

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS MINUTES October 26, 1981

The Subcommittee for Cable Television met this twenty-sixth day of October, 1981, at 6:30 p.m., to conduct a public hearing on the Cable Television Ordinance and Request for Proposals.

Members Present: Isenberg, Pope, Connelly, Collin

Members Absent: Sheedy

Chairman Isenberg opened the meeting and introduced Howard Gan, Consultant.

Howard Gan addressed the subcommittee giving his recommendations.

Member Pope questioned Mr. Gan regarding rate regulations.

Lee Elam, County Counsel spoke on the banking concept and rate regulations.

Jim Jackson, City Attorney, commented on the same subject.

Member Collin questioned Mr. Gan about the access provisions in AB 699.

Howard Gan expressed his reasons for opposition to the banking concept.

Lee Elam spoke on the provisions for allocation of channels to KVIE and the Educational Consortium.

Chairman Isenberg invited interested parties to make opening statements.

Joe Gray, Teleprompter Corporation, addressed the subcommittee disagreeing with the provisions for twenty percent holdback of channels in the banking concept.

Richard Aurelio, Executive Vice President of Warner Amex, expressed the view that though his company was not happy with the banking, they could live with it.

Suzanne Wood, United Cable Television, stated United was not in favor of the banking concept, but would not oppose it.

John Diepenbrock, Sacramento Cablevision, Inc., addressed the subcommittee expressing the opinion that the banking concept is detrimental.

David Buckingham, Greater Sacramento Cable Company, objected to banking on the basis that it is confiscation of private property and will place an additional cost burden on subscribers.

Frank Shubert, Greater Sacramento Cable Company, spoke in opposition to banking, stating his company would rather support a higher surety bond as a compliance measure.

Member Collin commented on a letter from John Diepenbrock regarding the confiscatory nature of the banking concept where no breach has occurred.

Lee Elam outlined the terms of the ordinance relating to release of channels.

Joseph Woolbank addressed the subcommittee regarding the process for final approval of the franchise.

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS MINUTES _____ 19_____

Chairman Isenberg called for further discussion, amendments or motions on the banking concept.

No comments being made, the Chairman directed the matter to be forwarded as written to the Joint Body.

Chairman Isenberg asked for comments on the allocation of channels to KVIE and the Educational Consortium.

Joe Gray made reference to staff's original recommendations regarding public access channels, and stated Teleprompter would include KVIE and Educational Consortium channel provisions in their proposal.

Richard Aurelio and Suzanne Wood both expressed the opinion that it is a local issue.

John Diepenbrock agreed with the recommendation to place restrictions on the provisions for allocation to KVIE and the Educational Consortium.

David Buckingham stated support for channels for public service users, but would like to see an open bidding process in the proposals for allocation of those channels.

Bob Wyman, Educational Consortium, addressed the subcommittee regarding the Consortium's proposal.

Bill Slaton, KVIE, addressed the subcommittee.

Member Collin commented on a memo to the members from the County Counsel dated October 23, 1981, wherein, on Page 12, the question is discussed whether or not to put restrictions on the providing of channels to KVIE and the Educational Consortium.

Chairman Isenberg asked interested parties to review the County Counsel's memo and to respond as to whether or not they are in agreement with staff's recommendations regarding restrictions on channels allocated.

Member Connelly requested the record show that he is not in favor of the allocation of channels to KVIE and the Educational Consortium on the basis that the two organizations are taking unfair advantage; and that there is inadequate control of use of the channels.

Councilwoman Anne Rudin commented on the allocations to KVIE and the Educational Consortium.

Member Connelly suggested that channels not used by KVIE and the Educational Consortium be returned to the bank or to the Commission.

Bob Wyman responded favorably to the staff recommendations for restrictions on the channel allocations.

Bill Slaton stated he had no problems with staff's recommendations.

Member Collin moved to include the recommendations on Page 12 of the County Counsel's memo of October 23, 1981, seconded by Member Pope and carried by the unanimous vote of those members present. (Member Sheedy absent)

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS MINUTES _____ 19____

Member Connelly requested staff come back with a clearer definition of who the Educational Consortium is and to look at some basic procedures.

Member Connelly moved to put language into the ordinance to direct that any channels reverting back go to the independent use authority or for staff to determine who the channels should revert back to in the event there is no independent authority, seconded by Member Pope and carried by the unanimous vote of those members present. (Member Sheedy absent)

Chairman Isenberg directed that staff prepare language consistent with the action of the Joint Body after conferring with the operators.

The operators present all indicated they had no problems with the direction of the subcommittee.

Member Connelly discussed rate regulation control being included in the bidding process for the higher tiers of service.

Joe Gray indicated he had no objections to such inclusion.

Richard Aurelio stated his agreement to let operators bid at higher tiers of service.

Suzanne Wood commented she preferred to bid rather than the structure of rates.

John Diepenbrock indicated he had no objections.

David Buckingham voiced his concurrence.

Howard Gan stated he was not in favor of applicants bidding rate regulations.

Chairman Isenberg directed staff to come back with language to allow companies to bid the rate regulations at the higher tiers and to consider Member Connelly's concerns as to whether the program should be the operator's own program or a program set by the Joint Body. He included direction that a draft of the language be submitted to interested parties before it comes back to the subcommittee.

Member Pope expressed concerns as to how proposals would be evaluated with regard to percentages of raises in future costs.

Stephen Robbins, Warner Amex, voiced objections to wording in Section 5.50.010(d).

By consensus, Section 5.50.010 was referred to the Joint Body as written.

Howard Gan questioned the definition of "Basic Service" under Section 5.50.012.

Jim Jackson, City Attorney, suggested staff confer with Mr. Gan and answer his questions in the report back on rate regulation.

A representative of the NAACP addressed the subcommittee regarding community access channels.

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS MINUTES _____ 19____

Carol Bass, Public Access Sacramento Coalition, addressed the subcommittee objecting to the community access portion of the ordinance.

Stephen Robbins spoke on Sections 5.50.334 and 5.50.338 and their relation to Section 5.50.012.

By consensus, Section 5.50.012 was referred to the Joint Body as written.

By consensus, Sections 5.50.014 and 5.50.016 were referred to the Joint Body as written without comment.

John Diepenbrock made reference to his letter to the subcommittee regarding Section 5.50.018 and its confiscatory power.

Joe Gray concurred with Mr. Diepenbrock's statement.

By consensus, Section 5.50.018 was referred to the Joint Body as written.

Chairman Isenberg expressed concerns under Section 5.50.020 should there be a failure to wire designated areas.

By consensus, Section 5.50.020 was forwarded to the Joint Body as written.

Member Pope questioned the right of use of SMUD poles in relation to Section 5.50.022.

By consensus, Section 5.50.022 was referred to the Joint Body as written.

By consensus, Section 5.50.024 was referred to the Joint Body as written with no comments.

Joe Gray questioned if there was an amendment proposed to Section 5.50.026.

Lee Elam responded that there was; but it was not a substantial change, that there were several such changes to the ordinance which would be prepared and underlined for review at a later date.

By consensus, Section 5.50.026 was forwarded to the Joint Body as written.

Suzanne Wood addressed the subcommittee regarding Article XI under Section 5.50.028.

By consensus, Section 5.50.028 was referred to the Joint Body as written.

By consensus, Sections 5.50.030 through 5.50.048 were referred to the Joint Body without comment.

John Diepenbrock questioned, in discussion of Section 5.50.050, compensation to operators.

Lee Elam responded that the subject would be discussed in Chapter 3.

By consensus, Section 5.50.050 was forwarded to the Joint Body as written.

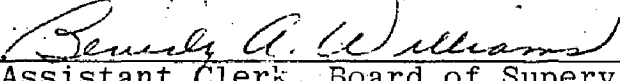
STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS MINUTES _____ 19____

By consensus, Section 5.50.052 was forwarded to the Joint Body without comment.

The subcommittee adjourned to Wednesday, October 28, 1981, at 6:30 p.m.

A T T E S T


Assistant Clerk, Board of Supervisors