

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS MINUTES September 30, 19 81

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The Subcommittee for Cable Television met this thirtieth day of September, 1981, at four o'clock p.m.

Members Present: Collin, Connelly, Isenberg, Pope, Sheedy
Members Absent: None

MANDATED SERVICE AREA

Bill Freeman, Assistant County Executive, presented the staff recommendations.

Member Isenberg asked if there had been any major objections to the mandated service area or the inclusion of Galt.

Bill Freeman answered that generally there had been no objection.

Lee Elam, County Counsel, outlined the concerns of the operators.

Member Connelly questioned the financial data, requested actual cost subsidy figures for the inclusion of Galt, and questioned staff's recommendation No. 3.

In response to a question concerning the written comments of Greater Sacramento Cable, Lee Elam indicated that the staff recommendations did not violate Sherman Anti-Trust laws.

Member Connelly moved to approve staff's recommendations No. 1 and 2 on the supplemental report, seconded by Member Sheedy and the motion carried without objection.

Member Pope questioned the term "minor modifications" in Recommendation No. 1.

Bill Freeman pointed out on a map some small subdivisions lying outside the mandated area which staff wished to look at for possible inclusion.

Member Connelly moved not to adopt Recommendation No. 3 of the supplemental staff report and specifically state there would be no solicitation or entertainment of bids for service outside the mandated area and outside Galt, seconded by Member Sheedy and the following votes were cast: AYES: Members Collin, Connelly, Isenberg, Sheedy; NOES: Member Pope

RESOURCE ALLOCATIONS FOR COMMUNITY ACCESS

Bill Freeman presented the staff report and recommendations.

Member Connelly discussed the recommendations.

James Jackson, City Attorney, outlined staff's concerns.

Member Isenberg spoke to obtaining control through the writing of specific standards.

Lee Elam outlined the options available to the Joint Bodies.

James Jackson stated it was a policy decision for the Joint Bodies, and staff would then write the criteria.

Member Collin felt the Governing Body should set some guidelines.

Member Connelly expressed the doubt that in fact such guidelines could be written, but would like to look at the language incorporated in an attempt.

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Member Pope spoke on revisions to Recommendation No. 2 of the staff report.

Member Connelly requested a flow chart breaking down the franchise fee to show who gets what portion of money.

Member Connelly moved to approve staff's Recommendation Nos. 1 and 3 and directed staff to come back with more specific language, seconded by Member Pope and carried by the unanimous vote of those present.

Member Pope moved to amend Recommendation No. 2 to read, "K through 16" and direct staff to add wording for specific priorities that would include allowances for educational functions such as KVIE.

There was no second to the motion.

Member Collin moved to amend Recommendation No. 2 to include the Educational Consortium and KVIE, seconded by Member Pope and the following votes were cast: AYES: Members Collin and Pope; NOES: Members Connelly, Isenberg and Sheedy.

The motion failed.

Member Isenberg suggested applicants address the general concerns of the Joint Bodies, but no specific groups be set forth in the language.

Member Pope moved to direct staff to come back with a better memo on priorities including some of the things discussed, seconded by Member Collin and the following votes were cast: AYES: Members Collin, Pope and Sheedy; NOES: Members Connelly and Isenberg.

Member Collin stated she would like to find out how other communities managed to get resources for community use.

Member Pope suggested the language set forth some priorities and state that the bid that includes these priorities will be looked upon favorably.

Member Isenberg suggested staff Recommendation No. 4 be taken out.

Member Pope supported staff Recommendation No. 4.

Member Connelly mentioned a communication from KVIE and requested that discussion of it be put on the agenda at the time the other referred items come back.

Lee Elam stated it would be on the agenda and staff would respond to it.

PREVAILING WAGE RATES

Member Collin questioned how one would determine if the language applied to them.

Lee Elam stated the ordinance pretty clearly deals with hardware and not the operation of studios, programming, office or management work.

Member Collin brought up concerns of subdividers undergrounding utilities with a TV cable in a common trench.

Lee Elam stated if there was a contract it would apply to those laying the cable.

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Member Pope asked how the prevailing wage was set.

Lee Elam replied that the Board of Directors of the Commission would hire an independent expert to study annually the working rate of workers involved in the functions in the ten most populous areas. The cost of the study will be paid by the operator and the operator will have to pay those rates.

Member Connelly asked if where State prevailing rates were available they would be used.

Lee Elam stated the State's prevailing wage rates were for public works projects; that there were functions peculiar to cable TV not covered by State wage rates and to use those available from the State and develop others for those not covered was not feasible; that the ordinance had been written to say no work is comparable to work done in the cable TV industry.

Member Connelly moved to approve staff recommendations and direct staff to come back and define the section more specifically, seconded by Member Pope and carried by the unanimous vote of those present.

The Subcommittee directed staff to contact Paul Stewart of the Building Industry Association to see what their objections are and to report back next week.

SELECTION OF FRANCHISE

Member Isenberg stated his objections to the written voting in the selection process.

Member Connelly discussed ending the process after the first balloting.

Member Isenberg suggested a process wherein each member of the Joint Body would be required to verbally express an interest in a particular operator and each successive request for an expression of interest would require more votes to keep that operator in the balloting.

Member Connelly questioned the section of the process allowing "abstain" votes.

Lee Elam explained the balloting process and the reasoning for the section allowing for votes to abstain.

Member Isenberg expressed the view that the process was cumbersome and would not be understood.

Member Sheedy moved to approve the selection process as outlined in the County Counsel's report dated September 25, 1981, amending the process so that it is all done in one meeting, seconded by Member Collin and the following votes were cast: AYES: Members Collin, Pope and Sheedy; NOES: Members Connelly and Isenberg

The Subcommittee discussed the process after the Requests for Proposals are all submitted.

Member Collin discussed taking the RFP process to the Joint Body.

Member Pope suggested that preliminary hearings should be before the Subcommittee.

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Member Isenberg favored preliminary hearings before the Subcommittee.

Member Sheedy agreed with that proposal.

The Subcommittee directed staff to prepare agendas for preliminary hearings before the Subcommittee, and notify operators and all concerned to be at those hearings.

Member Isenberg expressed the view that no new proposals should be brought up when the RFP's are brought to the Joint Body for consideration.

James Jackson stated he would like to see the preliminary hearings completed early enough to get the matter before the Joint Body in time for them to act prior to November 24th.

The Subcommittee directed staff to prepare the draft ordinance in sufficient time for it to be reviewed by all concerned before the hearings.

Meeting adjourned.

A T T E S T

Beverly A. Williams

ASSISTANT CLERK, BOARD OF SUPERVISORS