At this time Director **Brothers** asked about a fee that PCTA had voted to impose on cable accounts sometime in the 2000s, where PCTA had voted to add a fifty cent fee to each cable subscriber’s monthly bill. Though this was perhaps called a “PEG Fee,” it was not technically a PEG Fee such as the cable providers are required to pay the city. Rather, it was an additional fee that PCTA cities added on top of other fees and taxes. This money would have been general fund money. Attorney **Molko** and current PCTA staff are unaware of this past-imposed fee, and staff will research. Attorney **Molko** felt that perhaps after DIVCA the fee was dropped by the cable companies, as it may have been considered a term of the franchise,.

**6. New Business: None**

**7. Old Business:**

**A. Consideration of payment for cable accounts located at city facilities:** An overview was given of existing outlets being paid for in Huntington Beach, Westminster, and Fountain Valley. Existing outlets in the City of Stanton, which are currently being paid for by the City of Stanton, were also presented for consideration by the board. It was agreed that a closer survey would be performed in each city to determine which outlets are necessary, which are working, and how they are being used. The information will be brought back to March's Board Meeting for consideration of payment by PCTA.

Director **Brothers** asked if PCTA would be able to use equipment that Time Warner Cable was giving to the City of Garden Grove in order to transport Channel 6. There was some discussion about the technical aspects and possibilities. It was concluded that even without using that equipment, the costs for PCTA to transport Channel 6 should not be too great.

Chair **Shawver** inquired about adding an agenda item for Board Members to make comments or ask questions. Attorney **Molko** reminded the board that this item currently exists as Report of the Board. Though an item cannot be brought up for voting under Report of the Board, it is a time where topics can be brought up for discussion and agendaized for the next meeting. Also, Directors may also contact PCTA staff about adding an item to the agenda within a reasonable amount of time before a Board Meeting, and it shall be included.

**8. Closed Session:**

**A. Conference with Legal Counsel—Anticipated Litigation:**

**Significant exposure to litigation pursuant to Government Code section 94956.9(b). One (1) potential case:** The Board reconvened; nothing to report.

9. Chair **Shawver** **ADJOURNED** the meeting to **8:30 A.M.** Wednesday, **March 18, 2015** at Fountain Valley City Hall, Conference Room 1.

Respectfully submitted,

John Borack  
General Manager