

Present: Abbott, Heldt, Kott, Mancini, Mathers, McLain - Birmingham
Borgon, Heyman, Verdi-Hus, Woodard – Beverly Hills
Ettenson – Bingham Farms
Jahnke – Franklin

Absent: None

Also Present: Hagaman - Executive Director
Currier - Attorney for Cable Board
Martinico - Director of Technology, Birmingham Schools
Rota - Bloomfield Community Television representative
Carmen Johnson – AT&T representative
John Gardner – Comcast representative
Valentine - Birmingham staff liaison
Pfeifer – Beverly Hills Council liaison

Chairperson Borgon called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. He welcomed new member Mark Jahnke representing Franklin.

ENTER INTO CLOSED SESSION

A closed session of the Board has been placed on the agenda and posted for the purpose of considering attorney-client privileged communication as provided under the Open Meetings Act. Due to the amount of material to discuss in closed session, Currier will introduce the subject matter and ask that the Board reconvene in closed session at the end of the meeting to finish the discussion.

MOTION by Ettenson, second by Heldt, to go into closed session at 7:49 a.m. to consider attorney-client privileged information.

Roll Call Vote:
Motion passed unanimously.

Borgon asked Joe Valentine and Dorothy Pfeifer to participate in the closed session as liaisons from Birmingham and Beverly Hills. All others left the room.

The closed session recessed at 8:11 p.m., and the Cable Board meeting returned to open session.

APPROVE MINUTES

Motion by Heldt, second by Ettenson, that the minutes of a Birmingham Area Cable Board meeting held on September 19, 2007 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

None

FISCAL YEAR 2006/07 AUDIT PRESENTATION – PLANTE & MORAN

Monika Lesinski from Plante & Moran presented the audit report of the Birmingham Area Cable Board financial statements as of June 30, 2007. The report letter indicates that the Board's financial statements received an unqualified audit opinion for 2007.

Lesinski stated that new auditing standards require that the report include a Management's Discussion and Analysis, which provides an overview of the Board's financial activities for the fiscal year ended June 30, 2007. She reviewed the Governmental Fund Balance Sheet and Statement of Net Assets and the Statement of Revenues and Expenditures and Activities pages. The report contains a Budgetary Comparison Schedule showing the original adopted budget compared to the actual revenues and expenditures for the year. Questions from the Board on the financial statements were addressed by Hagaman and Lesinski.

There were two new Statements on Auditing Standards (SAS) implemented in 2007. SAS No. 103, Audit Documentation, requires auditors to request more documentation from the Board. SAS No. 112, Communicating Internal Control Related Matters Identified in an Audit, establishes standards and provides guidance regarding the auditor's communication responsibility to those charged with governance. It defines internal control deficiency, significant deficiency, and material weakness.

Lesinski stated that the auditors identified one item that was considered a significant deficiency related to the preparation and review of bank reconciliations. It was recommended that bank reconciliations be prepared on a more timely basis and be reviewed by someone independent of the reconciliation process in order to strengthen controls. Hagaman outlined the process she has implemented to correct this deficiency.

Lesinski related that eight new auditing standards referred to as Risk Assessment Standards will be applied to the June 30, 2008 audit. These changes will impact the required documentation for the audit report. Borgon thanked Ms. Lesinski for her report. A copy of the audit report will be forwarded to the member municipalities for their information.

EXECUTIVE DIRECTOR'S REPORT

Hagaman reported that two new complaints were received in the last month. One of the complaints involved a customer who accessed what appeared to be a Comcast web site and took advantage of a rebate offer for Comcast cable service from a third party. The fine print stated that it was not a Comcast-endorsed rebate. The subscriber received the service but never received the rebate payment. The customer did not realize that it was not a Comcast rebate offer and contacted the call center with her concerns. Hagaman suggested that cable customers call Comcast or AT&T to determine if rebate offers are sponsored by the cable companies before making a decision.

Comcast representative John Gardner remarked that these are independent third parties that resell services not only for Comcast but other services.

Currier maintained that Comcast is involved in a misrepresentation if the company is allowing people to subscribe to its service in this manner. Gardner was asked to look into this and advise

the Board as to Comcast's position on its responsibilities with respect to offers from third party providers.

A draft copy of the Cable Board Annual Report for 2006/07 was distributed last month. Hagaman asked for Board comments on the document. Two additions to the language under the PEG Committee heading were suggested and agreed upon by the Board. Hagaman was asked to name Bob Mancini as the chair of the PEG Committee. It was requested that the paragraph indicate that one of the main responsibilities of the PEG Committee is to oversee the municipal and public access cable television stations.

Motion by Mancini, second by Ettenson, to forward the Birmingham Area Cable Board Annual Report for Fiscal Year 2006-07 as amended to the member municipalities.

Motion passed unanimously.

Hagaman has prepared and distributed her report on the NATOA Conference held in Portland, Oregon on October 2-6, 2007.

NATOA ANNUAL CONFERENCE REPORTS

Hagaman referred to her written report on the Annual NATOA Conference (National Association of Telecommunications Officers and Advisors) held on October 2-6, 2007 in Portland. Mel Ettenson and Elaine McLain also attended the conference this year. BACB representatives split up and attended sessions on a variety of topics. Hagaman highlighted issues of interest.

The City of Plano, Texas, performed an audit to physically inspect all towers, underground fiber, and pole locations to determine who was using its rights-of-way. They found about 20 sites being used by providers that were not registered with the city. The revenue stream generated as a result of that audit has substantially exceeded the cost of the study (\$9,600).

The topic of one the NATOA sessions was the status of educating the public about the impending transition from analog to digital television that will occur on February 19, 2009. The FCC formed a committee (Consumer Advisory Committee) in June charged with informing the consumer of this transition. To date, no one has been appointed to that committee. Television stations will be airing public service announcements. Hagaman reported on a session she attended on programming for the 2008 Elections.

Mel Ettenson distributed a written report on the NATOA conference to Board members. He informed the Board that there are 10 states now operating under state-wide franchising legislation with other states to come. There was a presentation by the assistant attorney general of the State of Illinois regarding how the state manages its consumer friendly state-wide legislation. Ettenson outlined some of the service, quality, and consumer protection standards included in the Illinois legislation, noting that Michigan may want to use their legislation as a model.

As far as a PEG status report, Davis City, California had the only AT&T PEG channel up and running in the country at the time of the conference. It is the policy of AT&T to air PEG programming on Channel 99. AT&T is slowly rolling out its U-verse service in our area. Southfield and Detroit seem to be their priorities. Ettenson attended a Comcast/NATOA Roundtable discussion. His written report includes questions and answers from that session.

Elaine McLain identified Comcast representatives who attended the conference. She related that two themes emerged: 1) Comcast is continuing to review what the state-wide franchise will mean to their business; and 2) Customer service is a priority that is driving some positive internal reorganization and refocus. McLain commented that she advised Comcast representatives that the BACB consortium is coaching, encouraging, and teaching consumers to take note of service interruptions, objectively record times and ID numbers of people they speak with, and follow through with complaints.

McLain and Hagaman met with Howard Peak, AT&T Executive Director of Internal Affairs from Texas, to talk about the rollout of the U-verse product in our area. Topics of discussion included frustration related to rights-of-way issues, VRAD boxes, service interruptions, PEG production and viewing processes. They were told that the U-verse product is working very well in California and Texas.

McLain related that there was a large advertisement in an AT&T brochure distributed at last year's NATOA conference saying, "we will deliver any new programming, disability access, and emergency alerts, and contribute to the funding of community access operations". McLain emphasized to the AT&T representative that communities need participation, funding, and support to produce PEG programming.

BIRMINGHAM GRANT REQUEST

Joseph Valentine, Birmingham staff member, outlined a grant request for the purchase of two new microphones and related cabling for the Birmingham Commission chamber. In 2005, the City of Birmingham received a grant to upgrade its broadcast equipment in the commission room. New microphones were not included in the upgrade because it was determined at the time that the existing four microphones were sufficient and working.

Since that time, there has been a failure of those microphones. For the past several months, BCTV has provided Birmingham with a couple of microphones to evaluate until new equipment was obtained. The Beyer model shotgun style microphone worked well in recording and amplifying audio with the existing broadcasting solution in use. The grant request before the Cable Board is for two new microphones of that style. Quotes were obtained for the purchase of two Beyer microphones and related cabling with the lowest cost from Roscor in the amount of \$582.35.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board award a grant in an amount not to exceed \$582.35 to the City of Birmingham for the purchase of two new microphones and related cabling for the City Commission chamber.

Motion passed unanimously.

BEVERLY HILLS GRANT REQUEST

Beverly Hills staff member Erin Saur has provided Board members with a written grant request including a cover letter and related information on a proposal from the Village of Beverly Hills to offer web streaming of televised Council meetings and Cable Board meetings for both live and on-demand viewing. Beverly Hills is requesting a grant totaling \$4,963.99 for the costs associated with the hardware and software purchase, equipment set-up, and employee training to allow Beverly Hills to web stream its broadcast meetings as well as Cable Board meetings on its community web site. The monthly fees associated with hosting the information including storage will be covered by the Village of Beverly Hills.

Saur provided background information relative to using web streaming to view municipal meetings on a computer, the goals and objectives of web streaming Council meetings, the process of soliciting quotes from companies offering web streaming, and costs involved in the program. The low bid was from PowerStream, which is the company used by the City of Birmingham its web streaming of meetings. The monthly plan at PowerStream for the Village's estimated usage is \$99 per month for hosting and streaming Council meetings and Cable Board meetings.

Questions and comments from Board members were addressed by Saur. She indicated that the software provided with the PowerStream proposal provides the capability to upload the meeting agenda so that the viewer can click on a specific agenda point and view that portion of the meeting. Mancini expressed a concern with the quality of viewing by individuals with a dial-up Internet connection. He suggested using a standardized product in all four communities.

Motion by Ettenson, second by Woodard, that the Birmingham Area Cable Board approve the Beverly Hills grant request for costs associated with hardware and software purchase, equipment set-up, and employee training to web stream Beverly Hills and BACB broadcast meetings on the Beverly Hills website in an amount not to exceed \$5,000.

Motion passed unanimously.

Pfeifer commented that the monthly cost of hosting and storing meetings including Cable Board meetings will be absorbed by Beverly Hills. Staff time may be involved in the cost of web streaming meetings. Pfeifer would like to have these costs reviewed and re-evaluated at some point. Currier responded that this grant approval does not preclude Beverly Hills from coming back to the Board with an additional request following a subsequent evaluation of its web streaming operation.

COMMITTEE REPORTS

Cable Action Committee

McLain reported that the Cable Action Committee met on September 26 and discussed the informational brochure being prepared for distribution to residents in the consortium communities. The brochure provides information on how to choose television and other wireless services. It will address types of television service available and include phone numbers to contact providers for more information as well as contact information for the BACB.

A copy of the draft brochure has been provided to Board members; it will be finalized at the Cable Action Committee meeting next Wednesday. McLain asked that any feedback on the draft pamphlet be forwarded to her before that time.

McLain stated that information can be found on the upcoming digital transition at www.dtv.gov. She explained that people who receive protocol free TV (antenna) will have three choices after February 19, 2009: 1) switch to cable IPTV or a satellite provider; 2) purchase a new digital TV; or 3) purchase a converter box. The converter box will convert the digital signal that comes from the broadcaster to the analog system. The cost of the box will be from \$35-\$45. Starting January 1, 2008, people can request coupons for converter boxes from the government. The FCC was clear about the importance of reaching out to people who would not otherwise obtain this notification of the digital transition. More information is available on the web site or by calling 1-888-CALLFCC.

PEG Committee

Mancini stated that there was no PEG Committee meeting last month for the reason that three core members were unable to attend. Policy issues to be discussed at today's PEG meeting will be: 1) finalization of the procedure for new program approvals; and 2) discussion of a new proposed program.

Mancini reported that he and Chairman Borgon met with Leslie Helwig from BCTV on October 16 to develop a notification process that would take effect when scheduling and technical problems deviate from the norm. BCTV will implement internal controls, and the PEG Committee will be notified when elements under BCTV's control are involved. Also discussed was a process to move forward with van specifications. BCTV will outline a proposal for the RFP process at today's PEG Committee meeting.

Another topic to be addressed at the PEG Committee meeting will be finalization of a timetable for implementation of the new board-approved equipment for BCTV. Lastly, costs of quarterly production compared to last year will be discussed as part of the Committee's review system.

Ken Kott, Board member taking the lead in the production van purchase, reported on discussions with Bill Gaetz and other vendors regarding specifications for the van. The Board requires assistance in preparing specifications to include in the Request For Proposal (RFP). Kott had questions on procedures for publicizing the RFP, which were addressed by Currier. There followed discussion on the protocol for using a consultant who will be bidding on the project to assist in writing specifications. A solution may be to allow multiple people to consult on specifications for the bid document. This will be a topic of discussion at today's PEG Committee meeting.

COMCAST RELATED TOPICS

Subscriber Complaints

Hagaman referred to complaint #07-79 and questioned why the subscriber's account was not credited for the time that service was unavailable. Gardner stated that he would check on this. A complaint related to third party rebates was discussed earlier. Gardner reported that complaint #07-75 relative to issues with a customer's Tivo operation have been resolved.

Comcast Updates

John Gardner introduced himself as the new Comcast representative to the Board. He assured the Board that Comcast has the same processes and people in place to handle problems with customers.

Gardner related that the consortium communities have received a letter notifying them that the Comcast facility in Birmingham on Eton Street will be closed. This action will allow Comcast to focus on creating payment and service centers in order to better serve its customers. The service center closest to this area is at 4500 Delemere in Royal Oak, which is less than two miles from the Eton Street office. Payment can be made at this center, and personnel and hours of operation will be extended. Gardner said that customers will be notified of the change through bill messages and signage on the Eton Street facility.

McLain stated that she learned from the Comcast web site that subscribers can pay their cable bill at 7-Eleven stores in certain locations.

Currier questioned the legal basis for closing the Eton Street facility considering that there was a contractual agreement with the municipalities in the BACB consortium to maintain that office. Gardner responded that new Michigan legislation states that all requirements under existing franchise agreements that are inconsistent or in addition to requirements of the State Uniform Services Local Franchise Act are unenforceable. He added that all parties are having to adapt to the new regulatory environment in the State of Michigan.

Borgon welcomed John Gardner. In answer to an inquiry, Gardner indicated that he is based in East Lansing and involved with a number of communities in mid and western Michigan.

AT&T RELATED TOPICS

Carmen Johnson updated the Board on the status of AT&T PEG channels. There are now two PEG channels operational and one upcoming. Clinton Township is having equipment difficulty but will have its PEG channel up shortly. Johnson related that all AT&T PEG Channels will be viewed on Channel 99. In this area, Channel 99 will cover southeast Michigan PEG channels.

In answer to an inquiry about the rollout of the U-Verse product, Johnson stated that the Uniform Franchise Act did require that AT&T comply with certain demographics and percentages in its rollout. She informed the Board that company owned Cingular stores are being changed to AT&T full service stores where customers can purchase the U-verse product.

MLTV 15/PA18 REPORT

Steve Rota from Bloomfield Community Television reported on programming taped for Municipal Channel 15 and PA Channel 18 during the last month and noted upcoming programs of interest (information included in the BCTV monthly report for September 20 – October 17, 2007).

Zack Florance met with a Roscor technician to assess the equipment in the Beverly Hills control room and determine the extent of the damage resulting from a lightning strike. Rota reported that the robotic remote that controls the three cameras was damaged and had to be replaced.

BCTV has received most of the equipment approved for purchase. The items include: two Panasonic cameras with tripod, digital video server; all additional accessories. The completed bulletin board system arrived at Duncan Video's headquarters on October 10th. They are configuring the system and propose to install it on October 22 with training to follow.

A volunteer workshop is scheduled for Tuesday, November 6 at 10 a.m. and 6:30 p.m. Individuals can call 248/433-7790 if they are interested in attending the workshop and assisting with productions.

Four programs presented at the September Program Development Committee meeting have been assigned to staff directors. Three are from Bloomfield producers and one is from Franklin; all will air on PA18.

Borgon thanked BCTV for its prompt response to the equipment failures that occurred due to a lighting strike at the Beverly Hills municipal building.

OLD BUSINESS

None

NEW BUSINESS

None

BOARD COMMENTS

Woodard would like to add an item to next month's agenda in terms of considering a new logo for the production van and bulletin board. She expressed the view that the current logo is outdated, and the 15/18 logo will be obsolete once there is a Channel 99 PEG station for AT&T subscribers. Borgon proposed that this item be referred to the PEG Committee for review.

Motion by Ettenson, second by Mancini, to go into closed session at 10:04 a.m. to continue discussion of attorney-client privileged communications.

Roll Call Vote:

Motion passed unanimously.

Currier stated that the Board will not take action at the closed session. The Board will reconvene at the end of the closed session to adjourn the regular Cable Board meeting. Dorothy Pfeifer and Joe Valentine were invited to join the closed session.

The Board returned to open session at 10:26. Chairman Borgon adjourned the meeting.