



MINUTES

Regular Meeting of June 10, 2015

**10200 Slater Avenue
Fountain Valley, CA 92708**

1. **Call to Order:** Vice-Chair **Tri Ta** called the meeting to order at 8:31 a.m.

2. **Roll Call**

Vice-Chair 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	Present
Director Carol Warren	Stanton	Absent	Director Barbara Delgleize	Huntington Beach	Absent

PCTA staff members present

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

Also present

Tim Davis	City of Fountain Valley
Julie Roman	City of Stanton

3. **Public Comments:** None.

4. **Consent Calendar:** Director **Brothers** pulled Item 4B. She asked for clarification as to the charges for ‘Liberty Mutual’ and asked if this was medical insurance. General Manager **John Borack** explained that this annual premium was for Liberty Mutual Insurance which covers all insurance except medical—liability, equipment, truck, property, etc. Next, Director **Brothers** inquired about ‘VMI-Capital.’ General Manager **Borack** explained that this was the remainder of the fee for the installation and equipment in the Huntington Beach City Council Chambers Control Room, and that VMI is the vendor through which PCTA bought said equipment.

Director **Brothers** then asked to pull Item 4C. She asked for some clarification on reconciling the PEG and Franchise Revenues with disbursements. General Manager **Borack** mentioned that PCTA’s accountant creates a spreadsheet with a breakdown of the PEG and Franchise Fee revenues and distributions which he will provide for the Board. Also regarding 4C, Director **Brothers** asked about the line item for “Information Technology.” General Manager **Borack** explained that that was primarily PCTA’s service provider, San Diego Computer, who handle networking and server needs. Director **Brothers** asked if we were still satisfied with their services and cost, and it was agreed that they offer competitive pricing and supply satisfactory service.

At this point Attorney **Michelle Molko** inquired whether the budget adjustments the Board approved a couple months prior were reflected in these reports. General Manager **Borack** believed that they were, but would confirm with the PCTA accountant. Director **Posey** also noted that a large portion of the “Seminars/Conventions” budget line item had not yet been used, and asked if there were upcoming conferences PCTA was planning on attending. General Manager **Borack** and Attorney **Molko** replied that the SCAN-NATO conference would be taking place on June 11, 2015. Three staff members were scheduled to attend,

and the cost would be reflected on next month's report. It was also noted that the national NATOA conference will take place in September 2015, which occurs during the next fiscal year. However, the extra funds in the budget are accounted for when considering that in the past, more Board Members have attended national conferences than attended this past fiscal year.

Director **Rice** motioned to approve the consent calendar; seconded by Director **Vo**, the motion passed unanimously as to those present, with Director **Posey** abstaining from voting on the minutes (4A).

5. Reports:

A. Report of Board Members: Director **Rice** asked how to lower her Time Warner Cable bill. She would like a lower price, expressing that Time Warner Cable does not recognize and appreciate their loyal customers who have been with them for years. General Manager **Borack** said he would contact TWC on her behalf and she could speak with them soon to address her concerns.

Chair **Shawver** asked Attorney **Molko** if the proposed AT&T and DirecTV merger would do away with AT&T U-Verse; she replied that items with this merger were still pending, and one could only speculate at this time regarding rumors of its implications for AT&T's U-Verse service.

B. Report of Administration: General Manager **Borack** summarized the report, which included channel, rate change and programming notifications from the video service providers; press coverage of PCTA including "FVHS Duo Places Third in C-SPAN Video Competition" in the *Fountain Valley View*; the upcoming SCAN-NATOA conference in Santa Monica, CA, where PCTA is nominated in two categories for the annual STAR Awards, honoring local programming; the successful rental of the PCTA Production Truck to the City of Garden Grove for its Strawberry Festival on May 25, 2015; a complaint log tracking cable customer complaints received by PCTA and their resolutions; and a press release detailing the proposed Charter/Time Warner Cable merger. Video Production Manager **Rocha** presented the production status report.

Director **Brothers** asked if PCTA was now more readily equipped to rent out equipment in the future after having made the agreement with the City of Garden Grove. Attorney **Molko** said that there was a learning curve and the process with Garden Grove involved a lot of negotiations, but that the original document can serve as a starting point for future agreements. Director **Brothers** also asked which Summer Concerts in Fountain Valley would be covered. General Manager **Borack** explained that all of the Fountain Valley and Westminster summer concerts will be covered, and approximately half of the Huntington Beach Summer Concerts will be covered. Director **Brothers** wanted to alert PCTA and the Board to the fact that the Fountain Valley Summer Concert taking place on July 21 will be attended by the Special Olympics participants who are being hosted by the City of Fountain Valley.

C. Report of the PCTA Attorney: Attorney **Molko** updated the Board on the pending AT&T/DirecTV and TWC/Charter mergers. She stated that the bigger these communication companies become, the more difficult it becomes for local agencies to have local power. There are talks of local government making an effort to oppose the mergers or make them contingent on meeting and allowing for certain requirements that would give local agencies some power. Director **Posey** asked what kind of threats such a merger would pose to local government. Attorney **Molko** responded that the cable companies have already taken measures against local government, and are willing to put a lot of money into their efforts. Issues and disputes include those regarding PEG/capital expenditures, DIVCA and local franchise agreements, PEG fee ordinances, and more. Director **Brothers** noted that the press release detailing the TWC/Charter merger claimed the merger would "allow for wider deployment of new competitive facilities based WiFi networks in public places..." There was further discussion of offers from cable companies that have not come to fruition in the past.

6. New Business:

A. Discussion of General Manager's Performance Evaluation: Chair **Shawver** shared that he felt last year's method of conducting the performance evaluation for General Manager **Borack** was efficient. Last year the subcommittee had all members of the board complete a performance review which was then sent back to the members of the subcommittee in order to review with General Manager **Borack**. Chair **Shawver** proposed that he send the document in an email to the members of the board who would then send their input back to Chair **Shawver** to assimilate the information. Attorney **Molko** stated that a subcommittee would still need to be formed in order to meet with General Manager **Borack** and conduct the review. Director **Rice** volunteered to be a member of the subcommittee. Director **Brothers** motioned to create a subcommittee for the purpose of conducting the General Manager's Performance Evaluation consisting of Chair **Shawver** and Director **Rice**; seconded by Director **Rice**, the motion passed unanimously as to those present.

B. Consideration of Adjustment in Pay Rate for Contract Labor Employees: General Manager **Borack** presented background and discussion of raising the base pay rate for PCTA contractors from \$15 to \$17. Adjusted contracts for individuals would be brought back to the board for approval the following month. Director **Posey** asked what the annual effect would be, and General Manager **Borack** and Attorney **Molko** estimated that the effect would be less than \$5,000 annually. General Manager **Borack** added that the effect would not be huge, but that the contractors would be pleased with the raise and ensure that PCTA would be offering competitive rates. Director **Brothers** wanted to know if this would be the new base pay for any newly contracted staff; it was agreed that, upon approval of the board, \$17 would be the base pay for all new hires. Director **Rice** motioned to approve the pay rate increase from \$15 to \$17; seconded by Vice-Chair **Ta**, the motion passed unanimously as to those present.

7. Old Business:

A. FY 2015-2016 PCTA Budget: The proposed budget was presented. Attorney **Molko** explained that the proposed budget already included money to account for potential salary increases for the three full-time PCTA employees, and that the Board could decide to either approve the proposed budget as is, or the Board could adjust and adopt the budget without money for salary increases. Director **Vo** made a motion to approve the proposed budget without adjustments; seconded by Director **Posey**, the motion passed unanimously as to those present.

B. Update of PCTA Programming and Video Production Policy: General Manager **Borack** presented the red-lined version of the Programming and Video Production Policy. Director **Brothers** asked whether it was a DIVCA or a PCTA Board decision to not produce training tapes (page 1, #8). General Manager **Borack** replied that PCTA has simply never been asked to produce one. Chair **Shawver** says we've rarely exercised the ability to produce a training video, but that it would be a good thing to keep it as an option to be able to do so. Director **Brothers** drew the attention of the Board to page 7, paragraph 3, which had been stricken, regarding cities requesting production assistance for activities not intended for broadcast; Chair **Shawver** made a motion to reinstate the stricken language on page 1 and page 7; seconded by Director **Posey**, the motion passed unanimously as to those present. Director **Vo** was not present for this vote.

The Board directed staff to add wording to the second point under "Council Committees, Special or Ad Hoc Committees, Task Forces and Other Public Hearings" on page 2 which would allow for the waiving of the 21 days advance notice in the event of an emergency.

Director **Posey** inquired about the stricken language on page 3 regarding press conference coverage. General Manager **Borack** responded that PCTA generally does not cover press conferences; as they are most often held with short notice, it is difficult to assemble crew and resources in time for coverage. A member city may request coverage of a scheduled event up to two weeks in advance of the event.

Director **Brothers** desired to specify no *private* “for-profit events or activities may be promoted...” in the second paragraph of page 4. Chair **Shawver** also desired to restore “series programming” to the third paragraph of page 4, and removing the suggested term “program.”

At this time the discussion turned to the “Retention of Videotaped Events and Programs” section on page 9. Chair **Shawver** asked if PCTA keeps only one master copy of each program. PCTA staff confirmed. Chair **Shawver** requested that any copies that PCTA was no longer required to retain be given to the member city to which it was related. Director **Brothers** asked about the 6 month retention policy; Attorney **Molko** informed the Board that as a public record, copies of the programming would be required to be kept for a minimum of two years. Director **Brothers** asked where the master copies were located. Production Manager **Rocha** informed the Board that a master copy of each program is kept in the PCTA Production Office. In addition, “Air Copies” are made, which are taken to be ingested within the Member Cities. These copies are maintained by the Master Control Operators. Chair **Shawver** requested that PCTA identify where these “air copies” are maintained, and how they can be accessed. It was also mentioned that many programs, City Council Meetings in particular, are archived online. Director **Brothers** said she did not want to rely on Granicus (online archives) and the master copy in Huntington Beach for redundancy. PCTA staff also remarked that city liaisons for the cities get copies of programming as well.

Clarifying as to what constitutes a public record, Attorney **Molko** again explained that to the extent that a record is created it must be kept for the two year minimum. For destruction of a public record after the required time, it would need to be brought to the Board.

Continuing to look at page 9 and the second paragraph of “Videotape Duplication Guidelines,” the language “at cost” in regards to charging for copies was discussed. Attorney **Molko** informed the Board that when a duplicate of a public record is requested, PCTA cannot bill for time or labor involved in searching for or duplicating; PCTA can only charge the cost of the material, in this case the DVD. All requests for duplicates must be treated as requests for public record. Chair **Shawver** requested that Attorney **Molko** provide information to the Board on the legal requirements regarding retention and public records requests at the next PCTA Board meeting.

Director **Brothers** made a motion to accept the discussed changes to the Programming and Video Production Policy except for those on page 9, the discussion of which would be continued at the next Board meeting; seconded by Vice-Chair **Ta**, the motion passed unanimously as to those present. Director **Vo** was not present for this vote.

8. Chair **Shawver** **ADJOURNED** the meeting to **8:30 A.M.** Wednesday, **July 15, 2015** at Fountain Valley City Hall, Conference Room 1.

Respectfully submitted,

John M. Borack
General Manager