

# NORTH METRO TELECOMMUNICATIONS COMMISSION MEETING

April 15, 2020

6:00 p.m.

SPRING LAKE PARK CITY OFFICES

1301 81<sup>ST</sup> Avenue NE

MEETING WILL BE HELD VIA VIDEO/PHONE CONFERENCE. A LINK TO THE VIDEO/PHONE CONFERENCE  
WILL BE PROVIDED VIA EMAIL AND BE AVAILABLE ON THE NMTV WEBSITE.

## AGENDA

1. Call to Order/Roll Call
2. Public Comments
3. Approval of the Agenda
4. Consent Agenda [pp. 1-24](#)
  - a. Minutes of regular meeting of February 19, 2020
  - b. February and March financial reports and bill lists
  - c. Minutes of Operations Committee meeting of March 3 and 31, 2020
  - d. Minutes of Executive Committee meeting of March 4 and April 1, 2020
5. Executive Director Report
  - a. Monthly Update [pp. 25-33](#)
  - b. Resolution Supporting the Protection of Community Television Act [pp. 34-48](#)
6. Legal Counsel Report
  - a. Joint Powers Agreement Update [pp.49-63](#)
  - b. Cable Franchising Order and Coalition Appeal [pp.64-68](#)
  - c. Addressing 2017 CenturyLink Franchise Violation Notices [p. 69](#)
  - d. Comcast Franchise and PEG Fee Report Update
7. Old Business
8. New Business
  - a. Insurance Liability Coverage Waiver [p. 70](#)
9. Recommended Reading [pp. 71-80](#)
10. Community Calendar
  - A. Next Meeting Dates:
    - a. Operations Committee – May 5, 2020
    - b. Executive Committee – May 6, 2020
    - c. Cable Commission – May 20, 2020
11. Adjournment

# **NORTH METRO TELECOMMUNICATIONS COMMISSION**

## **UNAPPROVED MINUTES**

### **Commission Meeting – February 19, 2020**

#### **CALL TO ORDER**

Chair D. Stoesz called the regular meeting of the North Metro Telecommunications Commission to order at 6:00 p.m. at the Spring Lake Park city offices.

#### **ROLL CALL**

##### **Directors Present:**

Dick Swanson; Blaine, Matt Montain; Centerville, Brandon Winge; Lexington, Steve McChesney; Circle Pines; Bob Nelson; Spring Lake Park, Dale Stoesz; Lino Lakes

##### **Directors Absent:**

Brian Kirkham; Ham Lake

##### **Others Present:**

Heidi Arnson; Executive Director, Mike Bradley; Legal Counsel

#### **PUBLIC COMMENT**

There was no public comment.

#### **APPROVAL OF THE AGENDA**

The February 19, 2020 North Metro Telecommunications Committee meeting agenda was approved as presented. **Motion for approval made by M. Montain. Second, S. McChesney. Motion passed unanimously.**

#### **CONSENT AGENDA**

- **Minutes, Bill List, Financial Reports**

The November 20, 2019 NMTC meeting minutes, the February 5th, 2020 Executive Committee meeting minutes, the February 4<sup>th</sup>, 2020 Operations Committee meeting minutes, and the November, December and January bill lists and financial reports were approved as presented. **Motion for approval made by S. Swanson. Second, M. Montain. Motion passed unanimously.**

#### **REPORT OF EXECUTIVE DIRECTOR**

H. Arnson reported on the following items:

- The Sports Department promoted #CATCLASH week, which consisted of five basketball and hockey games played only between Blaine, Centennial, and Spring Lake Park. The teams are called the Panthers, Bengals, and Cougars, which is what inspired the term CATCLASH.
- The Lecture Series remains popular. Two of the largest classes to date were taught in January. New classes have been created, including "The Birth of Animation" and "Hollywood Goes to the Dogs." The classes are free to organizations within the Member Cities, and available to other entities for a fee.
- John Schoolmeesters is the new NMTV Studio Assistant. He is a University of Minnesota graduate with a degree in Media Production. His primary responsibilities include assisting the public with productions, transferring home movies and pictures to DVD, and monitoring and processing city meetings.
- The Executive Committee started working on updates to the Joint Powers Agreement at their February meeting. The recommended changes would remove language that no longer applies, give the Commission more flexibility regarding who can join the Commission, and more control over how fees can be spent. The group also discussed possible changes to the voting structure. The matter will be discussed further at the March meetings.
- Fourth quarter franchise and PEG fee reports were received. Fees were down slightly from the previous quarter, but not significantly.
- A table outlining the division of the 2019 franchise fees being returned to Cities was reviewed. A formula determining city revenue as a percentage of gross revenue was used to determine fees to be returned to each City.

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**MOTION:** To approve disbursement of the 2019 franchise fees, retained by the Member Cities, as presented in the disbursement materials. . **Motion made by M. Montain. Second, B. Nelson. Motion approved.**

- The Operations Committee has requested that NMTV assume responsibility for recording city meetings. Staff has developed a tentative plan for transitioning into that service. Freelancers will be hired to record meetings, with current full and part-time staff serving as back-up whenever necessary. Interviews are underway for freelancers, and staff is undergoing training at each city hall. Some cities want to start right away. Others would like to move more slowly. Because the service wasn't budgeted for 2020, cities utilizing NMTV freelancers for meeting coverage this year will be billed for the expense. If approved by the all of the member cities, the service will be included in the 2021 budget. A pay range of \$16 per hour with a three hour minimum was recommended and approved by the Operations Committee.

### **REPORT OF LEGAL COUNSEL**

M. Bradley reported on the following items:

- There are two pieces of legislation the Commission should be aware of, that are important for local governments. The first is The Protecting Community Television Act. It would essentially roll back the FCC Order regarding franchise fees that is currently being appealed. The League of Minnesota Cities has reached out to the Congressional delegation asking for support of this bill.
- The second bill, Restoring Local Control Over Public Infrastructure Act, would roll back Small Cell Orders that were issued by the FCC. The League of Minnesota Cities has reached out to the Congressional delegation regarding support of this bill as well.

### **OLD BUSINESS**

The following old business was presented:

- M. Bradley gave an update on the Comcast Franchise and PEG Fee Review. A meeting took place in December that included Ashpaugh & Sculco, high level Comcast representatives, the participating LFAs and Legal Counsel. Comcast and Ashpaugh & Sculco reviewed the reports and explained how each one came to their conclusions. It was recommended that the Commission continue discussions with Comcast regarding the matter.

**MOTION:** To continue discussions with Comcast regarding the Franchise Fee and PEG Fee Review. **Motion made by B. Nelson. Second, S. McChesney. Motion approved.**

- M. Bradley provided an update on the status of the Motion for Stay and Appeal of the FCC's Third Order and Report. The Court wants to hear oral arguments regarding the Motion for Stay, which is unusual. The oral arguments are scheduled for early March. Briefing in the Appeal is expected to be done by Second Quarter 2020.

### **NEW BUSINESS**

- M. Bradley gave an update on the status of the lawsuit filed by the Attorney General against CenturyLink for allegedly violating the Fair Trade Practices Act. The Commission had issued a franchise violation notice to CenturyLink as a result. A settlement has been reached in the matter. The Commission must decide what to do with the violation notice. He recommended that the

Commission talk with CenturyLink to reach an agreement and bring final resolution to the issue.

**MOTION:** Meet with CenturyLink to reach an agreement and resolution regarding the Notice of Franchise Violations . **Motion made by B. Nelson. Second, M. Montain. Motion approved.**

- Recommendations were made for members of the 2020 Executive Committee. Dick Swanson, Matt Montain, Dale Stoesz and Bob Nelson indicated a willingness to serve. The opportunity to serve on the Committee was opened to the group. No one else indicated a desire to be on the Executive Committee.

**MOTION:** To approve Dale Stoesz as the Chair, Dick Swanson as the Vice Chair, Bob Nelson as the Treasurer, and Matt Montain as the Secretary of the 2020 Cable Commission. **Motion made by D. Swanson. Second, M. Montain. Motion approved.**

#### **COMMUNITY CALENDAR**

Upcoming meetings include:

1. The Operations Committee on March 3, 2020
2. The Executive Committee on March 4, 2020
3. The Cable Commission on March 18, 2020

#### **ADJOURN**

The meeting was adjourned at 6:27 p.m. **The motion to adjourn was made by M. Montain. Second, S. McChesney. Motion approved.**

The next meeting of the NMTC will be held on **Wednesday, March 18, 2020 at 6:00 p.m.** at the city offices of Spring Lake Park.

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Matt Montain; Secretary, NMTC

**NORTH METRO TELECOMMUNICATION  
BILL LIST**

FEBRUARY 2020

| <b>Date</b>   | <b>Check #</b> | <b>Payee</b>                  | <b>Amount</b>     |   |
|---------------|----------------|-------------------------------|-------------------|---|
| FEBRUARY      | COMBINED       | PAYROLL                       | 44,466.52         | <b>WAGES</b>                                |
| FEBRUARY      | COMBINED       | IRS/US PAYABLE                | 14,173.36         | <b>WAGES</b>                                |
| FEBRUARY      | COMBINED       | MN REVENUE PAYABLE            | 2,283.43          | <b>WAGES</b>                                |
| FEBRUARY      | COMBINED       | PERA PAYABLE                  | 7,622.09          | <b>WAGES</b>                                |
| FEBRUARY      | COMBINED       | PEACHTREE                     | 40.80             | <b>MONTHLY SERVICE</b>                      |
| FEBRUARY      | COMBINED       | DISCOVERY BENEFITS            | 1,062.50          | <b>HEALTH SAVINGS EMPLOYEE</b>              |
| 13633         | 2/5/20         | Abigail Swoap                 | 500.00            | <b>STIPEND</b>                              |
| 13634         | 2/5/20         | Richard D. Larson             | 18.75             | <b>EXPENSES</b>                             |
| 13635         | 2/5/20         | Richard D. Larson             | 395.00            | <b>JANITORIAL/MAINTENANCE</b>               |
| 13636         | 2/16/20        | Jeremy Millington             | 28.35             | <b>EXPENSES</b>                             |
| 13637         | 2/16/20        | Grass Hopper Lawn & Snow      | 525.00            | <b>BUILDING MAINTENANCE</b>                 |
| 13638         | 2/16/20        | Nat. Assn Officers & Advisors | 2,130.00          | <b>ANNUAL MEMBERSHIP</b>                    |
| 13639         | 2/16/20        | Corporate Mechanical          | 3,846.00          | <b>BUILDING MAINTENANCE-AC UNIT FAILURE</b> |
| 13640         | 2/16/20        | Z Systems                     | 5,982.52          | <b>MAINTENANCE CONTRACTS-STUDIO</b>         |
| 13641         | 2/20/20        | City of Blaine                | 221,380.36        | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13642         | 2/20/20        | City of Centerville           | 13,722.20         | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13643         | 2/20/20        | City of Circle Pines          | 17,956.28         | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13644         | 2/20/20        | City of Ham Lake              | 54,335.60         | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13645         | 2/20/20        | City of Lexington             | 6,430.56          | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13646         | 2/20/20        | City of Lino Lakes            | 64,159.48         | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13647         | 2/20/20        | City of Spring Lake Park      | 22,015.51         | <b>2019 FRANCHISE FEE DISBURSEMENTS</b>     |
| 13648         | 2/21/20        | Emma J. Helmer                | 500.00            | <b>STIPEND</b>                              |
| 13649         | 2/21/20        | Floyd Security / SRSI         | 691.97            | <b>BUILDING MAINTENANCE-TEMP MODULE</b>     |
| EFILE         | 2/1/20         | Authorize.Net                 | 33.99             | <b>MONTHLY SERVICE</b>                      |
| EFILE         | 2/9/20         | Chase Visa Card Services      | 3,910.31          | <b>VIDEO EDITING SYSTEM</b>                 |
| EFILE         | 2/9/20         | Chase Visa Card Services      | 1,834.87          | <b>OS/SFTWR/TECH/STUDIO/MEDIA/VIDEO</b>     |
| EFILE         | 2/1/20         | Virtual Merchant Credit Card  | 10.00             | <b>MONTHLY SERVICE</b>                      |
| EPAY-01       | 2/1/20         | Principal Financial Group     | 487.85            | <b>MONTHLY SERVICE</b>                      |
| EPAY-02       | 2/2/20         | POPP TELECOM                  | 211.96            | <b>MONTHLY SERVICE</b>                      |
| EPAY-03       | 2/3/20         | Comcast                       | 288.06            | <b>MONTHLY SERVICE</b>                      |
| EPAY-04       | 2/3/20         | T-Mobile                      | 102.16            | <b>MONTHLY SERVICE</b>                      |
| EPAY-05       | 2/4/20         | Speedway                      | 37.30             | <b>GAS/OIL</b>                              |
| EPAY-06       | 2/7/20         | Holiday Station Stores        | 81.68             | <b>GAS/OIL</b>                              |
| EPAY-07       | 2/8/20         | Floyd Security / SRSI         | 134.55            | <b>QUARTERLY CONTRACT</b>                   |
| EPAY-08       | 2/12/20        | AT&T Wireless                 | 427.47            | <b>MONTHLY SERVICE</b>                      |
| EPAY-09       | 2/14/20        | Republic Services             | 184.61            | <b>MONTHLY SERVICE</b>                      |
| EPAY-10       | 2/15/20        | CenterPoint Energy            | 409.89            | <b>MONTHLY SERVICE</b>                      |
| EPAY-11       | 2/15/20        | Comcast Business 200M/200M    | 1,074.66          | <b>MONTHLY SERVICE</b>                      |
| EPAY-12       | 2/15/20        | U.S. Bank Card Service        | 196.48            | <b>SPMTG/TECH/POSTAGE</b>                   |
| EPAY-13       | 2/22/20        | HealthPartners                | 11,876.04         | <b>HEALTH/DENTAL</b>                        |
| EPAY-14       | 2/26/20        | City of Blaine-utilities      | 70.16             | <b>MONTHLY SERVICE</b>                      |
| EPAY-15       | 2/26/20        | Connexus Energy               | 2,017.63          | <b>MONTHLY SERVICE</b>                      |
| JAN SALES TAX | 2/15/20        | MN Dept. of Revenue           | 31.00             | <b>SALES TAX</b>                            |
|               |                |                               | <b>507,686.95</b> |   |

# North Metro Telecommunications Commission

Balance Sheet  
February 29, 2020

## **ASSETS**

### Current Assets

|                          |                 |              |
|--------------------------|-----------------|--------------|
| Cash - Checking Account  | \$ 2,374,978.33 |              |
| Petty Cash               | 150.00          |              |
| A/R - NMTC               | 198,975.72      |              |
| Prepaid Insurance - NMTC | 11,811.46       |              |
|                          |                 |              |
| Total Current Assets     |                 | 2,585,915.51 |

### Property and Equipment

|                              |                |              |
|------------------------------|----------------|--------------|
| Office Equipment - NMTC      | 1,309,645.37   |              |
| Accum Deprec - NMTC          | (2,357,998.14) |              |
| Bond Equipment 2016          | 1,985,000.00   |              |
| Building-Polk/125            | 1,572,799.17   |              |
| Land-Polk/125                | 225,700.00     |              |
|                              |                |              |
| Total Property and Equipment |                | 2,735,146.40 |

### Other Assets

|                              |           |           |
|------------------------------|-----------|-----------|
| Deferred Out Related/Pension | 94,521.00 |           |
|                              |           |           |
| Total Other Assets           |           | 94,521.00 |

|              |    |                     |
|--------------|----|---------------------|
| Total Assets | \$ | <u>5,415,582.91</u> |
|--------------|----|---------------------|

## **LIABILITIES AND CAPITAL**

### Current Liabilities

|                                |              |              |
|--------------------------------|--------------|--------------|
| A/P - NMTC                     | \$ 10,516.25 |              |
| Accrued Payroll Taxes & W/H's  | 449.54       |              |
| PERA - CORRECTIONS             | 310.09       |              |
| Garnished Wages                | 86.40        |              |
| Garnished Wages                | (86.40)      |              |
| PERA PAYABLE - PRIOR           | (3,371.42)   |              |
| Accrued Vacation               | 91,062.49    |              |
| Accrued Wages                  | 22,540.20    |              |
| Franchise Fee App              | 935,484.87   |              |
| Due to City of Blaine          | 659,785.00   |              |
| Due to City of Centerville     | 40,915.00    |              |
| Due to City of Circle Pines    | 58,677.00    |              |
| Due to City of Ham Lake        | 171,010.00   |              |
| Due to City of Lexington       | 21,927.00    |              |
| Due to City of Lino Lakes      | 202,125.00   |              |
| Due to City of Spring Lake Par | 70,560.00    |              |
| Deferred In Related/Pension    | 148,635.00   |              |
|                                |              |              |
| Total Current Liabilities      |              | 2,430,626.02 |

### Long-Term Liabilities

|                             |            |            |
|-----------------------------|------------|------------|
| Net Pension Liability       | 543,664.00 |            |
|                             |            |            |
| Total Long-Term Liabilities |            | 543,664.00 |

|                   |  |              |
|-------------------|--|--------------|
| Total Liabilities |  | 2,974,290.02 |
|-------------------|--|--------------|

### Capital

|                        |              |              |
|------------------------|--------------|--------------|
| Net Equity             | 349,817.59   |              |
| Net Equity - Media Ctr | (206,243.34) |              |
| Net Equity - NMTC      | 2,517,656.37 |              |
| Net Income             | (219,937.73) |              |
|                        |              |              |
| Total Capital          |              | 2,441,292.89 |

|                             |    |                     |
|-----------------------------|----|---------------------|
| Total Liabilities & Capital | \$ | <u>5,415,582.91</u> |
|-----------------------------|----|---------------------|

# North Metro Telecommunications Comm

## Cash Receipts Journal

For the Period From Feb 1, 2020 to Feb 29, 2020

| Date    | Transaction Ref     | Line Description   | Debit Amnt         | Credit Amnt     |
|---------|---------------------|--|--------------------|-----------------|
| 2/10/20 | TAPE DUBS-CHECKS    | TAPE DUBS-CHECKS<br>Miscellaneous receipts                           | 188.00             | 188.00          |
| 2/10/20 | DRONE PRODUCTION    | DRONE PRODUCTION-TJ-MSMA<br>Miscellaneous receipts                   | 500.00             | 500.00          |
| 2/10/20 | STUDIO TOUR         | STUDIO TOUR<br>Miscellaneous receipts                                | 150.00             | 150.00          |
| 2/21/20 | TAPE DUBS-CASH      | TAPE DUBS-CASH<br>Miscellaneous receipts                             | 196.00             | 196.00          |
| 2/21/20 | TAPE DUBS-CHECKS    | TAPE DUBS-CHECKS<br>Miscellaneous receipts                           | 140.00             | 140.00          |
| 2/26/20 | FEB CC SALES-SQUARE | FEB CC SALES-SQUARE<br>FEB CC SALES-SQUARE-FEES<br>Credit Card Sales | 118.26<br>3,341.74 | 3,460.00        |
| 2/27/20 | FEB CC SALES-AUTH   | FEB CC SALES-AUTH<br>FEB CC SALES-AUTH-FEES<br>Credit Card Sales     | 0.58<br>19.42      | 20.00           |
| 2/28/20 | FEB CC SALES-AUTH   | FEB CC SALES-AUTH<br>FEB CC SALES-AUTH-FEES<br>Credit Card Sales     | 0.58<br>19.42      | 20.00           |
| 2/29/20 | INTEREST            | INTEREST<br>INTEREST - COMMISSION                                    | 2,818.12           | 2,818.12        |
|         |                     |  | <b>7,492.12</b>    | <b>7,492.12</b> |



# North Metro Telecommunications Comm

## Check Register

For the Period From Feb 1, 2020 to Feb 29, 2020

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

| Check #       | Date    | Payee                        | Amount   |
|---------------|---------|------------------------------|----------|
| EFILE         | 2/1/20  | Authorize.Net                | 33.99    |
| EFILE         | 2/1/20  | Virtual Merchant Credit Card | 10.00    |
| EPAY-01       | 2/1/20  | Principal Financial Group    | 487.85   |
| EPAY-02       | 2/2/20  | POPP TELECOM                 | 211.96   |
| EPAY-04       | 2/3/20  | T-Mobile                     | 102.16   |
| EPAY-03       | 2/3/20  | Comcast                      | 288.06   |
| EPAY-05       | 2/4/20  | Speedway                     | 37.30    |
| 13633         | 2/5/20  | Abigail Swoap                | 500.00   |
| 13634         | 2/5/20  | Richard D. Larson            | 18.75    |
| 13635         | 2/5/20  | Richard D. Larson            | 395.00   |
| EPAY-06       | 2/7/20  | Holiday Station Stores       | 81.68    |
| EPAY-07       | 2/8/20  | Floyd Security / SRSI        | 134.55   |
| EFILE         | 2/9/20  | Chase Visa Card Services     | 3,910.31 |
| EFILE         | 2/9/20  | Chase Visa Card Services     | 1,834.87 |
| EFILE         | 2/12/20 | Discovery Benefits           | 520.00   |
| EPAY-08       | 2/12/20 | AT&T Wireless                | 427.47   |
| PEACH         | 2/14/20 | Peachtree/Sage Software      | 20.40    |
| EFILE         | 2/14/20 | MN Dept. of Revenue          | 1,086.60 |
| EFILE         | 2/14/20 | Public Employees Retirement  | 3,611.29 |
| EFILE         | 2/14/20 | IRS/US BANK                  | 6,159.58 |
| EPAY-09       | 2/14/20 | Republic Services            | 184.61   |
| EPAY-10       | 2/15/20 | CenterPoint Energy           | 409.89   |
| JAN SALES TAX | 2/15/20 | MN Dept. of Revenue          | 31.00    |
| EPAY-12       | 2/15/20 | U.S. Bank Card Service       | 196.48   |
| EPAY-11       | 2/15/20 | Comcast Business 200M/200M   | 1,074.66 |
| 13636         | 2/16/20 | Jeremy Millington            | 28.35    |
| 13637         | 2/16/20 | Grass Hopper Lawn & Snow     | 525.00   |
| 13639         | 2/16/20 | Corporate Mechanical         | 3,846.00 |
| 13640         | 2/16/20 | Z Systems                    | 5,982.52 |

# North Metro Telecommunications Comm

## Check Register

For the Period From Feb 1, 2020 to Feb 29, 2020

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

| Check #      | Date    | Payee                         | Amount                   |
|--------------|---------|-------------------------------|--------------------------|
| 13638        | 2/16/20 | Nat. Assn Officers & Advisors | 2,130.00                 |
| 13641        | 2/20/20 | City of Blaine                | 221,380.36               |
| 13642        | 2/20/20 | City of Centerville           | 13,722.20                |
| 13643        | 2/20/20 | City of Circle Pines          | 17,956.28                |
| 13644        | 2/20/20 | City of Ham Lake              | 54,335.60                |
| 13645        | 2/20/20 | City of Lexington             | 6,430.56                 |
| 13646        | 2/20/20 | City of Lino Lakes            | 64,159.48                |
| 13647        | 2/20/20 | City of Spring Lake Park      | 22,015.51                |
| 13648        | 2/21/20 | Emma J. Helmer                | 500.00                   |
| 13649        | 2/21/20 | Floyd Security / SRSI         | 691.97                   |
| EPAY-13      | 2/22/20 | HealthPartners                | 11,876.04                |
| EFILE        | 2/25/20 | Discovery Benefits            | 22.50                    |
| EPAY-14      | 2/26/20 | City of Blaine-utilities      | 70.16                    |
| EPAY-15      | 2/26/20 | Connexus Energy               | 2,017.63                 |
| EFILE        | 2/26/20 | Discovery Benefits            | 520.00                   |
| PEACH        | 2/28/20 | Peachtree/Sage Software       | 20.40                    |
| EFILE        | 2/28/20 | MN Dept. of Revenue           | 1,086.60                 |
| EFILE        | 2/28/20 | Public Employees Retirement   | 3,611.29                 |
| EFILE        | 2/28/20 | IRS/US BANK                   | 6,159.58                 |
| EFILE        | 2/29/20 | Public Employees Retirement   | 399.51                   |
| EFILE        | 2/29/20 | MN Dept. of Revenue           | 110.23                   |
| EFILE        | 2/29/20 | IRS/US BANK                   | 1,854.20                 |
| <b>Total</b> |         |                               | <b><u>463,220.43</u></b> |

# North Metro Telecommunications Comm

## General Journal

For the Period From Feb 1, 2020 to Feb 29, 2020

| Date    | Reference            | Trans Description                              | Debit Amt         | Credit Amt        |
|---------|----------------------|--|-------------------|-------------------|
| 2/1/20  | ACCRUED VAC/COM/SICK | ACCRUED VAC/COMP/SICK<br>ACCRUED VAC/COMP/SICK | 87,312.50         | 87,312.50         |
| 2/1/20  | ACCRUED WAGES        | ACCRUED WAGES<br>ACCRUED WAGES                 | 12,897.40         | 12,897.40         |
| 2/29/20 | ACCRUED DEPRECIATION | ACCRUED DEPRECIATION<br>ACCRUED DEPRECIATION   | 12,900.00         | 12,900.00         |
| 2/29/20 | ACCRUED VAC/COM/SICK | ACCRUED VAC/COMP/SICK<br>ACCRUED VAC/COMP/SICK | 91,062.49         | 91,062.49         |
| 2/29/20 | ACCRUED WAGES        | ACCRUED WAGES<br>ACCRUED WAGES                 | 12,897.40         | 12,897.40         |
|         | <b>Total</b>         |  | <b>217,069.79</b> | <b>217,069.79</b> |

**NORTH METRO TELECOMMUNICATION  
BILL LIST**

**MARCH 2020**

| <b>Date</b>   | <b>Check #</b> | <b>Payee</b>                 | <b>Amount</b> |                                 |
|---------------|----------------|------------------------------|---------------|---------------------------------|
| MARCH         | COMBINED       | PAYROLL                      | 38,460.86     | WAGES                           |
| MARCH         | COMBINED       | IRS/US PAYABLE               | 12,812.33     | WAGES                           |
| MARCH         | COMBINED       | MN REVENUE PAYABLE           | 2,171.60      | WAGES                           |
| MARCH         | COMBINED       | PERA PAYABLE                 | 7,298.09      | WAGES                           |
| MARCH         | COMBINED       | PEACHTREE                    | 42.50         | MONTHLY SERVICE                 |
| MARCH         | COMBINED       | DISCOVERY BENEFITS           | 1,062.50      | HEALTH SAVINGS EMPLOYEE         |
| 13650         | 3/2/20         | Grass Valley USA, LLC        | 8,655.00      | MAINTENANCE K2-CONTRACTS        |
| 13651         | 3/2/20         | Bradley Law, LLC             | 12,668.75     | LEGAL/GENERAL                   |
| 13652         | 3/3/20         | Jeremy Millington            | 25.76         | EXPENSES                        |
| 13653         | 3/3/20         | Heidi Arnsen                 | 130.56        | EXPENSES                        |
| 13654         | 3/3/20         | DVS RENEWAL                  | 144.25        | FORD-2013 LICENSE               |
| 13655         | 3/5/20         | Richard D. Larson            | 334.75        | JANITORIAL/MAINTENANCE          |
| 13656         | 3/5/20         | Rick Larson                  | 8.78          | SUPPLIES                        |
| 13657         | 3/5/20         | Print Central                | 155.41        | ADVERTISING/MARKETING           |
| 13658         | 3/5/20         | B Harris, Inc.               | 450.00        | MONTHLY SERVICE                 |
| 13659         | 3/5/20         | Matthew Waldron              | 54.98         | TECH SUPPLIES                   |
| 13660         | 3/9/20         | Rusty S. Ray                 | 41.57         | EXPENSES                        |
| 13661         | 3/9/20         | Michele J. Silvester         | 107.53        | EXPENSES                        |
| 13662         | 3/9/20         | Grass Hopper Lawn & Snow     | 350.00        | MONTHLY SERVICE                 |
| 13663         | 3/16/20        | Matthew Waldron              | 55.30         | TECH SUPPLIES                   |
| 13664         | 3/16/20        | Rick Larson                  | 17.72         | SUPPLIES                        |
| 13665         | 3/16/20        | MN Assoc Comm Tele Admin     | 2,625.00      | ANNUAL MEMBERSHIP               |
| 13666         | 3/16/20        | Corporate Mechanical         | 656.65        | GARAGE HEATER FAILURE           |
| 13667         | 3/18/20        | Dale K. Stoesz               | 135.00        | 1ST QUARTER PERDIEM             |
| 13668         | 3/18/20        | Matt Montain                 | 135.00        | 1ST QUARTER PERDIEM             |
| 13669         | 3/18/20        | Steve McChesney              | 135.00        | 1ST QUARTER PERDIEM             |
| 13670         | 3/18/20        | Brian Kirkham                | 135.00        | 1ST QUARTER PERDIEM             |
| 13671         | 3/18/20        | Brandon Winge                | 135.00        | 1ST QUARTER PERDIEM             |
| 13672         | 3/18/20        | Robert Nelson                | 135.00        | 1ST QUARTER PERDIEM             |
| EFILE         | 3/1/20         | Authorize.Net                | 34.59         | MONTHLY SERVICE                 |
| EFILE         | 3/6/20         | Chase Visa Card Services     | 2,833.62      | OS/OE/SFTWR/BZYWEB/FLOYD/STUDIO |
| EFILE         | 3/1/20         | Virtual Merchant Credit Card | 10.00         | MONTHLY SERVICE                 |
| EFILE         | 3/18/20        | Sage Checks and Forms        | 143.18        | CHECKS                          |
| EPAY-01       | 3/1/20         | Principal Financial Group    | 487.85        | STD/LTD/LIFE/ADD                |
| EPAY-02       | 3/2/20         | POPP TELECOM                 | 211.96        | MONTHLY SERVICE                 |
| EPAY-03       | 3/3/20         | Comcast                      | 289.67        | MONTHLY SERVICE                 |
| EPAY-04       | 3/3/20         | T-Mobile                     | 102.16        | MONTHLY SERVICE                 |
| EPAY-05       | 3/4/20         | Speedway                     | 85.84         | GAS/OIL                         |
| EPAY-06       | 3/7/20         | Holiday Station Stores       | 228.44        | GAS/OIL                         |
| EPAY-07       | 3/12/20        | AT&T Wireless                | 427.47        | MONTHLY SERVICE                 |
| EPAY-08       | 3/14/20        | Republic Services            | 184.00        | MONTHLY SERVICE                 |
| EPAY-09       | 3/15/20        | CenterPoint Energy           | 444.10        | MONTHLY SERVICE                 |
| EPAY-10       | 3/15/20        | Comcast Business 200M/200M   | 1,074.66      | MONTHLY SERVICE                 |
| EPAY-11       | 3/17/20        | U.S. Bank Card Service       | 536.68        | SPMTG/OS/POSTAGE/ADVER/FLEX     |
| EPAY-12       | 3/22/20        | HealthPartners               | 11,058.62     | HEALTH/DENTAL                   |
| EPAY-13       | 3/26/20        | City of Blaine-utilities     | 69.91         | MONTHLY SERVICE                 |
| EPAY-14       | 3/26/20        | Connexus Energy              | 1,920.35      | MONTHLY SERVICE                 |
| EPAY-P01      | 3/18/20        | Richard R. Swanson           | 135.00        | 1ST QUARTER PERDIEM             |
| FEB SALES TAX | 3/15/20        | MN Dept. of Revenue          | 268.00        | SALES TAX                       |

**109,685.99**

# North Metro Telecommunications Commission

## Balance Sheet

March 31, 2020

### ASSETS

#### Current Assets

|                          |    |              |
|--------------------------|----|--------------|
| Cash - Checking Account  | \$ | 2,268,995.77 |
| Petty Cash               |    | 150.00       |
| A/R - NMTC               |    | 198,975.72   |
| Prepaid Insurance - NMTC |    | 11,811.46    |

Total Current Assets 2,479,932.95

#### Property and Equipment

|                         |                |
|-------------------------|----------------|
| Office Equipment - NMTC | 1,309,645.37   |
| Accum Deprec - NMTC     | (2,370,898.14) |
| Bond Equipment 2016     | 1,985,000.00   |
| Building-Polk/125       | 1,572,799.17   |
| Land-Polk/125           | 225,700.00     |

Total Property and Equipment 2,722,246.40

#### Other Assets

|                              |           |
|------------------------------|-----------|
| Deferred Out Related/Pension | 94,521.00 |
|------------------------------|-----------|

Total Other Assets 94,521.00

Total Assets \$ 5,296,700.35

### LIABILITIES AND CAPITAL

#### Current Liabilities

|                                |    |            |
|--------------------------------|----|------------|
| A/P - NMTC                     | \$ | 10,516.25  |
| Accrued Payroll Taxes & W/H's  |    | 449.54     |
| PERA - CORRECTIONS             |    | 310.09     |
| Garnished Wages                |    | 86.40      |
| Garnished Wages                |    | (86.40)    |
| PERA PAYABLE - PRIOR           |    | (3,371.42) |
| Accrued Vacation               |    | 94,410.16  |
| Accrued Wages                  |    | 27,699.16  |
| Franchise Fee App              |    | 935,484.87 |
| Due to City of Blaine          |    | 659,785.00 |
| Due to City of Centerville     |    | 40,915.00  |
| Due to City of Circle Pines    |    | 58,677.00  |
| Due to City of Ham Lake        |    | 171,010.00 |
| Due to City of Lexington       |    | 21,927.00  |
| Due to City of Lino Lakes      |    | 202,125.00 |
| Due to City of Spring Lake Par |    | 70,560.00  |
| Deferred In Related/Pension    |    | 148,635.00 |

Total Current Liabilities 2,439,132.65

#### Long-Term Liabilities

|                       |            |
|-----------------------|------------|
| Net Pension Liability | 543,664.00 |
|-----------------------|------------|

Total Long-Term Liabilities 543,664.00

Total Liabilities 2,982,796.65

#### Capital

|                        |              |
|------------------------|--------------|
| Net Equity             | 349,817.59   |
| Net Equity - Media Ctr | (206,243.34) |
| Net Equity - NMTC      | 2,517,656.37 |
| Net Income             | (347,326.92) |

Total Capital 2,313,903.70

Total Liabilities & Capital \$ 5,296,700.35

# North Metro Telecommunications Comm

## Cash Receipts Journal

For the Period From Mar 1, 2020 to Mar 31, 2020

| Date    | Transaction Ref     | Line Description   | Debit Amnt      | Credit Amnt      |
|---------|---------------------|--|-----------------|------------------|
| 3/5/20  | TAPE DUBS-CASH      | TAPE DUBS-CASH<br>Miscellaneous receipts                             | 182.00          | 182.00           |
| 3/5/20  | REFUND-TIDBITS      | REFUND-TIDBITS ADVERTISING<br>Miscellaneous receipts                 | 275.00          | 275.00           |
| 3/5/20  | SPEAKER FEES-ERIC   | SPEAKER FEES-ERIC<br>SPEAKER FEES-ERIC<br>Miscellaneous receipts     | 330.00          | 180.00<br>150.00 |
| 3/26/20 | MAR CC SALES-SQUARE | MAR CC SALES-SQUARE<br>MAR CC SALES-SQUARE-FEES<br>Credit Card Sales | 14.58<br>560.42 | 575.00           |
| 3/27/20 | MAR CC SALES-AMEX   | MAR CC SALES-AMEX<br>MAR CC SALES-AMEX-FEES<br>Credit Card Sales     | 0.59<br>14.41   | 15.00            |
| 3/28/20 | MAR CC SALES-AUTH   | MAR CC SALES-AUTH<br>MAR CC SALES-AUTH-FEES<br>Credit Card Sales     | 1.45<br>48.55   | 50.00            |
| 3/29/20 | INTEREST            | INTEREST<br>INTEREST - COMMISSION                                    | 2,273.63        | 2,273.63         |
| 3/30/20 | MAR CC SALES-AUTH   | MAR CC SALES-AUTH<br>MAR CC SALES-AUTH-FEES<br>Credit Card Sales     | 0.58<br>19.42   | 20.00            |
|         |                     |  | <u>3,720.63</u> | <u>3,720.63</u>  |

# North Metro Telecommunications Comm

## Check Register

For the Period From Mar 1, 2020 to Mar 31, 2020

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

| Check # | Date    | Payee                        | Amount    |
|---------|---------|------------------------------|-----------|
| EFILE   | 3/1/20  | Discovery Benefits           | 22.50     |
| EFILE   | 3/1/20  | Authorize.Net                | 34.59     |
| EFILE   | 3/1/20  | Virtual Merchant Credit Card | 10.00     |
| EPAY-01 | 3/1/20  | Principal Financial Group    | 487.85    |
| EPAY-02 | 3/2/20  | POPP TELECOM                 | 211.96    |
| 13650   | 3/2/20  | Grass Valley USA, LLC        | 8,655.00  |
| 13651   | 3/2/20  | Bradley Law, LLC             | 12,668.75 |
| EPAY-04 | 3/3/20  | T-Mobile                     | 102.16    |
| EPAY-03 | 3/3/20  | Comcast                      | 289.67    |
| 13652   | 3/3/20  | Jeremy Millington            | 25.76     |
| 13653   | 3/3/20  | Heidi Arnson                 | 130.56    |
| 13654   | 3/3/20  | DVS RENEWAL                  | 144.25    |
| EPAY-05 | 3/4/20  | Speedway                     | 85.84     |
| 13655   | 3/5/20  | Richard D. Larson            | 334.75    |
| 13656   | 3/5/20  | Rick Larson                  | 8.78      |
| 13657   | 3/5/20  | Print Central                | 155.41    |
| 13658   | 3/5/20  | B Harris, Inc.               | 450.00    |
| 13659   | 3/5/20  | Matthew Waldron              | 54.98     |
| EFILE   | 3/6/20  | Chase Visa Card Services     | 2,833.62  |
| EPAY-06 | 3/7/20  | Holiday Station Stores       | 228.44    |
| 13660   | 3/9/20  | Rusty S. Ray                 | 41.57     |
| 13661   | 3/9/20  | Michele J. Silvester         | 107.53    |
| 13662   | 3/9/20  | Grass Hopper Lawn & Snow     | 350.00    |
| EFILE   | 3/11/20 | Discovery Benefits           | 520.00    |
| EPAY-07 | 3/12/20 | AT&T Wireless                | 427.47    |
| PEACH   | 3/13/20 | Peachtree/Sage Software      | 20.40     |
| EFILE   | 3/13/20 | MN Dept. of Revenue          | 1,088.50  |
| EFILE   | 3/13/20 | Public Employees Retirement  | 3,611.29  |
| EFILE   | 3/13/20 | IRS/US BANK                  | 6,169.97  |

# North Metro Telecommunications Comm

## Check Register

For the Period From Mar 1, 2020 to Mar 31, 2020

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

| Check #       | Date    | Payee                       | Amount    |
|---------------|---------|-----------------------------|-----------|
| EPAY-08       | 3/14/20 | Republic Services           | 184.00    |
| EPAY-09       | 3/15/20 | CenterPoint Energy          | 444.10    |
| FEB SALES TAX | 3/15/20 | MN Dept. of Revenue         | 268.00    |
| EPAY-10       | 3/15/20 | Comcast Business 200M/200M  | 1,074.66  |
| 13663         | 3/16/20 | Matthew Waldron             | 55.30     |
| 13664         | 3/16/20 | Rick Larson                 | 17.72     |
| 13665         | 3/16/20 | MN Assoc Comm Tele Admin    | 2,625.00  |
| 13666         | 3/16/20 | Corporate Mechanical        | 656.65    |
| EPAY-11       | 3/17/20 | U.S. Bank Card Service      | 536.68    |
| 13667         | 3/18/20 | Dale K. Stoesz              | 135.00    |
| 13668         | 3/18/20 | Matt Montain                | 135.00    |
| 13669         | 3/18/20 | Steve McChesney             | 135.00    |
| 13670         | 3/18/20 | Brian Kirkham               | 135.00    |
| 13671         | 3/18/20 | Brandon Winge               | 135.00    |
| 13672         | 3/18/20 | Robert Nelson               | 135.00    |
| EPAY-P01      | 3/18/20 | Richard R. Swanson          | 135.00    |
| EFILE         | 3/18/20 | Sage Checks and Forms       | 143.18    |
| EPAY-12       | 3/22/20 | HealthPartners              | 11,058.62 |
| EFILE         | 3/25/20 | Discovery Benefits          | 520.00    |
| EPAY-13       | 3/26/20 | City of Blaine-utilities    | 69.91     |
| EPAY-14       | 3/26/20 | Connexus Energy             | 1,920.35  |
| PEACH         | 3/27/20 | Peachtree/Sage Software     | 22.10     |
| EFILE         | 3/27/20 | MN Dept. of Revenue         | 1,078.94  |
| EFILE         | 3/27/20 | Public Employees Retirement | 3,611.29  |
| EFILE         | 3/27/20 | IRS/US BANK                 | 6,169.97  |
| EFILE         | 3/31/20 | Public Employees Retirement | 75.51     |
| EFILE         | 3/31/20 | MN Dept. of Revenue         | 4.16      |
| EFILE         | 3/31/20 | IRS/US BANK                 | 383.20    |
| EFILE-PTCITY  | 3/31/20 | IRS/US BANK                 | 89.19     |



# North Metro Telecommunications Comm

## Check Register

For the Period From Mar 1, 2020 to Mar 31, 2020

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

| Check # | Date | Payee | Amount           |
|---------|------|-------|------------------|
| Total   |      |       | <u>71,225.13</u> |

# North Metro Telecommunications Comm

## General Journal

For the Period From Mar 1, 2020 to Mar 31, 2020

| Date    | Reference            | Trans Description                              | Debit Amt         | Credit Amt        |
|---------|----------------------|--|-------------------|-------------------|
| 3/1/20  | ACCRUED VAC/COM/SICK | ACCRUED VAC/COMP/SICK<br>ACCRUED VAC/COMP/SICK | 91,062.49         | 91,062.49         |
| 3/1/20  | ACCRUED WAGES        | ACCRUED WAGES<br>ACCRUED WAGES                 | 12,897.40         | 12,897.40         |
| 3/31/20 | ACCRUED DEPRECIATION | ACCRUED DEPRECIATION<br>ACCRUED DEPRECIATION   | 12,900.00         | 12,900.00         |
| 3/31/20 | ACCRUED VAC/COM/SICK | ACCRUED VAC/COMP/SICK<br>ACCRUED VAC/COMP/SICK | 94,410.16         | 94,410.16         |
| 3/31/20 | ACCRUED WAGES        | ACCRUED WAGES<br>ACCRUED WAGES                 | 18,056.36         | 18,056.36         |
|         | <b>Total</b>         |  | <b>229,326.41</b> | <b>229,326.41</b> |

**NORTH METRO TELECOMMUNICATIONS COMMISSION  
UNAPPROVED OPERATIONS COMMITTEE MEETING NOTES**

Tuesday, March 3, 2020

**CALL TO ORDER**

The meeting began at 10:33 a.m.

**MEMBERS PRESENT**

D. Buchholtz, J. Karlson, B. Petracek, D. Webster, M. Wolfe, P. Antonen, M. Statz

**MEMBERS ABSENT**

**OTHERS PRESENT**

H. Arnson

**APPROVAL OF MEETING NOTES**

The meeting notes of February 4, 2020 were approved by consensus.

**EXECUTIVE DIRECTOR REPORT**

- The group reconsidered the recommended Joint Powers Agreement updates. Two issues had been flagged for additional discussion. The Operations Committee had requested that the language regarding quorums be simplified. The Executive Committee had asked that alternate methods for calculating Member votes be considered. It was discovered that alternate methods for calculating number of votes negated the Commission's stated goal of recognizing Blaine's size while maintaining the other six Member Cities' ability to unanimously override Blaine. Two of the alternate voting methods would have ended up requiring that Blaine be present for all meetings in order to have a quorum and take any action. Legal Counsel and staff worked to create a method for determining a quorum that would maintain the stated goals. The recommended language change would maintain the status quo of a majority of Members plus 51% of the votes OR  $\frac{3}{4}$  of Members for a quorum and to take action. With that language, any method of calculating votes would meet the stated goals. Consideration was given to foregoing any changes to the quorum language until the current method no longer meets the stated goals, but the final consensus was that it would be best to recommend the change now, along with the other recommended updates.
- A Resolution in support of The Protecting Community Television Act was introduced. If adopted, the Act would reverse the FCC Third Report and Order and allow franchise fees to be calculated as they have been for over 35 years as monetary fees only. It was requested that staff forward the document to Cities for consideration, after approval of the Resolution by the Cable Commission.
- An update was given regarding the plan for North Metro TV staff to transition into recording city meetings. Freelancers have been hired and trained for Ham Lake and Lino Lakes meetings. Full-time staff have also been trained at both locations. Full-time staff will accompany freelancers to the first two meetings, or more if necessary, to ensure they are comfortable with the systems. Then staff will serve as back-up, should freelancers be unable to cover a meeting. M. Wolfe stated that Blaine might be interested in transitioning to NMTV staff at the beginning of 2021.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 11:19 a.m.

**NORTH METRO TELECOMMUNICATIONS COMMISSION  
UNAPPROVED OPERATIONS COMMITTEE MEETING NOTES**

Tuesday, March 31, 2020

**CALL TO ORDER**

The meeting began at 10:35 a.m.

**MEMBERS PRESENT**

D. Buchholtz, J. Karlson, B. Petracek, D. Webster, M. Wolfe, P. Antonen

**MEMBERS ABSENT**

M. Statz

**OTHERS PRESENT**

H. Arnson

**APPROVAL OF MEETING NOTES**

The meeting notes of March 3, 2020 were approved by consensus.

**EXECUTIVE DIRECTOR REPORT**

- H, Arnson reported that the Sixth Circuit Court of Appeals issued an order denying the motion for a stay of the FCC's cable franchising order. The appeal of the order continues.
- The Committee considered options for resolving the CenturyLink franchise violation notice. It was thought that reimbursing the Commission for legal expenses related to the franchise violation could be an acceptable conclusion to the matter.
- The group shared experiences and advice for remote meetings and changes to normal business routines related to COVID 19 closures.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 10:53 a.m.

## **EXECUTIVE COMMITTEE MINUTES**

Meeting of March 4, 2020

Executive Cmte. Present: Dick Swanson; Blaine, Matt Montain; Centerville, Dale Stoesz; Lino Lakes

Absent: Bob Nelson; Spring Lake Park

Others Present: Heidi Arnson; Executive Director, Rose Valez; Admin. Asst.

### **CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

### **APPROVAL OF MINUTES**

**A motion to approve the February 5, 2020 Executive Committee meeting minutes was made by D. Swanson. Second, M. Montain. Motion approved.**

### **EXECUTIVE DIRECTOR / OPERATIONS COMMITTEE REPORT**

- Updates to the Joint Powers Agreement were finalized. New language regarding quorums maintained the current power structure, while allowing for the seamless incorporation of additional members. Three different methods for calculating votes were considered. The Committee suggested that a fourth method, 1 vote for every 1,000 subscribers or fraction thereof, be considered. Staff will include the option in a table for discussion at the full Commission meeting.

**MOTION:** To approve recommended updates to the Joint Powers Agreement. **Motion made by D. Swanson. Second, M. Montain. Motion approved.**

- A Resolution in support of The Protecting Community Television Act was introduced. If adopted, the Act would reverse the FCC Third Report and Order and allow franchise fees to be calculated as they have been for over 35 years, as monetary fees only. A draft resolution for the Commission and a draft resolution for Cities was included in the packet. The Operations Committee asked that the draft resolution be forwarded to them after approval by the Commission.

**MOTION:** To recommend adoption of Resolution 2020-01, a resolution In Support of the Protecting Community Television Act. **Motion made by D. Swanson. Second, M. Montain. Motion approved.**

- An update was given regarding the plan for North Metro TV staff to transition into recording city meetings. Freelancers have been hired and trained for Ham Lake and Lino Lakes meetings. Full-time staff has also been trained at both locations. Full-time staff will accompany freelancers to the first two meetings, or more if necessary, to ensure they are comfortable with the systems. Then staff will serve as back-up, should freelancers be unable to cover a meeting. Blaine will likely transition to North Metro TV staff coverage at the beginning of 2021.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

- A discussion regarding preparedness for Coronavirus was had. Various safeguards and procedures were considered.
- H. Arnson will be on vacation the week of April 6th.

**ADJOURN**

**Motion to adjourn made by M. Montain. Second, D. Swanson. Motion approved. The meeting was adjourned at 6:28 p.m.**

## **EXECUTIVE COMMITTEE MINUTES**

Meeting of April 1, 2020

Executive Cmte. Present: Dick Swanson; Blaine, Matt Montain; Centerville, Dale Stoesz; Lino Lakes

Absent: Bob Nelson; Spring Lake Park

Others Present: Heidi Arnson; Executive Director

### **CALL TO ORDER**

The Chair called the meeting to order at 6:03 p.m.

### **APPROVAL OF MINUTES**

**A motion to approve the March 4, 2020 Executive Committee meeting minutes was made by D. Swanson. Second, M. Montain. Ayes: D. Stoesz, S. Swanson, M. Montain. Nays: None. Motion passed unanimously.**

### **EXECUTIVE DIRECTOR / OPERATIONS COMMITTEE REPORT**

- Final consideration was given to recommended changes to the Joint Powers Agreement. It was agreed that each member would have one vote per 1,000 subscribers or fraction thereof.

**MOTION:** To approve recommended updates to the Joint Powers Agreement. **Motion made by D. Swanson. Second, M. Montain. Ayes: D. Stoesz, S. Swanson, M. Montain. Nays: None. Motion passed unanimously.**

- H, Arnson reported that the Sixth Circuit Court of Appeals issued an order denying the motion for a stay of the FCC's cable franchising order. The appeal of the order continues.
- The Committee considered options for resolving the CenturyLink franchise violation notice. It was thought that reimbursing the Commission for legal expenses related to the franchise violation could be an acceptable conclusion to the matter.

**MOTION:** To pursue reimbursement of legal fees related to CenturyLink's franchise violation. **Motion made by M. Montain. Second, D. Swanson. Ayes: D. Stoesz, S. Swanson, M. Montain. Nays: None. Motion passed unanimously.**

### **OLD BUSINESS**

There was no old business.



**NEW BUSINESS**

- Every year, as an administrative matter, the Commission has to decide whether or not to waive the statutory tort liability limits for insurance purposes. This decision determines the amount an individual would be able to recover on any claim to which the statutory tort limits apply. In the past, the Commission has opted to NOT WAIVE the monetary limits on municipal tort liability. The Executive Committee recommends that the Commission NOT Waive the monetary limits.

**MOTION:** To NOT WAIVE the monetary limits on municipal tort liability. **Motion made by M. Montain. Second, D. Swanson. Ayes: D. Stoesz, S. Swanson, M. Montain. Nays: None. Motion passed unanimously.**

**ADJOURN**

**Motion to adjourn made by M. Montain. Second, D. Swanson. Ayes: D. Stoesz, S. Swanson, M. Montain. Nays: None. Motion passed unanimously. The meeting was adjourned at 6:15 p.m.**

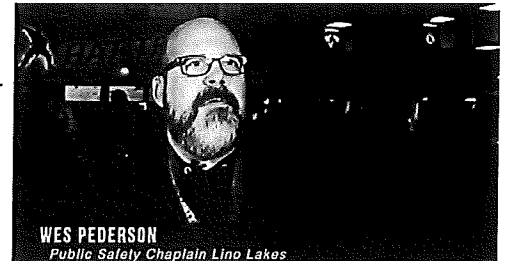
# North Metro TV

March 2020 Update

## Program Production

In March, a total of 70 **new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **49:30:00 hours of new programming**.

- 20 programs were produced by the public
- 28 programs were produced by NMTV staff
- 22 programs were produced by City staff



## Van Shoots

The HD truck was used for **13:15:00** hours of production. Events produced live and recorded for additional playbacks include:

- Girls Basketball: 5AAAA Championship: Park Center vs. Centennial
- Boys Basketball: 5AAAA Quarter-Final: Roseville vs. Spring Lake Park



## Workshops

| Workshop  | Instructor   | Organization                    | Students           |
|---|--------------|---------------------------------|--------------------|
| Screenwriting – Week 5  | Eric Houston | General Public                  | 5                  |
| Lecture Series – Mickey, Bugs, and Betty Boop: The Birth of Animation | Eric Houston | General Public @ North Metro TV | 27                 |
| Screenwriting – Week 6  | Eric Houston | General Public                  | 6                  |
| <b>3 Workshops</b>  |              |                                 | <b>38 Students</b> |

## Home Movie Transfers

Home movie transfers have become one of our most popular services. Residents can transfer their family videos themselves for free, or pay NMTV to do it. NMTV can also transfer film, slides, and photos for a fee.

| Month         | Hours Transferred | Tapes      | Film Reels | DVDs      | Photos/ Slides | Fees Paid         |
|---------------|-------------------|------------|------------|-----------|----------------|-------------------|
| January       | 192.75            | 69         | 4          | 13        | 415            | \$639.00          |
| February      | 286               | 69         | 86         | 18        | 1,020          | \$3,595.00        |
| March         | 343.25            | 58         | 107        | 0         | 3,587          | \$627.00          |
| <b>TOTAL:</b> | <b>822.00</b>     | <b>196</b> | <b>197</b> | <b>31</b> | <b>5,022</b>   | <b>\$4,861.00</b> |

## Public Usage Stats

For statistical purposes, the public access department documents total numbers of unique individuals and total hours of usage of the facility by the general public, every month. These numbers include regular users, class participants, individuals transferring videos, people who attend events, and any other public usage of the facility. The numbers do not take into account the many members of the public who work with any other NMTV department, such as news, sports, municipal, or educational.

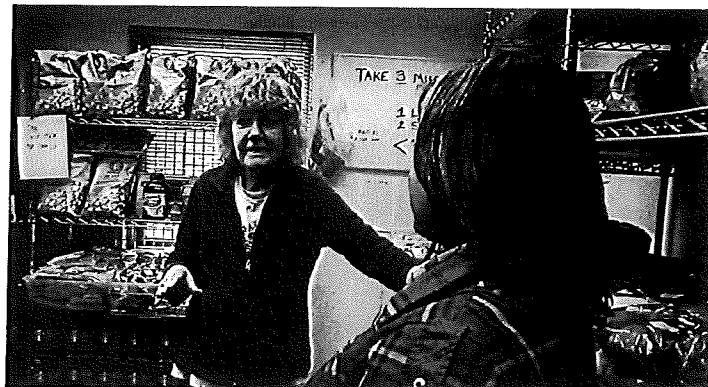
| Month                      | Unique Individuals | Total Usage Hours |
|----------------------------|--------------------|-------------------|
| January                    | 131                | 504.75            |
| February                   | 155                | 636.5             |
| March                      | 59                 | 466.75            |
| <b>TOTAL PUBLIC USAGE:</b> |                    | <b>1,608.00</b>   |

## Production Highlights

### NMTV News Highlights

Each week Danika Peterson and Rusty Ray create a news program that highlights events, people, issues, and information important to citizens of our Member Cities. Some March highlights include:

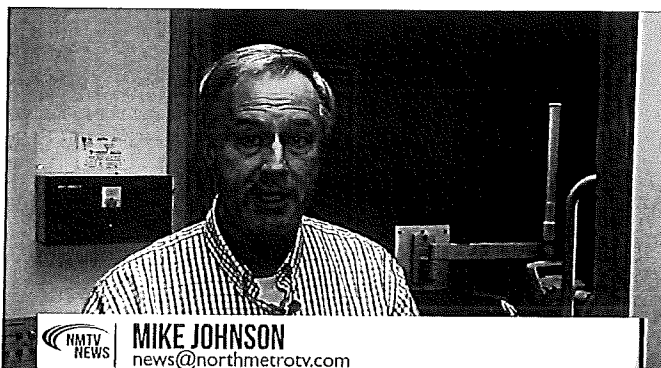
- Anoka County Leaders Discuss Homelessness and Housing
- Spring Lake Park High School Students Earning E.M.T. Certification
- Anoka-Hennepin Adult Basic Education Students Placed in School District Jobs
- State Lawmakers Join Law Enforcement to Introduce Bill to Boost Mental Health Resources
- Food Shelves Prepare For More Use
- Lino Lakes Resident Wants City to Reconsider Beekeeping Ordinance
- Rusty Ray Away
- Blaine Leaders Adapting to COVID 19 Concerns
- School Districts Distribute Meals to Students During COVID 19 Closure
- Dentists Continue to Treat Patients Best They Can Despite COVID 19 Closures
- CEAP Meals on Wheels Seek Assistance and Donations During COVID 19 Shutdown
- Cities React to COVID 19 By Finding New Ways to Do Business



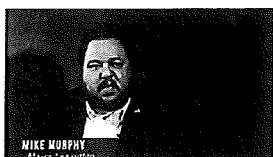
In addition to daily playbacks of North Metro TV News on the cable systems, there are 626 local stories archived for viewers on the NMTV YouTube channel. The channel can be accessed through the [northmetrotv.com](http://northmetrotv.com) website.

### Meet Mike Johnson

NMTV is happy to introduce our new News Production Assistant, Mike Johnson. Mike comes to us with a boatload of experience. He was the News Director at CCX for 13 years, and spent quite a few years before that working for various affiliates across the country. He retired from CCX two years ago but has decided that he is tired of watching Wheel of Fortune and might want to make a little more news. We are extremely happy to have Mike on board.



## Helping Cities Get the Word Out



Everyone at North Metro TV has been working hard to make sure that the City channels are programmed and meetings are continuing, albeit with a different look. Municipal Producer, Trevor Scholl, worked with five cities to produce statements explaining what was happening at City Hall to residents. The News Team, Danika Peterson and Rusty Ray, worked with Blaine to produce the same type of program. They have also been producing a series of news stories related to the COVID 19 pandemic, including its effect on food shelves, schools, and local businesses. NMTV Video Engineer, Matt Waldron, and Programming Coordinator Michele Silvester, have put in tons of hours setting up equipment and software to take a Zoom feed and have it interface with our Tightrope master control system so meetings can continue to cablecast and stream on our channels. Studio Manager, Eric Houston, spent a day or so playing with Zoom and creating a usage manual for those

unfamiliar with the app to get started. He also created graphics for each city channel for use during Zoom meetings. Staff continue to work with cities to answer questions and test city equipment to make sure meetings go off without a problem.



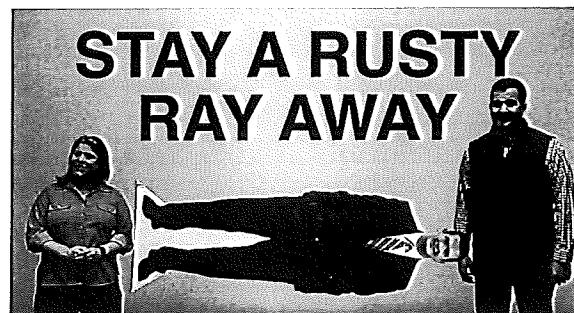
## NMTV Programming Continues

In response to the COVID 19 virus we have had to produce programs a little differently. Instead of bringing people into the studio for interviews, or even for crewing a shoot, we have done...turned to Zoom. By using the Zoom app our news team has been able to conduct interviews and anchor our weekly news program. The sports department produced their Sports Den Winter Finale the same way. They titled the show "Sports Den Quarantine: Stay Inside Your Den." Most staff are able to edit at home, so they access stored video on our servers, in some cases shoot new video with equipment they have taken home, edit the shows, and then upload the video file to a dropbox at NMTV. Michele is then able to download the file to our servers and schedule the program on the channels. Our public producers have also been given access to the dropbox so we can continue to program new public access programs as well. While quite a few of our event related programs such as Arrive Alive, TedX Talks, sports and graduations have been canceled, there is still plenty of programming out there. Plus, the longer this goes on, the more innovative staff will become. For example, the sports department is resubmitting classic games from the past to fill space on the channel. They are also taking this time to archive old games, that are on tape and dvd, to digital files. Everyone is busy!



## Having Some Fun

The News team decided to have some fun with a public service announcement. So earlier in the month, when we were all still working at the office, they employed the life-size paper cut-out of Rusty...that is a little over six feet tall... to demonstrate staying six feet apart. Why do we have a life-size cardboard cut-out of Rusty you wonder? Well, it was part of a promotion at his old TV job and he got to keep it when he left. It is now a beloved prop at NMTV. They're at 387 views on youtube.



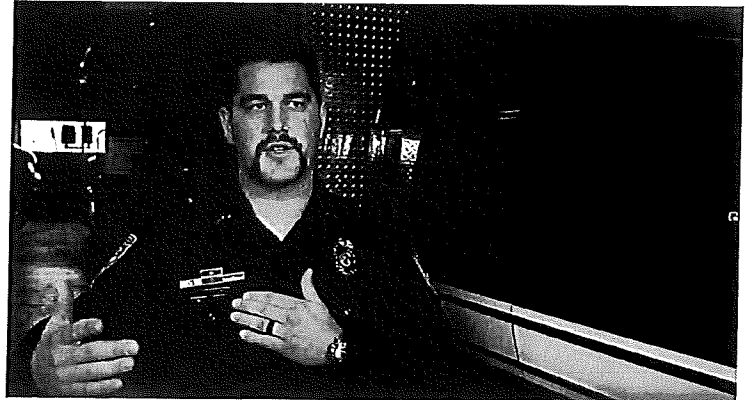
## Lecture Series Continues

Instructor, Eric Houston, has been working to provide his lecture series remotely. Because of the pandemic, he was only able to teach 3 classes in March, and had to cancel eight. He experimented with Zoom, YouTube, and Facebook to figure out how best to present classes remotely and how to transmit audio from both the computer microphone and the audio from a program running on the computer. There are also some hiccups with fair-use video clips being blocked as copyrighted even though they fall under the fair-use doctrine. Things you didn't think you had to worry about...After some testing, at least two of the workshops can be offered remotely without much difficulty. Eric sent invitations, to the workshops, to community education programs, history centers, senior centers, libraries and schools. He has gotten an amazing response.

## City Productions

In March, Municipal Producer, Trevor Scholl, completed eight productions, including coverage of Lino Lakes' annual Guns and Hoses event, an in-depth look at the Lexington Fire Department, and productions from six cities explaining what each one is doing in regards to the COVID 19 pandemic. Programs completed include:

- GunsNHoses 2020
- Centerville COVID
- Spring Lake Park COVID
- Lino Lakes COVID
- Lexington COVID
- A Look Inside The Lexington Fire Department
- Circle Pines COVID
- Torg COVID Sales



New and ongoing projects include:

- Dasco Printing, business profile
- Circle Pines Tree Removal Meeting
- Small business impacts from the Corona Virus
- Grandma's House non-profit profile
- Spring Mayor's Minutes

Trevor touches base with contacts on a regular basis and also encourages Cities to contact him whenever they have an idea for a new show.

## Production equipment consulting for cities and schools

### Blaine

- No assistance required.

### Centerville

- 3.25.20: Tested Zoom meeting with Mark Statz. Reviewed steps for sending and recording a completely remote meeting for broadcast on the channels.
- 3.25.20: Black signal coming from city hall instead of meeting video. Asked city staff if Leightonix box was on right setting. Made the change and the video signal came on.

### Circle Pines

- 3.10.20: Attended meeting to assist Patrick Wilson with any issues. Provided additional training. Showed him how to open up the panel and manually direct a show using two cameras. Problems came up during the meeting with the Ross LCS. Called Ross. They said they had never seen this happen before. Shut down the 1RU switcher panel and turned it back on and it all fired up as normal. Patrick did great and should be able to handle many issues going forward.
- 3.20.20: Talked with Patrick Antonen regarding live streaming broadcast options for meeting playback.

### Ham Lake

- 3.10.20: Fixed Camera 2. During NMTV staff training it was noticed that camera 2 wouldn't work. Seemed to be a Dashboard issue. Losed one of the instances on Dashboard and camera 2 reappeared.
- 3.25.20: Assisted Denise Webster with Zoom account settings.

### Lexington

- No assistance required.
- **Lino Lakes**
- 3.10.20: Fixed the Ross controller. Rusty reported that the camera controller wasn't working. Unplugged the power, did a quick re-boot of the system. Seems to have fixed problem.
- 3.23.20: Stopped by City Hall to help with remote meeting set-up. Chambers acoustics caused a feedback problem. Determined best way to proceed for best audio.
- **Spring Lake Park**
- 3.23.20: Stopped by City Hall to help with remote meeting equipment set-up. Tested audio with no problems.
- 3.24.20: Camera issues. Wouldn't move. Camera protocol reverted to default setting so had to reassign the IP addresses to the correct cameras in the Broadcast Pix software.
- 3.24.20: Discussed Zoom remote meetings capabilities with Dan.
- **All Cities**
- 3.17.20: Establish Zoom streaming network for city meetings if done completely remotely. Purchased and programmed two Raspberry Pi units to accept a signal from Zoom. They are now ready to accept up to 4 different simultaneous streams from Zoom and create an inter-office network stream that the carousel can access using its alert function.
- 3.25.20: Emailed city administrators to report findings from Centerville Zoom test. Wrote instructions on how to set-up Zoom account to transfer recordings.

### City Channel 16 Playback Stats

| City             | Number of Times Programs Played | Hours Programmed on Channel                             |
|------------------|---------------------------------|---|
| Blaine           | 182                             | 193:01:12   |
| Centerville      | 47                              | 143:29:11   |
| Circle Pines     | 250                             | 160:52:16   |
| Ham Lake         | 71                              | 57:16:24  |
| Lexington        | 110                             | 102:09:53   |
| Lino Lakes       | 123                             | 128:20:36   |
| Spring Lake Park | 160                             | 120:32:17   |
| <b>Totals:</b>   | <b>943 Program Playbacks</b>    | <b>905:41:49 Hours of Video Programming on Channels</b> |

### Programs Produced by the Public

| Title  | Producer                      | Runtime                   |
|--|-------------------------------|---------------------------|
| Off Constantly: The Beatles                        | D. W. Bauer                   | 00:26:15                  |
| Bad Movie Brothers (2 episodes)                    | Video Club/Eric Houston       | 01:06:02                  |
| Cornerstone Church                                 | Rick Bostrom                  | 00:33:50                  |
| Christ Lutheran Church (3 episodes)                | Jacob Nessman/Chance Amundson | 03:25:41                  |
| The Power of Love (4 episodes)                     | Rick Larson                   | 02:00:00                  |
| LovePower (4 episodes)                             | Rick Larson                   | 04:00:00                  |
| Christ Lutheran Church                             | Chance Amundson               | 01:02:05                  |
| Rice Creek Watershed District Meeting (2 episodes) | Theresa Stasica               | 02:32:20                  |
| Oak Park Community                                 | David Turnidge                | 00:38:36                  |
| Hope Church  | Cindy Hardy                   | 00:48:58                  |
| <b>20 New Programs</b>                             |                               | <b>16:33:47 New Hours</b> |



## Programs Produced by NMTV Staff

| Title  | Producer                  | Runtime                   |
|--|---------------------------|---------------------------|
| Anoka County Board Meeting (3/10/20)                             | T.J. Tronson              | 00:30:47                  |
| Anoka County Board Meeting (3/24/20)                             | T.J. Tronson              | 01:22:03                  |
| NMTV News (4 episodes)   | Danika Peterson/Rusty Ray | 01:24:00                  |
| NACE Empty Bowls Promo   | Danika Peterson/Rusty Ray | 00:30:00                  |
| Spring Lake Park HS Students Earn EMT                            | Danika Peterson/Rusty Ray | 00:03:00                  |
| Blaine COVID 19  | Danika Peterson/Rusty Ray | 00:03:02                  |
| GunsNHoses 2020  | Trevor Scholl             | 00:05:00                  |
| Centerville COVID  | Trevor Scholl             | 00:09:25                  |
| Spring Lake Park COVID   | Trevor Scholl             | 00:03:45                  |
| Lino Lakes COVID   | Trevor Scholl             | 00:06:47                  |
| Lexington COVID  | Trevor Scholl             | 00:04:08                  |
| A Look Inside the Lexington Fire Department                      | Trevor Scholl             | 00:07:30                  |
| Circle Pines COVID   | Trevor Scholl             | 00:04:24                  |
| Torg COVID Sales   | Trevor Scholl             | 00:04:00                  |
| Girls Basketball: 5AAAA Championship; Park Center/Centennial     | Kenton Kipp/J. Millington | 01:39:15                  |
| Boys Basketball: 5AAAA Quarter-Final: Roseville/Spring Lake Park | Kenton Kipp/J. Millington | 01:39:04                  |
| Girls Basketball: 5AAAA Semi-Final: Centennial/Roseville         | Kenton Kipp/J. Millington | 01:25:07                  |
| Girls Hockey: 5AA SF: Blaine vs. Anoka/Spring Lake Park          | Kenton Kipp/J. Millington | 01:41:44                  |
| Girls Basketball: 5AAAA SF: Centennial/Roseville                 | Kenton Kipp/J. Millington | 01:20:00                  |
| Sports Den (3 episodes)  | Kenton Kipp/J. Millington | 01:14:48                  |
| Athlete of the Week  | Kenton Kipp/J. Millington | 00:02:10                  |
| Sports Den Top Plays   | Kenton Kipp/J. Millington | 00:00:40                  |
| Game Highlights (3 episodes)                                     | Kenton Kipp/J. Millington | 00:08:04                  |
| <b>28 New Programs</b>   |                           | <b>09:53:53 New Hours</b> |

## Programs Produced by City Staff

| Title   | Producer           | Runtime  |
|---|--------------------|----------|
| Blaine City Council Meeting (3/2/20)                          | Blaine Staff       | 01:27:02 |
| Blaine Planning Commission Meeting (3/10/20)                  | Blaine Staff       | 00:20:04 |
| Blaine City Council Meeting (3/16/20)                         | Blaine Staff       | 00:41:57 |
| Blaine Natural Resources Conservation Board Meeting (3/24/20) | Blaine Staff       | 01:05:15 |
| Centerville City Council Meeting (3/11/20)                    | Centerville Staff  | 04:53:29 |
| Centerville City Council Meeting (3/25/20)                    | Centerville Staff  | 01:35:51 |
| Circle Pines City Council Meeting (3/10/20)                   | Circle Pines Staff | 00:28:44 |
| Circle Pines Emergency City Council Meeting (3/17/20)         | Circle Pines Staff | 00:27:55 |
| Circle Pines Utility Commission Meeting (3/18/20)             | Circle Pines Staff | 00:43:56 |
| Circle Pines City Council Meeting (3/24/20)                   | Circle Pines Staff | 01:12:13 |
| Ham Lake City Council Meeting (3/2/20)                        | Ham Lake Staff     | 00:28:06 |
| Ham Lake Planning Commission Meeting (3/9/20)                 | Ham Lake Staff     | 01:16:00 |
| Ham Lake City Council Meeting (3/16/20)                       | Ham Lake Staff     | 00:19:03 |
| Lexington City Council Meeting (2/6/20)                       | Lexington Staff    | 00:23:00 |

|  |                        |                           |
|--|------------------------|---------------------------|
| Lexington City Council Meeting (2/20/20)                       | Lexington Staff        | 00:30:04                  |
| Lino Lakes City Council Meeting (3/9/20)                       | Lino Lakes Staff       | 01:39:46                  |
| Lino Lakes Planning and Zoning<br>Commission Meeting (3/11/20) | Lino Lakes Staff       | 01:11:37                  |
| Lino Lakes City Council Meeting<br>(3/23/20)                   | Lino Lakes Staff       | 02:22:06                  |
| Spring Lake Park City Council Meeting<br>(3/2/20)              | Spring Lake Park Staff | 00:24:37                  |
| Spring Lake Park City Council Meeting<br>(3/16/20)             | Spring Lake Park Staff | 01:07:03                  |
| Spring Lake Park Planning Commission<br>Meeting (3/23/20)      | Spring Lake Park Staff | 00:17:33                  |
| Spring Lake Park Special City Council<br>Meeting (3/23/20)     | Spring Lake Park Staff | 00:20:10                  |
| <b>22 New Programs</b>   |                        | <b>23:02:55 New Hours</b> |

If you have any questions or comments regarding this monthly report please contact  
Heidi Arnson at 763.231.2801 or [harnson@northmetrotv.com](mailto:harnson@northmetrotv.com).



# NORTH METRO TV

## Production Statistics 2020

| Programming Statistics               | J       | F       | M       | A | M | JU | A | S | O | N | D | 20 Total | 20 Average |
|--------------------------------------|---------|---------|---------|---|---|----|---|---|---|---|---|----------|------------|
| Cablecast Programs                   | 2606.00 | 2626.00 | 2682.00 |   |   |    |   |   |   |   |   | 7914.00  | 659.50     |
| Cablecast Hours                      | 2260.50 | 2106.50 | 2251.00 |   |   |    |   |   |   |   |   | 6618.00  | 551.50     |
| Programs Produced - Public           | 14.00   | 20.00   | 15.00   |   |   |    |   |   |   |   |   | 49.00    | 4.08       |
| Program Hours Produced - Public      | 11.00   | 15.75   | 11.50   |   |   |    |   |   |   |   |   | 38.25    | 3.19       |
| Prog. Produced - Affiliated Public   | 7.00    | 12.00   | 5.00    |   |   |    |   |   |   |   |   | 24.00    | 2.00       |
| Prog. Hours Produced - Affil. Public | 5.50    | 8.25    | 5.00    |   |   |    |   |   |   |   |   | 18.75    | 1.56       |
| Programs Produced - City Staff       | 24.00   | 21.00   | 22.00   |   |   |    |   |   |   |   |   | 67.00    | 5.58       |
| Program Hours Produced - City Staff  | 22.00   | 23.00   | 23.00   |   |   |    |   |   |   |   |   | 68.00    | 5.67       |
| Programs Produced - NMTV Staff       | 53.00   | 61.00   | 28.00   |   |   |    |   |   |   |   |   | 142.00   | 11.83      |
| Program Hours Produced - NMTV Staff  | 26.75   | 30.00   | 10.00   |   |   |    |   |   |   |   |   | 66.75    | 5.56       |
| Total Public Programs Produced       | 21.00   | 32.00   | 20.00   |   |   |    |   |   |   |   |   | 73.00    | 6.08       |
| Total Staff Programs Produced        | 77.00   | 82.00   | 50.00   |   |   |    |   |   |   |   |   | 209.00   | 17.42      |
| Total Internal Programs Produced     | 98.00   | 114.00  | 70.00   |   |   |    |   |   |   |   |   | 282.00   | 23.50      |
| % Staff Produced Programs            | 78.57%  | 71.93%  | 71.43%  |   |   |    |   |   |   |   |   | 74.11%   | 74.11%     |
| % Public Produced Programs           | 21.43%  | 28.07%  | 28.57%  |   |   |    |   |   |   |   |   | 25.89%   | 25.89%     |
| External Programs Submitted          | 16.00   | 25.00   | 24.00   |   |   |    |   |   |   |   |   | 65.00    | 5.42       |
| External Program Hours               | 12.00   | 16.25   | 19.50   |   |   |    |   |   |   |   |   | 47.75    | 3.98       |
| Total New Programs                   | 114.00  | 139.00  | 94.00   |   |   |    |   |   |   |   |   | 347.00   | 28.92      |
| Equipment Usage Statistics           |         |         |         |   |   |    |   |   |   |   |   |          |            |
| Facility Hours Available             | 182.00  | 169.00  | 144.00  |   |   |    |   |   |   |   |   | 495.00   | 41.25      |
| Public Field Equipment Uses          | 8.00    | 12.00   | 4.00    |   |   |    |   |   |   |   |   | 24.00    | 2.00       |
| Studio A                             | 52.75   | 36.50   | 18.00   |   |   |    |   |   |   |   |   | 107.25   | 8.94       |
| % of Available Time                  | 28.98%  | 21.60%  | 12.50%  |   |   |    |   |   |   |   |   | 21.67%   | 21.67%     |
| Studio B                             | 4.00    | 20.50   | 1.75    |   |   |    |   |   |   |   |   | 26.25    | 2.19       |
| % of Available Time                  | 2.20%   | 12.13%  | 1.22%   |   |   |    |   |   |   |   |   | 5.30%    | 5.30%      |
| Public MAC A Edit Suite              | 94.25   | 222.25  | 178.00  |   |   |    |   |   |   |   |   | 494.50   | 41.21      |
| % of Available Time                  | 51.79%  | 131.51% | 123.61% |   |   |    |   |   |   |   |   | 99.90%   | 18.52%     |
| Public MAC B Edit Suite              | 89.00   | 48.75   | 30.50   |   |   |    |   |   |   |   |   | 168.25   | 14.02      |
| % of Available Time                  | 48.90%  | 28.85%  | 21.18%  |   |   |    |   |   |   |   |   | 33.99%   | 33.99%     |
| Public MAC C Edit Suite              | 47.50   | 102.75  | 86.00   |   |   |    |   |   |   |   |   | 236.25   | 19.69      |
| % of Available Time                  | 26.10%  | 60.80%  | 59.72%  |   |   |    |   |   |   |   |   | 47.73%   | 47.73%     |
| Production Van Statistics            |         |         |         |   |   |    |   |   |   |   |   |          |            |
| Production Hours                     | 50.00   | 71.50   | 13.25   |   |   |    |   |   |   |   |   | 134.75   | 11.23      |
| Number of Van Shoots                 | 8.00    | 9.00    | 2.00    |   |   |    |   |   |   |   |   | 19.00    | 1.58       |
| Average Hours Per Shoot              | 6.25    | 7.94    | 6.63    |   |   |    |   |   |   |   |   | 7.09     | 0.94       |
| Number of New Volunteers             | 6.00    | 8.00    | 0.00    |   |   |    |   |   |   |   |   | 14.00    | 1.17       |
| Volunteer Hours                      | 92.00   | 97.00   | 17.00   |   |   |    |   |   |   |   |   | 206.00   | 17.17      |
| Public Access Statistics             |         |         |         |   |   |    |   |   |   |   |   |          |            |
| Number of Workshops                  | 8.00    | 13.00   | 3.00    |   |   |    |   |   |   |   |   | 24.00    | 2.00       |
| Number of Students                   | 94.00   | 130.00  | 38.00   |   |   |    |   |   |   |   |   | 262.00   | 21.83      |
| PAP Volunteer Hours                  | 60.25   | 95.50   | 41.50   |   |   |    |   |   |   |   |   | 197.25   | 16.44      |
| Total Public Facility Usage Hours    | 504.75  | 636.50  | 466.75  |   |   |    |   |   |   |   |   | 1608.00  | 134.00     |

# 2020 Time of Use Stats

| Studio A                       | Jan    | Feb     | March   | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total  | Average |
|--------------------------------|--------|---------|---------|-------|-----|------|------|-----|------|-----|-----|-----|--------|---------|
| Morning Available Hours        | 35.00  | 34.00   | 30.00   |       |     |      |      |     |      |     |     |     | 99.00  | 8.25    |
| Morning Hours Used             | 7.50   | 7.75    | 5.50    |       |     |      |      |     |      |     |     |     | 20.75  | 1.73    |
| Percent of Available           | 21.43% | 22.79%  | 18.33%  |       |     |      |      |     |      |     |     |     | 20.96% | 20.96%  |
| Afternoon Available Hours      | 79.00  | 72.00   | 60.00   |       |     |      |      |     |      |     |     |     | 211.00 | 17.58   |
| Afternoon Hours Used           | 8.00   | 9.00    | 6.50    |       |     |      |      |     |      |     |     |     | 23.50  | 1.96    |
| Percent of Available           | 10.13% | 12.50%  | 10.83%  |       |     |      |      |     |      |     |     |     | 11.14% | 11.14%  |
| Evening Available Hours        | 68.00  | 63.00   | 54.00   |       |     |      |      |     |      |     |     |     | 185.00 | 15.42   |
| Evening Hours Used             | 37.25  | 19.75   | 5.50    |       |     |      |      |     |      |     |     |     | 62.50  | 5.21    |
| Percent of Available           | 54.78% | 31.35%  | 10.19%  |       |     |      |      |     |      |     |     |     | 33.78% | 33.78%  |
| <b>Studio B</b>                |        |         |         |       |     |      |      |     |      |     |     |     |        |         |
| Morning Available Hours        | 35.00  | 34.00   | 30.00   |       |     |      |      |     |      |     |     |     | 99.00  | 8.25    |
| Morning Hours Used             | 0.00   | 0.00    | 0.00    |       |     |      |      |     |      |     |     |     | 0.00   | 0.00    |
| Percent of Available           | 0.00%  | 0.00%   | 0.00%   |       |     |      |      |     |      |     |     |     | 0.00%  | 0.00%   |
| Afternoon Available Hours      | 79.00  | 72.00   | 60.00   |       |     |      |      |     |      |     |     |     | 211.00 | 17.58   |
| Afternoon Hours Used           | 0.50   | 3.00    | 0.00    |       |     |      |      |     |      |     |     |     | 3.50   | 0.29    |
| Percent of Available           | 0.63%  | 4.17%   | 0.00%   |       |     |      |      |     |      |     |     |     | 1.66%  | 1.66%   |
| Evening Available Hours        | 68.00  | 63.00   | 54.00   |       |     |      |      |     |      |     |     |     | 185.00 | 15.42   |
| Evening Hours Used             | 3.50   | 17.50   | 1.75    |       |     |      |      |     |      |     |     |     | 22.75  | 1.90    |
| Percent of Available           | 5.15%  | 27.78%  | 3.24%   |       |     |      |      |     |      |     |     |     | 12.30% | 12.30%  |
| <b>Public MAC A Edit Suite</b> |        |         |         |       |     |      |      |     |      |     |     |     |        |         |
| Morning Available Hours        | 35.00  | 53.00   | 46.00   |       |     |      |      |     |      |     |     |     | 134.00 | 11.17   |
| Morning Hours Used             | 20.00  | 53.00   | 46.00   |       |     |      |      |     |      |     |     |     | 119.00 | 9.92    |
| Percent of Available           | 57.14% | 100.00% | 100.00% |       |     |      |      |     |      |     |     |     | 88.81% | 88.81%  |
| Afternoon Available Hours      | 79.00  | 120.50  | 106.00  |       |     |      |      |     |      |     |     |     | 305.50 | 25.46   |
| Afternoon Hours Used           | 53.75  | 120.50  | 106.00  |       |     |      |      |     |      |     |     |     | 280.25 | 23.35   |
| Percent of Available           | 68.04% | 100.00% | 100.00% |       |     |      |      |     |      |     |     |     | 91.73% | 91.73%  |
| Evening Available Hours        | 68.00  | 63.00   | 54.00   |       |     |      |      |     |      |     |     |     | 185.00 | 15.42   |
| Evening Hours Used             | 20.50  | 48.75   | 26.00   |       |     |      |      |     |      |     |     |     | 95.25  | 7.94    |
| Percent of Available           | 30.15% | 77.38%  | 48.15%  |       |     |      |      |     |      |     |     |     | 51.49% | 51.49%  |
| <b>Public MAC B Edit Suite</b> |        |         |         |       |     |      |      |     |      |     |     |     |        |         |
| Morning Available Hours        | 35.00  | 34.00   | 30.00   |       |     |      |      |     |      |     |     |     | 99.00  | 8.25    |
| Morning Hours Used             | 13.50  | 6.00    | 4.00    |       |     |      |      |     |      |     |     |     | 23.50  | 1.96    |
| Percent of Available           | 38.57% | 17.65%  | 13.33%  |       |     |      |      |     |      |     |     |     | 23.74% | 23.74%  |
| Afternoon Available Hours      | 79.00  | 72.00   | 60.00   |       |     |      |      |     |      |     |     |     | 211.00 | 17.58   |
| Afternoon Hours Used           | 35.75  | 17.75   | 13.00   |       |     |      |      |     |      |     |     |     | 66.50  | 5.54    |
| Percent of Available           | 45.25% | 24.65%  | 21.67%  |       |     |      |      |     |      |     |     |     | 31.52% | 31.52%  |
| Evening Available Hours        | 68.00  | 63.00   | 54.00   |       |     |      |      |     |      |     |     |     | 185.00 | 15.42   |
| Evening Hours Used             | 39.75  | 25.00   | 13.50   |       |     |      |      |     |      |     |     |     | 78.25  | 6.52    |
| Percent of Available           | 58.46% | 39.68%  | 25.00%  |       |     |      |      |     |      |     |     |     | 42.30% | 42.30%  |
| <b>Public MAC C Edit Suite</b> |        |         |         |       |     |      |      |     |      |     |     |     |        |         |
| Morning Available Hours        | 35.00  | 34.00   | 30.00   |       |     |      |      |     |      |     |     |     | 99.00  | 8.25    |
| Morning Hours Used             | 3.25   | 13.50   | 14.00   |       |     |      |      |     |      |     |     |     | 30.75  | 2.56    |
| Percent of Available           | 9.29%  | 39.71%  | 46.67%  |       |     |      |      |     |      |     |     |     | 31.06% | 31.06%  |
| Afternoon Available Hours      | 79.00  | 72.00   | 60.00   |       |     |      |      |     |      |     |     |     | 211.00 | 17.58   |
| Afternoon Hours Used           | 29.00  | 18.25   | 26.75   |       |     |      |      |     |      |     |     |     | 74.00  | 6.17    |
| Percent of Available           | 36.71% | 25.35%  | 44.58%  |       |     |      |      |     |      |     |     |     | 35.07% | 35.07%  |
| Evening Available Hours        | 68.00  | 71.00   | 54.00   |       |     |      |      |     |      |     |     |     | 193.00 | 16.08   |
| Evening Hours Used             | 15.25  | 71.00   | 45.25   |       |     |      |      |     |      |     |     |     | 131.50 | 10.96   |
| Percent of Available           | 22.43% | 100.00% | 83.80%  |       |     |      |      |     |      |     |     |     | 68.13% | 68.13%  |

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NORTH METRO TV

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**TO:** OPERATIONS COMMITTEE/CABLE COMMISSION  
**FROM:** HEIDI ARNSON  
**SUBJECT:** RESOLUTION SUPPORTING THE PROTECTION OF COMMUNITY TELEVISION ACT  
**DATE:** 2/27/2020

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At the February Cable Commission meeting, Legal Counsel told the group about a piece of federal legislation that is intended to counteract the FCC's Third Report and Order. The Protection of Community Television Act would override the Order and return the definition of franchise fees to the way they have been defined for the past 35 years.

Cities and Commission's are urged to adopt the attached resolution supporting the Act. So far, both Minnesota Senators and Representatives McCollum and Omar have signed on as sponsors. The goal is to get all Minnesota Representatives to sign on.

Resolutions for the Commission and for Cities, along with a Star Tribune article about the FCC Order and the actual Bills are attached to this memo.

## **RESOLUTION NO. 2020-01**

### **RESOLUTION IN SUPPORT OF THE PROTECTING COMMUNITY TELEVISION ACT**

**WHEREAS**, the North Metro Telecommunications Commission (the “Commission”) is a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes, and Spring Lake Park, Minnesota (collectively the “Member Cities”);

**WHEREAS**, the Commission negotiates and manages the cable franchise agreements of the Member Cities and operates North Metro TV, a local community public educational and governmental (“PEG”) access facility on behalf of the Member Cities;

**WHEREAS**, North Metro TV provides coverage of local events, such as local high school sporting events and most government meetings that local broadcast stations (i.e. WCCO, KSTP, KMSP, and KARE) typically will not cover, and, in light of a rapidly decreasing print media, North Metro TV is the principal, and may soon be the sole, source for local residents to have access to coverage of local events;

**WHEREAS**, North Metro TV is funded through franchise fee and PEG fee revenues negotiated in the cable franchise agreements;

**WHEREAS**, the Member Cities require, as part of the cable franchise agreements, that cable companies meet demonstrated community needs by providing non-monetary in-kind contributions that benefit the Member Cities, local schools, public safety buildings, as well as North Metro TV;

**WHEREAS**, in 1984 Congress defined a franchise fee as a “tax, fee, or assessment” and, for the past 35 years, it has been solely a monetary fee;

**WHEREAS**, last year the FCC departed from the clear language of the Cable Act and ruled that a franchise fee is both a monetary and non-monetary fee and permits cable companies to unilaterally assign a value to the non-monetary in-kind contributions and then subtract that amount from the franchise fees the cable operator pays the local community;

**WHEREAS**, the FCC order results in decreased vital funding to the Member Cities and North Metro TV;

**WHEREAS**, the *Protect Community Television Act* (currently S. 3218/HR 5659) has been introduced in Congress and its goal is to maintain the status quo by reversing the FCC order and allowing franchise fees to be calculated as they have been for over 35 years as monetary only fees; and

**WHEREAS**, this legislation is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the Minnesota League of Cities, and NATOA.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission calls on Congress to pass legislation, such as the *Protect Community Television Act*, which would undo the FCC's action;

**BE IT FURTHER RESOLVED** that the Commission urges all House members and Senators from Minnesota to cosponsor the *Protect Community Television Act*; and

**BE IT FURTHER RESOLVED** that the Commission recommends that the Member Cities adopt a similar Resolution.

Passed and adopted this \_\_\_\_ day of March, 2020.

**NORTH METRO TELECOMMUNICATIONS  
COMMISSION**

By: \_\_\_\_\_  
Its Chair

ATTEST:

\_\_\_\_\_

CITY OF \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION IN SUPPORT OF  
THE PROTECTING COMMUNITY TELEVISION ACT**

**WHEREAS**, the City of \_\_\_\_\_ is a member of the North Metro Telecommunications Commission (the "Commission"), a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes, and Spring Lake Park, Minnesota (collectively the "Member Cities");

**WHEREAS**, the Commission negotiates and manages the cable franchises agreements of the Member Cities and operates North Metro TV, a local community public educational and governmental ("PEG") access facility on behalf of the Member Cities;

**WHEREAS**, North Metro TV provides coverage of local events, such as local high school sporting events and most government meetings that local broadcast stations (i.e. WCCO, KSTP, KMSP, and KARE) typically will not cover, and, in light of a rapidly decreasing print media, North Metro TV is the principal, and may soon be the sole, source for local residents to have access to coverage of local events;

**WHEREAS**, North Metro TV is funded through franchise fee and PEG fee revenues negotiated in the cable franchise agreements;

**WHEREAS**, the Member Cities require, as part of the cable franchise agreements, that cable companies meet demonstrated community needs by providing non-monetary in-kind contributions that benefit the Member Cities, local schools, public safety buildings, as well as North Metro TV;

**WHEREAS**, in 1984 Congress defined a franchise fee as a "tax, fee, or assessment" and, for the past 35 years, it has been solely a monetary fee;

**WHEREAS**, last year the FCC departed from the clear language of the Cable Act and ruled that a franchise fee is both a monetary and non-monetary fee and permits cable companies to unilaterally assign a value to the non-monetary in-kind contributions and then subtract that amount from the franchise fees the cable operator pays the local community;

**WHEREAS**, the FCC order results in decreased vital funding to the Member Cities and North Metro TV;

**WHEREAS**, the *Protect Community Television Act* (currently S. 3218/HR 5659) has been introduced in Congress and its goal is to maintain the status quo by reversing the FCC order and allowing franchise fees to be calculated as they have been for over 35 years as monetary only fees; and

**WHEREAS**, this legislation is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the Minnesota League of Cities, and NATOA.

**NOW, THEREFORE, BE IT RESOLVED** that the City calls on Congress to pass legislation, such as the *Protect Community Television Act*, which would undo the FCC's action; and

**BE IT FURTHER RESOLVED** that the City urges all House members and Senators from Minnesota to cosponsor the *Protect Community Television Act*; and

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF** \_\_\_\_\_

By: \_\_\_\_\_  
Its Mayor

ATTEST:

\_\_\_\_\_

Amy Klobuchar

## U.S. Senator for Minnesota

### Klobuchar, Smith Help Introduce Legislation to Protect Community Television

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January 23, 2020

WASHINGTON - This week, U.S. Senators Amy Klobuchar (D-MN) and Tina Smith (D-MN) helped introduce the *Protecting Community Television Act*, which would ensure that community television operations continue to receive the resources they need to educate and inform viewers in the cities and towns where they operate.

Currently, local governments are permitted to require—as part of cable franchise agreements—that cable companies meet demonstrated community needs by providing in-kind contributions that benefit schools, public safety buildings, as well as public, educational, and government (PEG) channels, also known as community television stations. However, last year the Federal Communications Commission (FCC) voted to permit cable companies to assign a value to these contributions and then subtract that amount from the franchise fees the cable operator pays the local community. As a result, local governments will have to decide between supporting PEG stations in cable franchise agreements and supporting other important services for critical community institutions like schools and libraries. The *Protecting Community Television Act* would clarify that the franchise fees that cable companies provide local governments only include monetary assessments, not in-kind contributions.

**“We must protect community television stations that give voice to important local issues, leaders and stories that may not otherwise be heard,”** Klobuchar said. **“Thomas Jefferson wrote that the first objective of our democracy should be to leave open all avenues to the truth and that the most effective way of doing this is through freedom of the press. I am proud to support the Protecting Community Television Act as we continue working to ensure that local television stations receive the resources they need to inform and educate our communities.”**

**“It is so important for local voices to be heard, and for the federal government to support the community television stations who lift up these voices in Minnesota and**



**across the country,” Smith said. “We’re seeing more and more media consolidation, and it’s vital that we stand up for local media. Communities deserve lawmakers who will look out for them, and that’s what we’re doing through this legislation.”**

“The League of Minnesota Cities thanks Senators Smith and Klobuchar for their ongoing support for local authority and protecting local media. The Cable Act was passed by Congress to ensure that cable providers meet community needs and fairly compensate cities for the use of the public right of way to deliver their service. The *Protecting Community Television Act* upholds that commitment and protects community programming from FCC overreach by clarifying that community benefits negotiated between the city and cable companies cannot be deducted from the franchise fees paid to the city,” **said Dave Unmacht, Executive Director at the League of Minnesota Cities.**

You can access text of the legislation [here](#). The bill is supported by the League of Minnesota Cities, the National Association of Counties, the National League of Cities, United States Conference of Mayors, the National Association of Telecommunications Officers and Advisors, Alliance for Community Media, MassAccess, TeleCommUnity, and Texas Municipal League.

There are more than 1,500 public, educational, and governmental studios/operations and an estimated 3,000 PEG channels in America. Religious programming represents 30 percent of local access programming. Tens of thousands of hours of programming is produced by veterans, seniors, the disabled and ethnic, minority and second language groups.

The *Protecting Community Television Act*—led by Senator Edward J. Markey (D-Mass.)—is also supported by Sens. Tammy Baldwin (D-Wisc.), Ben Cardin (D-Md.), Chris Van Hollen (D-Md.), Bernie Sanders (I-Vt.), Chris Murphy (D-Conn.), Maggie Hassan (D-N.H.), Jeff Merkley (D-Ore.), Jeanne Shaheen (D-N.H.), Richard Blumenthal (D-Conn.), Ron Wyden (D-Ore.), Kirsten Gillibrand (D-N.Y.), Marie Hirono (D-Hawaii), and Elizabeth Warren (D-Mass.).

###



January 16, 2020

The Honorable Tom Emmer  
United States House of Representatives  
315 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Emmer,

As the President of the League of Minnesota Cities, I am writing on behalf of our 833 member cities to express our support for the Protecting Community Television Act introduced by Congresswoman Anna Eshoo (D-CA) and to urge you to sign onto the bill as a co-sponsor. The bill protects critical funding for public, education, or governmental (PEG) stations which were jeopardized by the Federal Communications Commission's (FCC) reinterpretation of the Cable Act outlined in its Section 621 Report and Order released in August 2019. Without the adoption of the bill, cities will see a decrease in franchise fees and may be forced to abandon PEG stations.

The FCC's reinterpretation of the Cable Act allows cable operators to deduct the value of "in-kind" obligations negotiated between them and cities against the franchise fees they have agreed to pay. This interpretation threatens city budgets and could significantly reduce franchise fees, which may force cities to eliminate public access programming entirely. In-kind obligations that are subject to these deductions include complimentary or discounted cable connections to schools, libraries and government buildings as well as negotiated discounts for veterans, seniors or low-income families. Moreover, the FCC has stated that within the year it may extend the offset to include the channel capacity needed to provide PEG programming.

Congress articulated a clear difference between monetary franchise fees and negotiated in-kind contributions in the Cable Act, and this distinction must be upheld. The Protecting Community Television Act upholds this longstanding distinction and reverses the FCC's attempt to treat non-monetary in-kind franchise obligations as franchise fees by clarifying in law that franchise fees are limited to cash payments and do not include other services negotiated between a cable operator and a city. This legislation is critical to ensuring the preservation PEG programming and the ability for cities to receive fair compensation for commercial use of public rights of way.

If you or your staff have any questions about the Protecting Community Television Act and how it would benefit Minnesota cities, please contact Daniel Lightfoot at [dlightfoot@lmc.org](mailto:dlightfoot@lmc.org) or 651-281-1295.

Thank you for the work that you do on behalf of all Minnesotans.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Mornson", written in a cursive style.

Mike Mornson  
President, League of Minnesota Cities

116TH CONGRESS  
2D SESSION

# S. 3218

To amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2020

Mr. MARKEY (for himself, Ms. BALDWIN, Ms. SMITH, Mr. CARDIN, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MURPHY, Ms. HASSAN, Mr. MERKLEY, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. WYDEN, Mrs. GILLIBRAND, Ms. HIRONO, Ms. WARREN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Community  
5 Television Act”.

6 **SEC. 2. MODIFYING THE DEFINITION OF FRANCHISE FEE.**

7 Section 622(g)(1) of the Communications Act of  
8 1934 (47 U.S.C. 542(g)(1)) is amended—

- 1           (1) by striking “includes” and inserting
- 2           “means”; and
- 3           (2) by inserting “other monetary” before “as-
- 4           essment”.

○

116TH CONGRESS  
2D SESSION

# H. R. 5659

To amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2020

Ms. ESHOO (for herself, Mr. WELCH, Mr. MCGOVERN, Mr. NEAL, Mr. ENGEL, Mr. DEFAZIO, Mr. COX of California, Mr. HUFFMAN, Ms. SPEIER, Mr. SCHIFF, Ms. GABBARD, Ms. MENG, Mr. BLUMENAUER, Mr. SERRANO, Mr. LYNCH, Mr. RASKIN, Mr. TRONE, Ms. MCCOLLUM, Mr. PAPPAS, Ms. MOORE, Ms. KUSTER of New Hampshire, and Mrs. TRAHAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Community  
5 Television Act”.

6 **SEC. 2. MODIFYING THE DEFINITION OF FRANCHISE FEE.**

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8 1934 (47 U.S.C. 542(g)(1)) is amended—

- 1           (1) by striking “includes” and inserting
- 2           “means”; and
- 3           (2) by inserting “other monetary” before “as-
- 4           sessment”.

○

Sec. 542 Franchise fees

**§542. Franchise fees**

**(a) Payment under terms of franchise**

Subject to the limitation of subsection (b), any cable operator may be required under the terms of any franchise to pay a franchise fee.

**(b) Amount of fees per annum**

For any twelve-month period, the franchise fees paid by a cable operator with respect to any cable system shall not exceed 5 percent of such cable operator's gross revenues derived in such period from the operation of the cable system to provide cable services. For purposes of this section, the 12-month period shall be the 12-month period applicable under the franchise for accounting purposes. Nothing in this subsection shall prohibit a franchising authority and a cable operator from agreeing that franchise fees which lawfully could be collected for any such 12-month period shall be paid on a prepaid or deferred basis; except that the sum of the fees paid during the term of the franchise may not exceed the amount, including the time value of money, which would have lawfully been collected if such fees had been paid per annum.

**(c) Itemization of subscriber bills**

Each cable operator may identify, consistent with the regulations prescribed by the Commission pursuant to section 543 of this title, as a separate line item on each regular bill of each subscriber, each of the following:

- (1) The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid.
- (2) The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational, or governmental channels or the use of such channels.
- (3) The amount of any other fee, tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber.

**(d) Court actions; reflection of costs in rate structures**

In any court action under subsection (c), the franchising authority shall demonstrate that the rate structure reflects all costs of the franchise fees.

**(e) Decreases passed through to subscribers**

Any cable operator shall pass through to subscribers the amount of any decrease in a franchise fee.



**(f) Itemization of franchise fee in bill**

A cable operator may designate that portion of a subscriber's bill attributable to the franchise fee as a separate item on the bill.

**(g) "Franchise fee" defined**

For the purposes of this section—

(1) the term "franchise fee" includes any tax, fee, or assessment of any kind imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber, or both, solely because of their status as such;

(2) the term "franchise fee" does not include—

(A) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services but not including a tax, fee, or assessment which is unduly discriminatory against cable operators or cable subscribers);

(B) in the case of any franchise in effect on October 30, 1984, payments which are required by the franchise to be made by the cable operator during the term of such franchise for, or in support of the use of, public, educational, or governmental access facilities;

(C) in the case of any franchise granted after October 30, 1984, capital costs which are required by the franchise to be incurred by the cable operator for public, educational, or governmental access facilities;

(D) requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

(E) any fee imposed under title 17.

**(h) Uncompensated services; taxes, fees and other assessments; limitation on fees**

(1) Nothing in this chapter shall be construed to limit any authority of a franchising authority to impose a tax, fee, or other assessment of any kind on any person (other than a cable operator) with respect to cable service or other communications service provided by such person over a cable system for which charges are assessed to subscribers but not received by the cable operator.

(2) For any 12-month period, the fees paid by such person with respect to any such cable service or other communications service shall not exceed 5 percent of such person's gross revenues derived in such period from the provision of such service over the cable system.





### **(i) Regulatory authority of Federal agencies**

Any Federal agency may not regulate the amount of the franchise fees paid by a cable operator, or regulate the use of funds derived from such fees, except as provided in this section.

(June 19, 1934, ch. 652, title VI, §622, as added Pub. L. 98-549, §2, Oct. 30, 1984, 98 Stat. 2787; amended Pub. L. 102-385, §14, Oct. 5, 1992, 106 Stat. 1489; Pub. L. 104-104, title III, §303(b), Feb. 8, 1996, 110 Stat. 125.)

### **References in Text**

This chapter, referred to in subsec. (h)(1), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

### **Amendments**

**1996**—Subsec. (b). Pub. L. 104-104 inserted "to provide cable services" before period at end of first sentence.

**1992**—Subsec. (c). Pub. L. 102-385 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "A cable operator may pass through to subscribers the amount of any increase in a franchise fee, unless the franchising authority demonstrates that the rate structure specified in the franchise reflects all costs of franchise fees and so notifies the cable operator in writing."

### **Effective Date of 1992 Amendment**

Amendment by Pub. L. 102-385 effective 60 days after Oct. 5, 1992, see section 28 of Pub. L. 102-385, set out as a note under section 325 of this title.

### **Effective Date**

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

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NORTH METRO TV

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TO: OPERATIONS COMMITTEE/CABLE COMMISSION  
FROM: HEIDI ARNSON  
SUBJECT: JOINT POWERS AGREEMENT UPDATES  
DATE: 3/11/2020

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At the February Operations and Executive Committee meetings, updates to the Cable Commission Joint Powers Agreement were considered. For the most part, the recommended changes were approved. Those changes include:

- Removing references to two budgets
- Removing the requirement that a city joining the Commission must be contiguous to a current member city
- Removing reporting and oversight language no longer applicable due to law/rule changes
- Including PEG fees as fees available for payments for bonds

However, there were a couple of areas that required additional attention. The Operations Committee asked that language concerning quorums be simplified. The Executive Committee asked that alternate methods be considered for determining number of votes, and by extension, what represents a quorum.

The language has been changed and says what it needs to say without any extraneous verbiage. The alternate methods for determining number of votes per member, and what represents a quorum, have been considered and discussed.

The goal of the vote assignment and quorum numbers is to recognize the number of Blaine's subscribers, while still maintaining the other six Member Cities' ability to unanimously override Blaine. (It would also need to continue to work should additional cities join the Commission.)

The tricky part was that the two alternate methods we were asked to consider for determining votes, resulted in Blaine, alone, having over 51% of the vote. The current quorum language requires at least 51% of total votes be present for a quorum, in addition to a certain number of directors. As such Blaine would have to be present for every meeting in order to have a quorum. That's a lot of attendance pressure on Blaine....

So! After many charts and confusing conversations, I think we have a recommendation that meets the above stated goals.

A quorum could be a majority of directors and 51% of the vote, OR the presence of  $\frac{3}{4}$  of the directors. This would keep the quorum and voting structure at the status quo and allow for the seamless addition of other cities.

The same structure would apply to official action of the Commission, and would work with any of the methods considered for tallying votes:

- One vote for every 2,500 subscribers or fraction thereof (current method)
- One vote for every 500 subscribers or fraction thereof
- One vote for every 1,000 subscribers or fraction thereof
- One vote for every percentage point of Franchise fees contributed out of 100% (or because of rounding, 98%)

| Member City         | Current<br>JPA<br>(1 Vote<br>2,500) | Option 1<br>(1 Vote<br>500) | Option 2<br>(1 Vote 1,000) | Option 3<br>(Votes based on<br>Fees) |
|---------------------|-------------------------------------|-----------------------------|----------------------------|--------------------------------------|
| Blaine              | 5                                   | 22                          | 11                         | 55                                   |
| Centerville         | 1                                   | 2                           | 1                          | 3                                    |
| Circle Pines        | 1                                   | 2                           | 1                          | 4                                    |
| Ham Lake            | 2                                   | 6                           | 3                          | 14                                   |
| Lexington           | 1                                   | 1                           | 1                          | 2                                    |
| Lino Lakes          | 2                                   | 7                           | 4                          | 16                                   |
| Spring Lake<br>Park | 1                                   | 3                           | 2                          | 6                                    |
| <b>Total Votes:</b> | <b>13</b>                           | <b>43</b>                   | <b>23</b>                  | <b>98</b>                            |

At the Executive Committee meeting, it was thought that one vote per every 1,000 subscribers would keep total vote numbers manageable, while still recognizing the subscriber levels of each City.

Once we have final approval on updates to the Joint Powers Agreement, we will apply those changes to the By-Laws for your perusal.

### NMT CJPA Examples

The following charts show how votes are calculated in the current JPA and the two alternative voting options in the draft JPA amendments, as well as several examples contrasting the models.

| Member City             | Current JPA (1 Vote per 2,500 Subs) | Option 1 (1 Vote per 1,000 Subs) | Option 2 (Votes based on FF and PEG fee Revenue) |
|-------------------------|-------------------------------------|----------------------------------|--|
| <b>Blaine</b>           | 5                                   | 11                               | 55   |
| <b>Centerville</b>      | 1                                   | 1                                | 3  |
| <b>Circle Pines</b>     | 1                                   | 1                                | 4  |
| <b>Ham Lake</b>         | 2                                   | 3                                | 14   |
| <b>Lexington</b>        | 1                                   | 1                                | 2  |
| <b>Lino Lakes</b>       | 2                                   | 4                                | 16   |
| <b>Spring Lake Park</b> | 1                                   | 2                                | 6  |
| <b>Total Votes</b>      | <b>13</b>                           | <b>23</b>                        | <b>98</b>  |

|   |   |
|---|---|
| <b>Example 1</b>  | <b>4 Commission Directors Present – Blaine Director Absent.</b>   |
| <b>Current JPA</b>                                      | No quorum. Need a majority of the total authorized (7 of 13) votes present. In this example the most authorized votes would be 6. |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | No quorum. The maximum authorized votes present would be 10. 12 votes needed for a quorum in this example.                        |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | No quorum. Blaine represents a majority of the votes.   |

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| <b>Example 2</b>  | <b>4 Commission Directors Present, <u>including</u> Blaine Director.</b>  |
| <b>Current JPA</b>                                      | Unanimous consent needed to pass a measure. 4 Directors representing 7 votes (51+% of the authorized votes) constitute a quorum. Must have 4 Directors to pass a measure.   |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | Unanimous consent needed to pass a measure. 4 Directors (majority of appointed Directors) representing 51+% of the authorized votes constitute a quorum. Must have all 4 Directors (majority of appointed Directors) to pass a measure. |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | Unanimous consent needed to pass a measure. 4 Directors (majority of appointed Directors) representing 51+% of the authorized votes constitute a quorum. Must have all 4 Directors (majority of appointed Directors) to pass a measure. |

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| <b>Example 3</b>  | <b>5 Commission Directors Present – Blaine Director Absent.</b>   |
| <b>Current JPA</b>                                      | 4 Directors representing 7 votes constitute a quorum. In this example there would be 5 directors representing 7 votes. Measure could pass by 4 votes in favor (51% of votes cast) plus 4 Directors. |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | No quorum. The maximum number of authorized votes present would be 11. 12 votes needed for a quorum in this example.  |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | No quorum because Blaine represents a majority of the votes and $\frac{3}{4}$ of the appointed directors (6) are not present.   |

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| <b>Example 4</b>  | <b>5 Commission Directors Present, <u>including</u> Blaine Director.</b>   |
| <b>Current JPA</b>                                      | 4 Directors representing 7 votes constitute a quorum. In this example there would be 5 directors representing at least 9 votes. Assuming 9 votes, a measure could pass by 51% (5) of votes cast plus 4 Directors.                          |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | 4 Directors representing over 51+% of authorized votes constitute a quorum. In this example there would be 5 directors representing at least 16 votes. Assuming 16 votes, a measure could pass by 51% (9) of votes cast plus 4 Directors.  |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | 4 Directors representing over 51+% of authorized votes constitute a quorum. In this example there would be 5 directors representing at least 70 votes. Assuming 70 votes, a measure could pass by 51% (36) of votes cast plus 4 Directors. |

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| <b>Example 5</b>  | <b>6 Commission Directors Present - Blaine Director Absent.</b>   |
| <b>Current JPA</b>                                      | 4 Directors representing 7 votes constitute a quorum. In this example there would be 6 directors representing 8 votes. Measure could pass by either: (1) 5 votes in favor (51% of votes cast) plus 4 Directors; or (2) all 6 Directors voting in favor. |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | Quorum because 6 directors represent $\frac{3}{4}$ of the appointed directors. Measure could pass by (1) 51% (7 of 12) of the votes cast, or (2) unanimous vote.  |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | Quorum because 6 directors represent $\frac{3}{4}$ of the appointed directors. Measure could pass by (1) 51% (22 of 43) of the votes cast, or (2) unanimous vote.   |

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| <b>Example 6</b>  | <b>6 Commission Directors Present, <u>including</u> the Blaine Director.</b>  |
| <b>Current JPA</b>                                      | 4 Directors representing 7 votes constitute a quorum. In this example there would be 6 directors representing at least 11 votes. Measure could pass by either: (1) 51% (6) of votes cast plus 4 Directors; or (2) all 6 Directors voting in favor.  |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | 4 Directors representing over 51+% of authorized votes constitute a quorum. In this example there would be 6 directors representing at least 19 votes. Assuming 19 votes present, a measure could pass by either: (1) 51% (10 of 19) of votes cast plus 4 Directors; or (2) all 6 Directors (3/4 of appointed Directors) voting in favor. |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | 4 Directors representing over 51+% of authorized votes constitute a quorum. In this example there would be 6 directors representing at least 82 votes. Assuming 82 votes present, a measure could pass by either: (1) 51% (42 of 82) of votes cast plus 4 Directors; or (2) all 6 Directors (3/4 of appointed Directors) voting in favor. |

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| <b>Example 7</b>  | <b>All 7 Commission Directors present.</b>  |
| <b>Current JPA</b>                                      | Measure could pass by either (1) 7 of 13 votes of 4 Directors; or (2) 6 of 7 Directors voting in favor of measure.  |
| <b>Option 1 (1 vote per 1,000 subs)</b>                 | Measure could pass by either: (1) 51+% of authorized votes (12 of 23) plus 3 Directors; or (2) 6 of 7 Directors (3/4 of appointed Directors) voting in favor. |
| <b>Option 2 (votes based on FF and PEG fee revenue)</b> | Measure could pass by either: (1) 51+% of authorized votes (50 of 98) plus 3 Directors; or (2) 6 of 7 Directors (3/4 of appointed Directors) voting in favor. |

**FINAL**  
**NORTH METRO TELECOMMUNICATIONS COMMISSION**  
**AMENDED AND RESTATED**  
**JOINT AND COOPERATIVE AGREEMENT**  
**FOR THE ADMINISTRATION OF A CABLE COMMUNICATIONS SYSTEM**

**PARTIES**

The parties to this agreement are governmental units of the State of Minnesota. This agreement is made pursuant to Minnesota Statutes Section 471.59, as amended.

**I. GENERAL PURPOSE**

The general purpose of this agreement is to establish an organization to monitor the operation and activities of cable communications, and in particular, the Cable Communications System (System) of the parties; to provide coordination of administration and enforcement of the franchises of parties for their respective System; to produce, edit and transmit video programming for the parties of this agreement; to make video production, editing and studio facilities and equipment available to the citizens of the parties to this agreement through the operation of a Community Media Center; to promote the development of locally produced cable television programming; to ensure public access to emerging telecommunications technologies; and to conduct such other activities authorized herein as may be necessary to insure equitable and reasonable rates and service levels for the citizens of the Members to this agreement.

**II. NAME**

The name of the organization is the North Metro Telecommunications Commission (NMTC).

**III. DEFINITION OF TERMS**

Section 1. For the purposes of this agreement, the terms defined in this Article shall have the meanings given them.

Section 2. "Commission" means the Board of Directors created pursuant to this agreement.

Section 3. "Community Media Center" means the North Metro TV Studios~~public access center formerly run by the cable company, and any other media center and facilities operated public access center and studio facility that may be subsequently constructed by~~ the Commission, along with all related equipment and staff.

Section 4. "Council" means the governing body of a Member.

Section 5. "Executive Director" means a staff person that may be hired by the Commission for the purpose of providing administrative support to the Commission and day to day management of the CommunityMediaCenter.

Section 6. "Franchise" means that cable communications franchise granted by all cities listed in Article V, Section 1.

Section 7. "Grantee" means the person or entity to whom a franchise has been granted by Member.

Section 8. "Member" means a municipality which enters into this agreement.

Section 9. "Operations Committee" means a committee, made up of the administrators from each Member City, and the Executive Director as an Ex-Officio member, that meets for the purpose of providing day to day oversight and coordination of the Community Media Center operation, supervision and support of the Executive Director, and advice and counsel to the Commission.

Section 10. "Subscriber" means any individual or location which receives Telecommunications service from which the City collects a franchise fee.

Section 11. "Telecommunications" means traditional television technology and any new, related communications technologies that may be delivered via wire or air.

#### **IV. MEMBERSHIP**

Section 1. The municipalities of Blaine, Centerville, Circle Pines, HamLake, Lexington, LinoLakes, and SpringLakePark are the Members of the Commission. Any municipality ~~geographically contiguous to any of these named municipalities, and~~served by a cable communications system through the same Grantee, may become a Member pursuant to the terms of this agreement.

Section 2. Any municipality desiring to become a Member shall execute a copy of this agreement and conform to all requirements herein.

Section 3. Municipalities, in addition to those listed in Article V, Section 1 of this agreement, desiring to become Members may be admitted by an affirmative vote of the Members of the Commission as specified in Article VI, Section 8 of this agreement. The Commission may by resolution impose conditions upon the admission of additional Members.

#### **V. DIRECTORS: VOTING**

Section 1. Each Member shall be entitled to one (1) director to represent it on the Commission who shall be a council member from the Member City. Each director is entitled to one (1) vote for each ~~2,51,000~~ subscribers or fraction thereof subscribing in the municipality represented by the director provided, however, that each director shall have at least one vote. The number of subscribers per City shall be determined as of



December 31<sup>st</sup> of each year. Prior to the first Commission meeting in February of each year, the Secretary of the Commission shall determine the number of votes for each Member in accordance with this section and certify the results to the Chair.

Section 2. A director shall be appointed by official action of each Member. Each Member shall notify the Commission in writing of the appointment. A director shall serve until a successor is appointed. Directors shall serve without compensation from the Commission.

Section 3. Each Member shall appoint at least one alternate who shall be a council member from the MemberCity. A Member may appoint any number of additional alternate directors, each of whom must also be a council member from that MemberCity. The Commission, in its By-Laws, may prescribe the extent of an alternate's powers and duties.

Section 4. A vacancy in the office of director will exist for any of the reasons set forth in Minnesota Statutes Section 351.02, or upon a revocation of a director's appointment duly filed by a Member with the Commission. Vacancies shall be filled by appointment for the unexpired portion of the term of director by the council of the Member whose position on the Board is vacant.

Section 5. There shall be no voting by proxy, but all votes must be cast by the director or the duly authorized alternate at a Commission meeting.

Section 6. The presence of either (1) a majority of the appointed ~~four~~ directors representing a majority of the total authorized votes of all directors, or (2) three-fourths (3/4) of the appointed directors shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 7. A director shall not be eligible to vote on behalf of the director's municipality during the time said municipality is in default on any contribution or payment to the Commission. During the existence of such default, the vote or votes of such Member shall not be counted for the purposes of this agreement.

Section 8. All official actions of the Commission must receive either:

- (1) a simple majority (51%) of all authorized votes cast on the issue at a duly constituted meeting of the Commission and the affirmative vote of a majority of the appointed directors ~~four~~ (4) directors; or
- (2) the affirmative vote of three-fourths (3/4) of the appointed ~~six~~ (6) directors.

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## VI. EFFECTIVE DATE: MEETINGS: ELECTION OF OFFICERS

Section 1. A municipality may enter into this agreement by resolution of its council and the duly authorized execution of a copy of this agreement by its proper officers. Thereupon, the clerk or other appropriate officer of the municipality shall file a duly executed copy of this agreement, together with a certified copy of the authorizing

resolution, with the Executive Director of the North Metro Telecommunications Commission. The resolution authorizing the execution of the agreement shall also designate the director and the alternate for the municipality on the Commission, along with said director's and alternate's address and phone number.

Section 2. This agreement is effective on the date when executed agreements and authorizing resolution of five of the municipalities named in Article V, Section 1 have been filed as provided in this Article.

Section 3. At the organizational meeting, or as soon thereafter as it may reasonably be done, the Commission shall select from among the directors a Chair, Vice-Chair, Secretary and Treasurer, adopt By-Laws governing its procedures including the time, place, notice for and frequency of its regular meetings, adopt a procedure for calling special meetings, and such other matters as are required by this agreement.

Section 4. Officers of the Commission shall be elected annually for one year terms. Officers completing on full one year term shall only succeed themselves once in another full one year term in the same office.

## **VII. POWERS AND DUTIES OF THE COMMISSION**

Section 1. The powers and duties of the Commission shall include the powers set forth in this Article.

Section 2. The Commission may make such contracts, grants, and take such other action as it deems necessary and appropriate to accomplish the general purposes of the organization. The Commission may not contract for the purchase of real estate without the prior authorization of the Member municipalities. Any purchase or contracts made shall conform to the requirements applicable to Minnesota statutory cities.

Section 3. The Commission shall assume all authority and undertake all tasks necessary to coordinate, administer, and enforce the Franchise of each Member except for that authority and those tasks specifically retained by a Member.

Section 4. The Commission shall continually review the operation and performance of the cable communications system of the Members ~~and prepare annual reports as required by the Minnesota Cable Communications Board and the FCC.~~

Section 5. To the extent allowed by applicable law, ~~The~~ Commission shall undertake all procedures necessary to maintain uniform rates and to handle applications for changes in rates for the services provided by the Grantee.

Section 6. The Commission may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose. It may employ such other persons as it deems necessary to accomplish its powers and duties. Such employees may be on a full-time, part-time or consulting basis, as the Commission determines, and the Commission may make any required employer contributions which local governmental units are authorized or

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required to make by law.

Section 7. The Commission may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of State and Federal regulatory, legislative or administrative bodies, on any matter related to or affecting cable communication rates, franchises, or levels of service.

Section 8. The Commission may obtain from Grantee and from any other source, such information relating to rates, costs and service levels as any Member is entitled to obtain from Grantee or others.

Section 9. The Commission may accept gifts, apply for and use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.

Section 10. The Commission shall make an annual, independent audit of the books of the Commission and shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for examination by the Members at all reasonable times.

Section 11. The Commission may delegate its authority to its executive committee. Such delegation of authority shall be by resolution of the Commission and may be conditioned in such a manner as the Commission may determine.

Section 12. The Commission shall adopt By-Laws which may be amended from time to time.

Section 13. The Commission is given express authority to issue bonds, obligations and other forms of indebtedness, in a principal amount not to exceed \$2,500,000 (the "Bonds"), for approved facility and equipment upgrades consistent with the authority granted to the Commission in this Agreement. As provided in Minn. Stat. § 471.59, subd. 11, the Bonds shall be obligations of the Commission which are issued on behalf of the Members, and shall be issued subject to the conditions and limitations set forth in Minn. Stat. § 471.59, subd. 11. The Bonds shall be payable solely from the Member's franchise fees and/or PEG fees, as hereinafter provided. The Commission may not pledge to the payment of the Bonds the full faith and credit or taxing power of the Members. No Bonds may be issued by the Commission without the prior consent of the Members.

Section 14. The Commission shall provide ongoing oversight of the Operations Committee.

Section 15. The Commission shall recommend and forward to the Member cities the Commission's annual budget, and the Community Media Center's operating budget and work plan.

Section 16. The Commission shall periodically review expenditures related to the Community Media Center.

Section 17. The Commission may exercise any other power necessary and incidental to the implementation of its powers and duties.

#### **VIII. POWERS AND DUTIES OF THE OPERATIONS COMMITTEE**

Section 1. The powers and duties of the Operations Committee shall include the powers set forth in this article.

Section 2. The Operations Committee shall provide input and make recommendations to the Commission.

Section 3. The Operations Committee shall provide for the definition of Member cities' needs and shall coordinate the resources of the Member cities' with the Executive Director and the CommunityMediaCenter for production purposes.

Section 4. The Operations Committee shall provide for the day to day supervision of the Executive Director and evaluation of the CommunityMediaCenter operation both for the purpose of reporting and recommendation to the Commission, and shall designate a liaison for the purpose of day to day communication with the Executive Director and to serve as liaison to the Commission. The Operations Committee will annually provide input to the Commission and Executive Director on the Executive Director's performance.

Section 5. The Operations Committee shall make recommendations on staffing needs and compensation levels for the CommunityMediaCenter.

Section 6. The Operations Committee shall provide input to the development of the Commission's annual budget, and Community Media Center's operating budget and work plan.

Section 7. The Operations Committee shall provide for the ongoing evaluation of the technological needs of the CommunityMediaCenter and the telecommunications needs of the Member cities.

#### **IX. OFFICERS**

Section 1. The officers of the Commission shall consist of a Chair, Vice-Chair, a Secretary, and a Treasurer.

Section 2. A vacancy in the office of Chair, Vice-Chair, Secretary or Treasurer shall occur for any of the reasons for which a vacancy in the office of a director shall occur. Vacancies in these offices shall be filled by the commission for the unexpired portion of the term.

Section 3. The four officers shall all be Members of the executive committee.

Section 4. The Chair shall preside at all meetings of the Commission and executive committee. The Vice-Chair shall act as chair in the absence of the Chair.

Section 5. The Secretary shall be responsible for keeping a record of all of the proceedings of the Commission and executive committee.

Section 6. The Treasurer shall be responsible for custody of all funds, for the keeping of all financial records of the Commission and for such other matters as shall be delegated by the Commission. The Commission may require that the Treasurer post a fidelity bond or other insurance against loss of Commission funds in an amount approved by the Commission, at the expense of the Commission. Said fidelity bond or other insurance may cover all persons authorized to handle funds of the Commission.

Section 7. The Commission may appoint such other officers as it deems necessary. All such officers shall be appointed from the membership of the Commission.

#### **X. FINANCIAL MATTERS**

Section 1. The fiscal year of the Commission shall be the calendar year.

Section 2. Commission funds may be expended by the Commission in accordance with the procedures established by law for the expenditure of funds by Minnesota Statutory Cities. Orders, checks and drafts must be signed by any two of the officers. Other legal instruments shall be executed with authority of the Commission, by the Chair and treasurer. Contracts shall be let and purchases made in accordance with the procedures established by law for Minnesota Statutory Cities.

Section 3. The financial contributions of the Members in support of the Commission shall be of two types: (1) each Member shall be responsible for its share of the debt service payments on the Commission's Bonds (but only from the Member's franchise fees and/or PEG fees), which share shall be in the same proportion as the Member's franchise fees for the immediately preceding calendar year were to the total franchise fees receivable by the Commission for that calendar year (the "Debt Service Share"); and (2) each member shall be responsible for its share of the operating and capital costs of the Commission (not including any part of the debt service on the Commission's Bonds), which share shall be in direct proportion to the percent of annual subscriber revenues of each Member to the total annual revenues of the system multiplied by the Commission's annual budget (the "Operating Cost Share"). The annual budget shall establish the contribution of each Member for its Operating Cost Share for the ensuing year. Each Member shall cause its franchise fees to be paid directly to the Commission, and the Commission shall deduct from each Member's quarterly payment of franchise fees, before application to any other purpose, one-fourth of the Member's Debt Service Share for that calendar year. If any Member's quarterly payment of franchise fees is not sufficient to pay its quarterly Debt Service Share, the deficiency will continue to be an obligation of the Member and will be deducted from the next payment or payments of the Member's franchise fees until the deficiency has been restored. After provision is made for payment of the Debt Service Share, the remaining franchise fees shall be applied as a credit against each Member's

Operating Cost Share owed the Commission, with any excess being remitted to the Member by the Commission and any shortfall being payable to the Commission by the Member. The remainder of any franchise fee remitted back to the Member by the Commission shall be used for citizen communications-related expenses. Each Member acknowledges that its Debt Service Share of the franchise fee collections will be irrevocably pledged by the Commission as security for the Commission's Bonds.

Section 4. All PEG (public, educational, and government) programming fees collected by the Grantee and redistributed to the Commission shall be used by the Commission to fund the cable-related expenses of the Commission and its Member Cities. ~~operation of a Community Media Center.~~

Section 5. A proposed budget for the operation of the Commission, ~~including the Community Media Center,~~ for each calendar year shall be formulated by the Executive Director under the direction of the Operations Committee and submitted to the Commission on or before July 1 of each year. The Commission shall submit the proposed budget to the Members on or before August 1 of each year. Such budget shall be deemed approved by a Member unless, prior to October 15 preceding the effective date of the proposed budget, the Member gives notice in writing to the Commission that it is withdrawing from the Commission, subject to Article XII, Section 2 of this agreement. Final action adopting a budget for the ensuing calendar year shall be taken by the Commission on or before November 1 of each year.

Section 6. Any Member may inspect and copy the Commission books and records at any and all reasonable times. All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota Statutory Cities.

## **XI. DURATION**

Section 1. The Commission shall continue for an indefinite term unless the number of Members becomes less than five, and the Commission may also be terminated by mutual agreement of all of the Members at any time; provided that the Commission shall continue to exist as long as any Bonds described in Article VIII, Section 13 of this agreement remain outstanding.

Section 2. In order to prevent obligation for its Operating Cost Share for the ensuing calendar year, a Member must withdraw from the Commission by filing a written notice with the Secretary by October 15 of any year giving notice of withdrawal effective at the end of the calendar year; and membership shall continue until the effective date of the withdrawal. A notice of withdrawal may be rescinded by a Member at any time prior to the effective date of withdrawal. If a Member withdraws before the dissolution of the Commission, the Member shall have no claim against the assets of the Commission, including the right to receive an allocation of franchise fees, except as provided herein. A Member withdrawing after October 15 shall be obligated to pay its entire Operating Cost Share (including any shortfalls) for the ensuing year as outlined in the budget of the Commission for the ensuing year. A withdrawn Member will continue to be responsible for its Debt Service Share (payable only from the withdrawn Member's franchise

fees and/or PEG fees) notwithstanding its withdrawal from the Commission, and shall continue to have its franchise fees and PEG fees paid directly to the Commission until all Bonds have been paid. Any excess of the withdrawn Member's franchise fees over the withdrawn Member's Debt Service Share (and any required Operating Cost Share, if the Member gave notice of withdrawal after October 15 of the preceding calendar year) shall be remitted by the Commission to the withdrawn Member. A Member that has withdrawn from the Commission may, if no Bonds are outstanding, upon request, recover an amount of any equity that exists, as of the withdrawal date, in real property and buildings purchased or constructed with any Bonds, up to (but not exceeding) the Member's individual percentage of total franchise fees paid to all the Members (or their designee) and the withdrawn Member for the calendar year preceding withdrawal. The Commission may, if no Bonds are outstanding, at any time after the withdrawal of a Member as provided for herein, initiate a buy-out of the proportionate equity interest of the withdrawn Member, which interest is to be the withdrawn Member's individual percentage of total franchise fees paid to the Members (or their designee) and the withdrawn Member for the calendar year preceding the buy-out, pursuant to terms and conditions agreed upon by the parties. The amount of any equity distributed to a withdrawn Member will be paid, without interest, on a payment schedule established by the Commission, provided, however, the term of such payment schedule shall not exceed five (5) years. When calculating an equity repayment schedule, the Commission may deduct the withdrawn Member's proportionate share of outstanding indebtedness from the amount of any equity due to the withdrawn Member. Notwithstanding anything to the contrary, a withdrawing Member shall have no claim to the franchise fee or PEG fee the Grantee collected on its behalf for the year in which its withdrawal is effective, except for the reimbursement of cable-related expenses for that year. If no Bonds are outstanding, for the calendar year following withdrawal, and for all subsequent years, the entire franchise fee calculated upon gross revenues attributable to the system within the withdrawn Member shall be paid by Grantee to the withdrawn Member in accordance with the Franchise.

Section 3. In the event of dissolution, the Commission shall determine the measures necessary to effect the dissolution and shall provide for the taking of such measures as promptly as circumstances permit, subject to the provisions of this agreement. Upon dissolution of the Commission all remaining assets of the Commission, after payment of obligations, shall be distributed among the then existing Members in proportion to the most recent Member by Member breakdown of the franchise fee as reported by the Grantee. The Commission shall continue to exist after dissolution for such period, no longer than six months, as is necessary to wind up its affairs but for no other purpose.

IN WITNESS WHEREOF, the undersigned municipality has caused this agreement to be signed on its behalf this \_\_\_\_\_ day of \_\_\_\_\_, 2020+6.

City of \_\_\_\_\_, Minnesota

ATTEST:

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City Clerk  
Amended and Restated \_\_\_\_\_/2020+6

Mayor



UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Case Nos. 19-4161/4162/4163/4164/4165/4166/4183

**FILED**  
Mar 19, 2020  
DEBORAH S. HUNT, Clerk

CITY OF EUGENE, OREGON (19-4161); CITY )  
OF PORTLAND, OREGON, et al. (19-4162); )  
STATE OF HAWAII (19-4163); ALLIANCE FOR )  
COMMUNICATIONS DEMOCRACY, et al.(19- )  
4164); ANNE ARUNDEL COUNTY, )  
MARYLAND, et al. (19-4165); CITY OF )  
PITTSBURGH, PENNSYLVANIA (19-4166); )  
CITY OF CHICAGO, ILLINOIS, et al. (19-4183), )

Petitioners, )

v. )

FEDERAL COMMUNICATIONS COMMISSION, )  
et al., )

Respondents, )

NCTA-THE INTERNET AND TELEVISION )  
ASSOCIATION (19-4161–4166/4183); THE )  
ASSOCIATION OF TELECOMMUNICATIONS )  
OFFICERS AND ADVISORS (19-4162); CITY )  
OF NEW YORK (19-4162); BLOOMFIELD )  
TOWNSHIP, MICHIGAN, et al. (19-4165); CITY )  
OF AURORA, COLORADO, et al. (19-4183), )

Intervenors. )

ORDER

Before: MCKEAGUE, GRIFFIN, and KETHLEDGE, Circuit Judges.

PER CURIAM. Over the past fifteen years, the Federal Communications Commission has published a series of written orders that, together with the Communications Act, 47 U.S.C. § 151 *et seq.*, set forth the rules by which state and local governments may regulate cable providers. Several of those governments and some affiliated entities moved to enjoin the FCC’s most recent

order, which, among other things, interprets a term in the Act—“franchise fees”—in a manner that restricts the concessions that those governments may demand from cable providers. We deny the motion.

This court has already twice reviewed the FCC’s interpretation of the term “franchise fee” as used in the Communications Act. *See Alliance for Cmty. Media v. FCC*, 529 F.3d 763 (6th Cir. 2008); *Montgomery Cty. v. FCC*, 863 F.3d 485 (6th Cir. 2017). Under the Act, cable companies may provide cable services only if they are granted a cable “franchise” by their local government authorities. 47 U.S.C. §§ 522(9), 541(a)(2) and (b)(1). In exchange for a cable franchise, those authorities (“franchising authorities”) may demand that cable companies provide not only cash, but also, among other things, facilities, equipment, and “broad categories of video programming or other services” that meet the community’s cable-related needs. *See id.* §§ 541(a)(3)-(4), 544(b), 546(c)(1)(D). But at least some of those demands—those that are for “franchise fees”—are limited by the “franchise-fee cap,” which places a ceiling on the total value of the cash and services that a franchising authority may collect from a cable company. The Act limits franchise fees to a maximum of five percent of the company’s gross revenues for any 12-month period. *Id.* § 542(b).

In our most recent opinion in this matter, we agreed with the FCC that “franchise fees” can include noncash exactions, like free or discounted services. *See Montgomery Cty.*, 863 F.3d at 491 (6th Cir. 2017). The value of those exactions thus may count toward the five-percent cap. But we vacated as “arbitrary and capricious” the FCC’s pronouncement that all “in-kind” cable-related exactions were necessarily “franchise fees” subject to that cap. *Id.* We therefore vacated the FCC’s “Second Order” and directed the FCC to “determine and explain anew whether, and to what extent, cable-related exactions are ‘franchise fees’ under the Communications Act.” *Id.* at 492.

The FCC did that in its “Third Order,” which it entered in August 2019. *See* Local Franchising Authorities’ Regulation of Cable Operators and Cable Television Services, 84 FCC Rcd. 44725-01, 2019 WL 4016825 (August 27, 2019). In that Order, the FCC concluded among other things that most, though not all, in-kind cable-related exactions are franchise fees that count toward the five-percent cap. *Id.* at ¶ 8.

A group of franchising authorities and associated trade groups petitioned for review of the Third Order, which took effect at the end of September. *See* 47 C.F.R. § 76.42. The franchising authorities also asked the FCC to stay the Order; the FCC denied that request. The franchising authorities then moved to enjoin the Third Order pending our review of it. The FCC—along with an intervenor, “NCTA – The Internet & Television Association”—opposed that motion.

In considering a motion for injunctive relief, we typically consider four factors: first, whether the movant has a strong likelihood of success on the merits; second, whether the movant would suffer irreparable injury without the injunction; third, whether issuance of the injunction would cause substantial harm to others; and fourth, whether the public interest would be served by issuance of the injunction. *See A. Philip Randolph Inst. v. Husted*, 907 F.3d 913, 917–18 (6th Cir. 2018).

Here, the only part of the Third Order that the franchising authorities challenge in their motion to stay is the FCC’s interpretation of “franchise fee.” Hence the franchising authorities provide no basis for us to enjoin other parts of the Order, notably the FCC’s “mixed-use” rule or its preemption conclusions. We therefore consider only whether to enjoin the FCC’s definition of “franchise fee.”

We begin with the likelihood of success on the merits. In the Third Order, the FCC observed that the Act’s definition of “franchise fee” specifically excludes five taxes, fees, or

assessments that a franchising authority might seek from a cable provider. Order at ¶ 14–15; *see* 47 U.S.C. § 542(g). Two of those exclusions comprised in-kind cable-related exactions. *See* 47 U.S.C. § 542(g)(2)(B) and (C). The FCC thus concluded that the term “franchise fee” generally included all other cable-related, nonmonetary exactions, because otherwise Congress would have had no need to include any such exactions in its list of exceptions to the definition. Order at ¶ 15–16. But the FCC did exempt several other in-kind, cable-related services from the franchise-fee cap—namely, network “build-out costs” and costs related to FCC-imposed “customer service requirements.” *Id.* §§ 541(a)(2)(A)–(B), 552(a)(1). According to the FCC, the Act mandates those costs, so counting those costs against the franchise-fee cap would be “inconsistent with the statutory text and structure.” Order at ¶ 57–58. We are inclined to think, at this preliminary stage, that all of that reasoning is correct. And though we remain open to any argument that the franchising authorities choose to make in their merits briefing, their arguments in the motion to stay do not, at this stage, persuade us that the FCC’s interpretation of “franchise fee” is mistaken.

Our decision in the last appeal should make clear to everyone that we take seriously the franchising authorities’ disagreements with the FCC regarding interpretation of the Act. But in essence the franchising authorities have asked us to enjoin what appears to be a correct interpretation of a federal statute. We lack authority to do that. *See, e.g., Louisiana-Pacific Corp. v. James Hardie Bldg. Prods., Inc.*, 928 F.3d 514, 517 (6th Cir. 2019). Thus, none of the other three factors of the test for preliminary injunctions would allow us to grant the motion here. *Id.* Moreover, we note that the FCC has provided a process for franchising authorities and cable companies to resolve in an orderly fashion any disputes that arise regarding the value of services provided in excess of the five-percent cap. *See Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984*, MB Docket No. 05-311, 2020 WL 755965 (MB Feb. 11,

Nos. 19-4161/4162/4163/4164/4165/4166/4183

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2020), at ¶ 5. And NCTA's counsel affirmed at oral argument that cable companies would adhere to that orderly process. We expect they will do that.

The motion to stay the FCC's Third Order is denied.

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NORTH METRO TV

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**TO:** OPERATIONS COMMITTEE/CABLE COMMISSION  
**FROM:** HEIDI ARNSON  
**SUBJECT:** CENTURYLINK FRANCHISE VIOLATION RESOLUTION  
**DATE:** 3/26/2020

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In 2017 the State of Minnesota initiated a lawsuit against CenturyLink alleging that they had committed consumer fraud and deceptive trade practices. In response, assuming the allegations were true, the Commission found CenturyLink in violation of their franchise.

CenturyLink asked the Commission to withhold the violation until the litigation was resolved, but the Commission did not. The Commission did agree to not draw on the letter of credit or performance bond until the litigation was resolved.

The State and CenturyLink have settled the lawsuit, tentatively curing the franchise violations. CenturyLink did not admit fault. They have also paid the harmed subscribers and a substantial penalty to the State.

It is Legal Counsel's opinion that it would be legally challenging and costly to get CenturyLink to pay the Commission any sort of additional penalty. In discussions with CenturyLink, the option of having CenturyLink reimburse the Commission for legal fees related to the franchise violation is being considered as a resolution of the matter.

Discussions continue.



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## LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [pstech@lmc.org](mailto:pstech@lmc.org).

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

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LMCIT Member Name: \_\_\_\_\_

*Check one:*

- ☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.
- ☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_

# The coronavirus crisis proves the internet should be a public utility

March 26, 2020

By [Ephrat Livni](#)

Senior reporter, law & politics, DC.

Imagine if you had no internet access in this time of global crisis. It would be bad, right?

For one thing, you couldn't read this story. More importantly, you'd be in some form of quarantine unable to access information, with far fewer distractions and means to connect with others, and no way to work (if indeed your job has moved online in these difficult times). And if you were an indigent parent, you wouldn't be able to maintain some semblance of continuing education for your children.

You'd be struggling—alienated and uninformed—much more so than you may already be.

The spread of the novel coronavirus around the world has made many of us shut-ins and proven conclusively that the internet should be a public utility. It's a basic necessity in the 21st century, like running water, gas, and electricity. Indeed, the United Nations in 2016 declared that internet access is a human right.

Sure, you *could* theoretically survive without it, just as you might light your home with candles or warm it by fire. Just as you could arguably trek to the closest freshwater source and walk back with buckets of the life-sustaining stuff.

But in wealthy societies, like the US, those are absurd notions. Living under such conditions is virtually impossible and endangers everyone.

The pandemic has illuminated the interconnectedness of everyone and everything. That's why we're staying inside and avoiding physical contact. Your ignorance of infectious disease could lead to my demise and vice versa. With no ill intent at all, your loveliest neighbor or a total stranger could put you in grave danger.

So, though we have a whole lot of social woes to contend with right now—pressing medical and economic needs—it's not too soon to recognize that internet service providers' profits are not the top priority and that lack of access exacerbates existing class divides.

## The classless society

Americans like to believe they live in a classless society. In theory, anyone can lift themselves up by their proverbial bootstraps and live the dream. Realistically, it's a whole lot harder if at every



stage in your upbringing and adulthood you have fewer tools and opportunities. At this point, it's virtually impossible if you're not up to speed on technology or cut off from its offerings.

As labor economist Julia Pollak noted on Twitter, internet access is critical for education and employment and many people, until this pandemic changed things, relied on hotspots in cafes or libraries or schools for connection.

Internet service providers—like Comcast—recognize this, as evidenced by recent announcements that in these unusual times they're relaxing data restrictions, offering free service for a limited period, suspending disconnections, and hooking up new customers. Meanwhile, many American public schools have issued laptops to students who couldn't afford them, hoping the extended disruption to studies won't disproportionately affect the poor, although this doesn't necessarily mean every kid's household will be connected to the internet.

That is all very nice for now. But these charitable actions only highlight the need for widespread access regardless of economic circumstances.

Comcast can clearly afford to be generous. In 2017 and 2018 the company spent more than \$30 million lobbying Congress. How much it spent to convince state and municipal politicians that private companies should control access to the public web is unknown, prompting shareholders to demand transparency last year.

Their concern was that the company's activities would lead to a public backlash and greater demand for municipal broadband, which will erode profits. So, basically, what the shareholders were saying is that if the public truly understood just how much money the company was spending to ensure it controls internet access, voters would themselves be lobbying politicians for a public option that could ultimately undermine Comcast's ability to attract any customers at all.

## Deep pockets and open secrets

If you're not steeped in technology or law, you might not realize that Americans have been fighting for a fair internet for quite some time, losing the battle against big business. Comcast is the biggest spender when it comes to lobbying politicians but it isn't alone in spending millions to fight so-called net neutrality.

When the "net" is neutral, service providers can't slow, block, or prioritize one type of data over another, meaning they can't manipulate service to ensure those who can afford to do so spend more for better broadband.

In 2017, telecoms found a powerful ally in government. The Federal Communications Commission (FCC)—led by Trump appointee Ajit Pai, formerly a lawyer for Verizon—repealed net neutrality protections after a notice period plagued with allegations of unfairness. Some of the companies supporting the repeal of net neutrality protections appear to have contributed to campaigns by internet trolls posting support for the new rules online, which skewed the official record meant to reflect what the public wants.

The FCC also beat legal challenges by state attorneys and internet advocacy groups, to some extent. A federal circuit court of appeals found the new regulations are legal, so telecoms can throttle service. But the court also held that the US government cannot bar states or other localities from creating public options.

While FCC chairman Pai lauded the decision as a win for consumers and broadband deployment, his counterpart, FCC commissioner Jessica Rosenworcel issued her own statement, saying the agency was “on the wrong side of the American people and the wrong side of history.” She pointed out that the ruling proved the FCC had failed to understand the law. Rosenworcel wrote:

Today’s court decision vacates the FCC’s unlawful effort to block states and localities from protecting an open internet for their citizens. From small towns to big cities, from state houses to governors’ executive actions, states and localities have been stepping in because the FCC shirked its duties. In addition, the court took the agency to task for disregarding its duty to consider how its decision threatens public safety, lifeline service, and broadband infrastructure.

### **The public interest**

Enlightened localities have long understood just how critical internet access is. After last year’s ruling, democratic internet advocates posited that the short-term win for telecoms would ultimately result in their losses and a victory for the public. Not only had the broadband providers proven they don’t feel responsible to the people they serve, they also gave mayors and governors good reason and plenty of motivation to act boldly on behalf of their constituents.

Increasingly, towns, cities, and states are taking a close look at Chattanooga, Tennessee, which built its own high-speed fiber-optic internet network in 2009. A 2018 Consumer Reports survey found the city’s broadband was rated best in the US. There are already more than 500 communities nationwide operating public networks or leveraging their massive contracts with broadband providers to ensure free wiring of schools, libraries, and other publicly-accessible wifi hotspots.

This patchwork approach to public access is taking hold across the US and there is a growing understanding that internet access is a social issue that has to be addressed by governments, not private companies operating with profit as their sole motivator.

Perhaps after the pandemic panic gives way to a new state of normalcy, the people will demand inexpensive and reliable high-quality broadband, and maybe private internet service providers will have to sing a different tune. They already recognize that access is essential, based on their response to the coronavirus quarantines. That will make it harder to walk back the admissions and concessions they’re making today, and they may well find that if they don’t want to keep playing nice, a time will come when they’re no longer necessary because the game has totally changed.

[https://www.hibbingmn.com/opinion/columnists/new-urgency-for-rural-broadband/article\\_c831e4ea-752f-11ea-9795-23add118f754.html](https://www.hibbingmn.com/opinion/columnists/new-urgency-for-rural-broadband/article_c831e4ea-752f-11ea-9795-23add118f754.html)

## New urgency for rural broadband

By Aaron J. Brown Columnist  
Apr 4, 2020

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My family and I live down a long dirt road in rural Itasca County. Mud season reminds us of the challenges of rural life and the thin tendon joining our home to civilization. This world seems even farther away during the coronavirus pandemic sweeping our nation and the world, but it's still there. We still see it.

That's because almost four years ago Paul Bunyan Communication installed fiber optic lines connecting our home to high speed internet. This momentous event resulted from a long, exhaustive effort by this rural cooperative and partners in the community, state, and private sector. You might remember me yowling like a carnival barker about the topic over the last decade.

As a result of having high speed internet my family opened our first week of "remote learning" last Monday with all the tools we needed. As a college instructor, I conducted a video conference for my students so I could explain how they can finish the course and graduate. My wife Christina, who also works at the college, was able to confer with colleagues and students as they navigated problems in their education.

Each of my three sons was able to use his school iPad to access not only his assignments, but the actual talking heads of all his teachers, who could answer any questions he might have. No, it was not the same as learning in a social environment. But it was a way to keep learning while protecting human life during a crisis. And we are grateful for that.

But there's more than just education at stake. There's our health and economic future: the two most important aspects of the coronavirus story so far.

Thanks to high speed internet we may access e-visits with our health provider. If we feel sick we can confer with our doctor before making a trip to town, potentially exposing ourselves or others to the virus.

And our work continues. Yes, I work in higher education, but I'm also a writer and producer. Each week I meet with a business partner in New York and relay media materials all over the country. Though affected by COVID-19, my work continues unabated.

So it is for people with high speed internet, whether they live in a big city or on a rolling hill by a swamp where whitetail deer hunker down for the winter.

But it is not so for many others, including some who live even closer to town than we do. The limits of cell phone hotspots and slower internet services became a living hell for many during this crisis. Schools talk about the achievement gap between students of means and privilege and those who have neither. That gap became a canyon this week, requiring herculean efforts by educators and parents. And still children and families are being left behind.

You can't replicate what you learn in a crisis. The data is just too valuable. So, too, is the opportunity.

For years, rural broadband advocates chipped through mountainous barriers like a chain gang with picks and shovels. We've explained that the internet is no longer a luxury, that it's much more than just games and Netflix. We've demonstrated how broadband attracts and supports entrepreneurs and educated professionals who create economic growth. And we've celebrated small victories along the way.

But COVID-19 has laid bare the effects of further delay. When rural Minnesota shelters in place some have access to the 21st Century economy and some have nothing at all. It's time to put away the picks and shovels and bring out the dynamite.

*Aaron J. Brown is a Northern Minnesota author and instructor at Hibbing Community College. He writes the blog MinnesotaBrown.com. He's working on a book about Victor Power and early 1900s Hibbing. Contact him at aaronjbrown@yahoo.com.*

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# Local Governments Work Out Kinks for Virtual Public Meetings

BY: [Jed Pressgrove](#) | April 6, 2020

With social distancing being one of the keys to slowing down the COVID-19 outbreak, local governments face the fundamental question of what to do about public meetings.

Some states, such as [Tennessee](#) and [Nebraska](#), had to issue executive orders to allow virtual public meetings to occur. Assuming a government body is authorized to hold a virtual public meeting, how should it be done?

"There's no one right answer to this, and the best solution for your municipality or governing body is something that you're already familiar with, if possible," said Brian Platt, business administrator for Jersey City, N.J. "Don't try to copy a city that you think did it right."

According to an email received by *Government Technology*, Jersey City held its first fully virtual caucus meeting and city council meeting on March 23 and 25, respectively. The municipality upgraded and utilized Microsoft Teams, a tool the city's been using on a day-to-day basis.

Platt contrasted the simplicity of his city's approach with the "huge production" that was Miami's virtual commission meeting on March 25. According to a tweet from CIO Mike Sarasti, Miami's meeting involved tech from Zoom, Granicus, Qualtrics, Cisco and WeTransfer. Sarasti could not be reached for comment.

Hey [@alanhowze](#) - Used [@zoom](#) us for in-meeting participants, then attendee view was sent out to usual [@Granicus](#), Twitter, FB Feeds. [@Qualtrics](#) for Form-based feedback, voicemail via [@Cisco](#) setup, [@WeTransfer](#) for vid submission. Add fair share of talented co-workers, & you're good.

— Mike Sarasti ([@Sarasti](#)) [March 26, 2020](#)

Louisville, Ky., had been using WebEx for virtual meetings before social distancing measures were put in place across the country. The city was in the middle of transitioning to a cloud version of the tool when COVID-19 struck, IT Director Chris Seidt said. The tech allows the city to continue holding its metro council, daily town hall and press briefing meetings.

Seidt said making sure people stay muted might be the single most important tip to keep in mind, which means that walking everyone through functionalities or sending tips and tricks beforehand is a must.

"When we tried to go off mute in the first press briefing meeting, we had about 20 people trying to go in at the same time and ask questions," Seidt said. "It didn't work very well."

Seidt also suggests starting virtual public meetings a few minutes late. Meetings tend to be scheduled right on the hour, so allowing about five minutes to pass is a good way to avoid technical issues that may result from numerous organizations using a digital platform at the same time.

Testing is key to making sure things go off without hitches. Seidt said it's unwise to hold a meeting where people will be logging into a system for the first time. This is especially true for officials who may have problems joining the meeting from home.

"We're having them run some speed tests at their house and send us a screenshot just to make sure they have a good experience," Seidt said.

Keeping the public connected is another challenge. Platt said Jersey City will change how it handled citizen comments for its first virtual council meeting, where they asked individuals to sign up to speak via email or phone. During the actual meeting, Jersey City would manually and individually call each person when it was their time to speak.

Unfortunately, not everyone answered their phone when they were supposed to.

"That was a little slower than we would have liked," Platt said.

To remedy this limitation, Jersey City is experimenting with a method that would allow citizens to call in and be placed in a virtual waiting room.

Seidt said pumping content to residents through social media connectors is a great idea. Louisville has moderators collect questions on a Facebook Live feed and put them in the WebEx chat so that the mayor or whomever can address the concerns during the meeting.

"We've seen four or five hundred residents on real-time with Facebook," Seidt said. He later added, "You want to put it on as many platforms as you can."

Seidt added that Louisville worked with the metro TV channel to set up a picture-in-picture overlay so that citizens can see the meeting video with a sign language interpreter.

Security also cannot be overlooked. During a virtual public meeting in Kalamazoo, Mich., Internet trolls disrupted the proceedings with profanity and racial slurs.

"Making sure you have a secure platform with a password for the meeting is really critical," Seidt said.

This article was printed from: <https://www.govtech.com/gov-experience/Local-Governments-Work-Out-Kinks-for-Virtual-Public-Meetings.html>

# Coronavirus breaks the telecom bundle

Kim Hart, Sara Fischer

Consumers are adopting stand-alone broadband services at a much higher rate than just two years ago, and analysts predict that the economic downturn prompted by the COVID-19 outbreak will accelerate the trend.

**Why it matters:** With a recession looming, consumers may look to cut pay TV service in favor of more robust standalone internet packages once they're free to leave their homes.

**What they're saying:** "It's obviously a fine line because people are going to be watching all their pennies," said Steve Nason, director of research at Parks Associates, a market research firm based in Dallas.

- "Entertainment services are sometimes some of the last things to go because it's a departure from their daily struggles," he said. "But it's become easier on the video side, because all you really need is a broadband connection."

**While cord-cutting has stabilized during the pandemic,** pay TV services are still being replaced by over-the-top streaming apps, which require strong broadband connections.

- "Residential broadband demand has never been higher," says Neil Begley, SVP/senior analyst at Moody's.

**With many live sports being cancelled** for the foreseeable future, consumers may have less incentive to hang onto their expensive pay TV packages.

- "I think sports being cancelled will definitely add to cord-cutting," says Alan Wolk, co-founder and lead analyst at TV[R]EV.
- Loyal fans will want regional sports networks to watch their favorite teams, Wolk said. "The ESPN audience, people who are fans of sports in general, will likely decide they can watch somewhere else if and when the NFL returns — the cost is going to be way too high."

**Be smart:** The broadband boom driven by the pandemic is likely to continue even after the virus dies down.

- Most households need broadband to do work and home-school tasks virtually. Now that schools and workplaces have learned to adopt remote measures, experts predict more of those functions will continue to be conducted remotely.
- So far, Comcast and Verizon have reported over 30% and 20% increases in broadband usage, respectively, since the beginning of the pandemic.

- Streaming video usage has shot up dramatically in the U.S. over the past month. The pandemic has changed user behavior to promote more binge-watching, a habit that's likely to persist after the crisis.

**By the numbers:** After holding steady for five years, household adoption of stand-alone internet service rose to 42% in the third quarter of 2019, up from 34% in 2017, according to Parks Associates.

- The rise was largely driven by subscribers aged 18-24, who subscribe to stand-alone internet at a rate that is double that of older consumers.
- 45% of over-the-top video subscribers have an internet-only package, up from 39% in 2017.
- The average stand-alone internet subscriber pays \$60 a month, a 36% increase since 2013.

**The traditional broadband, phone and pay TV bundle** was in trouble even before the pandemic.

- **Consumers continue to drop their wired phone lines** in favor of wireless everything. They generally purchase stand-alone wireless subscriptions in order to customize their data plans and features.
- **Free streaming is on the rise.** "I do think this (coronavirus) is going to lead to a lot of unbundling and cord cutting," says Wolk. "People are finding that the FASTS (free ad-supported streaming TV services) have all the programming they need for now, including news and sports."

**The big picture:** Over a decade ago, telecom providers started to bundle their services together to increase average revenue per user. A "double-play" bundle often included internet and pay TV like cable or satellite, while a "triple-play" bundle typically included internet, TV and phone service.

**What to watch:** Now telecom companies are interested in bundling broadband service with over-the-top video services, but will need to offer a compelling value-add to consumers who are now used to buying services a-la-carte.

- The combined monthly cost of streaming services that younger generations are subscribing to is beginning to approach what it costs to subscribe to traditional cable or satellite pay TV service. "Boomerang households" could come back to the bundle.
- They may opt for a bundled package of internet and pay TV if the provider offers steep discounts.

**Yes, but:** Not all firms will have the ability to capitalize on the trend. Satellite companies like AT&T's DirecTV and Dish, which also provide pay TV services, do not have the same broadband strength to fall back on as their ISP counterparts like Verizon and Comcast.



- "At AT&T, now just over half of its business is being very exposed to a recession," says Jonathan Chaplin, an analyst and Managing Partner of New Street Research. "Wireless is the one piece of their business that's OK, but pay TV is declining at a much faster rate and satellite is not protected by broadband."