

CARSON CITY BOARD OF SUPERVISORS
Minutes of the Special January 8, 1992, Joint Meeting with
PAT 35 Advisory Group - Page 1

A special meeting of the Carson City Board of Supervisors and PAT 35 Advisory Group (PATCOM) was held on Thursday, January 8, 1992, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada 89701, beginning at 1:30 p.m.

PRESENT:	Marv Teixeira	Mayor
	Tom Fetic	Supervisor, Ward 2
	Greg Smith	Supervisor, Ward 1
	Kay Bennett	Supervisor, Ward 4

PATCOM MEMBERS PRESENT: Hugh Smith, President; Pete Bachstadt; Sylvia Halgrimson; Warren Wish; and James Kirk

STAFF PRESENT:	John Berkich	City Manager
	Kiyoshi Nishikawa	Clerk-Recorder
	Steve Kastens	Parks and Recreation Director
	Barbara Singer	Recreation Superintendent
	Mike Suglia	Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(S.B.O.S. 1/8/92 Tape 1-0005)	

OTHERS PRESENT: CABLE ACCESS TELEVISION FOUNDATION MEMBERS (CATF): James Nelson, Chairperson; Ellen Nelson; James Kirk; Kiyoshi Nishikawa; David Bugli; and Jim Seebach

CABLE TELEVISION CONSULTANT: Sue Buske

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 1:40. Roll call was taken. A quorum of the Board was present although Supervisor Tom Tatro was absent. A quorum of PATCOM was present although Member Mike Kelley was absent.

A. BRIEF REVIEW OF PAT 35 HISTORY; FUTURE ROLES OF PAT 35 ADVISORY COMMITTEE; RECOMMENDATIONS FOR EXPANDING PROGRAMMING OPPORTUNITIES AND COMMUNITY INVOLVEMENT IN THE CHANNEL BY CABLE ACCESS TELEVISION FOUNDATION OR OTHER RESPONSIBLE ENTITIES (CATF) (1-0015) - Mr. Berkich explained the purpose of the meeting and retention of Sue Buske as a consultant on cable television issues. He then introduced Sue Buske and Hugh Smith. Mr. Smith reviewed his original involvement with and PAT 35's history including the acronym PATCOM, its purpose, and its goals. He also noted areas which need Board direction. Mr. Berkich then read the purpose of the public access channel as delineated in the Code. Mr. Kirk expressed his opposition to the term PEG (Public Education and Government Channel) based on his feeling that it should be known as a community access channel. Programs now aired were outlined to support his position. Mrs. Nelson outlined the issues she wished to discuss with the Board. Mr. Berkich outlined the agenda items stressing those which he wished to address in the next ninety minutes. A time limit established due to other Board commitments. (1-0530) Mrs. Nelson then reviewed President Nelson's November 24, 1991, letter to the Board requesting direction on CATF's membership, its duties, and responsibilities. A copy of a complaint form and NRS 711.250 were given to the Board and Clerk and supported her contention that laws needed to be followed. Copies of news articles supporting the need for monitoring were distributed and her feeling that the City needed to audit TCI's books.

(Copies given to the Clerk.) The role of PATCOM as she foresaw it was outlined and supported by various articles. (Copies were given to the Board and Clerk.) Mr. Berkich acknowledged her position but pointed out these issues were outside the scope of the agenda and related to the franchise. He stressed the need to have a contract with a group to provide governmental broadcasts. Mrs. Nelson responded that CATF's purpose was to obtain that contract. Mr. Berkich noted that this issue was not agendized. The Reno contract is being analyzed. He supported contracting the service due to liability concerns. Any legal or Code modifications/concerns should be submitted to PATCOM. Mrs. Nelson indicated that CATF had been attempting to work with PATCOM but to no avail. For this reason Board direction had been sought earlier. No further discussion or action occurred on this Item.

B. REVIEW OF CARSON CITY MUNICIPAL CODE CHAPTER 5.02 (FRANCHISE AGREEMENT WITH TCI TELECOMMUNICATIONS OF NEVADA, INC.) AND CHAPTER 5.20 (OPERATION OF PUBLIC ACCESS CABLE TELEVISION CHANNEL) (1-705) - Mr. Kirk noted that tape editing is illegal and urged modification to 5.20, specifically change shall to may. Mr. Berkich then explained the equipment location and staffing. No formal action was taken on this Item.

C. DISCUSSION OF THE CURRENT AND FUTURE OPERATION OF PAT 35 AS A COMMUNITY ACCESS "PEG" (PUBLIC, EDUCATION, GOVERNMENT) CHANNEL INCLUDING THE BROADCAST OF THE MEETINGS OF THE CARSON CITY BOARD OF SUPERVISORS (1-0880) - Mr. Berkich then outlined the current staffing and funding. Discussion ensued between Mr. Kirk and Mr. Suglia on reasons the volunteers who are both a PATCOM Board Member and staff the operation are not paid. Discussion between Mr. Berkich and Supervisor Fetic noted that the Board of Supervisors control PATCOM due to current funding. Mayor Teixeira explained that this was due to the original contributions and needed to be changed. Mr. Berkich suggested that TCI franchise fees be used to fund the Channel. Mayor Teixeira and Ms. Buske cited Reno as an example which utilizes this funding source and its potential revenue stream. Ms. Buske felt an average between 25 and 40 percent of the cable franchise is normally dedicated to the community access channel. Mr. Berkich noted that currently these fees are in the General Fund. Any allocation to PATCOM would reduce this Fund. Mrs. Nelson noted that the franchise fee is paid by cable subscribers. Mr. Berkich noted that \$9,000 has been allocated for the operation, however, current support reflected a change in perception. Supervisor Bennett felt that the funding level should be contingent upon budgetary documentation of needs. Ms. Buske then elaborated on the funding procedures and controls utilized in other areas. No formal action was taken.

D. DISCUSSION OF THE CURRENT AND FUTURE FINANCING OF PAT 35 AND THE BROADCASTING OF THE MEETINGS OF THE BOARD OF SUPERVISORS - See above Item for additional discussion on this matter. Mr. Nelson then elaborated on his feeling that CATF had been providing broadcasting and taping services without funding. A demonstration of its broadcasting capabilities would be given at the end of the meeting. Additional programming was outlined. This could not continue without appropriate funding and a contract. TCI was unwilling to provide equipment without City backing. Mr. Berkich noted that Board meetings are currently staffed with City personnel. He commended CATF on its commitment and programming efforts on other issues/events. (1-1595) Funding for the channel and Board meetings were noted. TCI franchise commitment to fund the PEG Channel and negotiations on these commitments were outlined. TCI desires City funding commitments beyond the current \$9,000 level. Staff is currently evaluating the direction which the operation should take before a funding commitment is made--will it be PATCOM, CATF, or some other entity. When the Board analyzes these issues and chooses how and what the procedure shall be, then TCI will address its commitments. Mayor Teixeira elaborated on TCI's commitments to Sparks. Franchise differences between Carson City and Sparks were outlined. Fiduciary responsibilities were noted. Mr. Kirk referred to Mr. Cockerill's January 29, 1989, and July 25, 1989, letters on liability issues. Discussion between Mr. Berkich and Mrs. Nelson indicated the type of budgets needed for Board consideration. Ms. Buske noted that the RFP process is not normally utilized for contracting the services. Alternatives were briefly reviewed. Mr. Berkich, Mr. Kirk

and Mayor Teixeira noted that TCI Representatives had been invited to the meeting. Mr. Berkich summarized the discussions. Mayor Teixeira felt that a final decision may be made on the contract by March/April. Discussion outlined the pros and cons of having a contractor provide the services. Mr. Kirk stressed several legal points. These points were supported by additional documentation that was distributed to the Board and Clerk. Documentation was also provided related to the number of channels designated for commercial/noncommercial uses, potential advertising sources and services, and the cable act. No action was taken on this issue.

E. DISCUSSION OF ACCOUNTABILITY FOR THE OPERATION OF PAT 35 - Discussed to a small degree under A. No formal action was taken.

F. TOUR AND DISCUSSION OF PAT 35 FACILITIES WHICH ARE NOW LOCATED IN THE COMMUNITY CENTER - Board members were invited to tour the facility after the meeting is adjourned. No formal action was taken.

G. DEMONSTRATION OF PROPOSED NEW PAT 35 BULLETIN BOARD (1-2239) - Mr. Kirk invited all to view the basketball filming. Mayor Teixeira explained the "sound feed" procedure.

(1-2295) Ms. Buske summarized the various public operations for Mr. Wish and Board. The majority of the funding is from the cable franchise or governmental entity. Little, if any, is from donations. Her comments stressed the community support and interest in public access communication, how she perceived our current position, and future issues which need to be resolved. She also explained the normal number, types of access channels, and sponsors/management structures found in a community for Mr. Bachstadt. Clarification indicated that non-profit organizations could provide the service.

Mr. Kirk outlined material he had distributed to the Board and Clerk relating to the demonstration and several of its functions. Discussion ensued on the program and its cost.

Mr. Berkich thanked all for coming and noted that the next discussion would occur on January 16. Mr. Bachstadt requested an opportunity to make a presentation. Mr. Kirk explained the status of the "Nutcracker" incident which indicated CATF was correct in its original procedure.

Supervisor Fetic moved to adjourn. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 3:05 p.m. (NOTE: No other formal action was required or taken during the meeting.)

The Minutes of the Special Joint Carson City Board of Supervisors and PAT 35 Advisory Group of January 8, 1992, meeting

ARE SO APPROVED ON ___January_30_____, 1992.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

/s/
Kiyoshi Nishikawa, Clerk-Recorder