



**SOUTH WASHINGTON COUNTY TELECOMMUNICATIONS COMMISSION  
EXECUTIVE COMMITTEE MEETING**

**THURSDAY, JUNE 27, 2019  
6:30 p.m.**

**WOODBURY CITY HALL - Cherry Room  
8301 Valley Creek Road  
Woodbury MN 55125**

**A G E N D A**

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Public Comment
5. Consent Agenda
  - a. April 25 Executive Committee Meeting Minutes
6. Reports
  - a. Administrative
  - b. Legal
7. Unfinished Business
  - a. ROV update
  - b. Facilitated brand discussion
  - c. Administrator review plan
8. New Business
  - a. 2018 Annual Report
9. Commission comments and Requests
10. Adjournment

***Please notify the SWCTC office if you are unable to attend the meeting***



SOUTH WASHINGTON COUNTY TELECOMMUNICATIONS COMMISSION  
APRIL 25, 2019  
EXECUTIVE COMMITTEE MEETING MINUTES

**1. CALL TO ORDER**

Chair, Rich Irvine, called the meeting to order at 6:35 p.m. in the Cherry Room in Woodbury City Hall..

**2. ROLL CALL**

Present:           Rich Irvine  
                      Rob James  
                      Dave Thiede  
                      Tracy Rahm  
                      Andrea Date  
                      Brian Bluhm  
                      Randy Olson  
                      Paul Dieffenbach

Also, Present:    Mark Martinez, SWCTC Administrator  
                      Mike Bradley, Bradley Law

**3. APPROVAL OF AGENDA**

MOTION 4.25.19.1 To approve the agenda as amended. Thiede/MOVED, James/SECONDED. MOTION CARRIED UNANIMOUSLY.

**4. PUBLIC COMMENT**

**5. CONSENT AGENDA**

MOTION 4.25.19.2. to approve the Consent Agenda consisting of the February 28, 2018 Meeting Minutes. Thiede/MOVED, James/SECONDED. MOTION CARRIED UNANIMOUSLY.

**6. REPORTS**

A. ADMINISTRATOR

Administrator Martinez reported on list of activities for the month of April and update on 2019 goals. MACTA held there annual Day at the Capitol event. State and Federal legislative and legal topics were discussed. Martinez is MACTA vice president and co-chair of the legislative policy committee. Staff were at the event interviewing all the state legislators in both Districts 53 and 54. Those state legislator updates can be found on our YouTube channel [here](#).

Administrator Martinez attended the 3M settlement meeting on April 16 and is introducing SWCTC to key people in Minnesota’s water agencies. The staff are developing a documentary length video that will succinctly detail the great work that is being in MN around water quality, conservation, and sustainability.

Martinez and Bradley are meeting with member cities individually to discuss needs for the franchise renewal procedures with Comcast.

Later in the agenda Martinez will have meeting costs available that were requested at the previous EC meeting in February as part of the ROV formula. The scheduled capital projects are moving forward. The Commission received a new logo design concept that will be discussed under New Business.

Staff has gone to spring conference. Alaina attended the #GSMCON in Nashville. The SWCTC social media brand is part of her responsibilities. Brian and Lonnie attended NAB in Las Vegas.

Administrator Martinez reported that Congresswoman McCollum signed a letter to FCC Chairman Pai becoming the first MN congressperson to write a letter in support of MACTA's effort to oppose the FNPRM that would reinterpret the 1984 Cable Act and potentially cause significant offsets to the cable franchise fees distributed to the Commission.

Commissioner Date commented on the City of Woodbury's recent survey results that indicated there was concern about water quality and scores were below the results from two years ago. She added that the water documentary is a timely project and the goal of giving the residents more information will be a good thing.

Commissioner Thiede suggested that the staff cover some of the settlement meetings and play them back on channels because there is such a strong interest in water quality amongst the community. He went on to add that providing key points or key summaries from the meetings would be good to report.

## **B. ATTORNEY**

Mike Bradley reported that he and Administrator Martinez started the process of meeting with member cities, key staff, to discuss franchise renewal priorities. The comments will be gathered and then a kick-off meeting will be scheduled with Comcast later in the summer.

Bradley received an update from Garth & Ashpaugh regarding the Comcast fee audit that the Commission began, along with other commissions in the metro, last May.

The CenturyLink audit is also continuing. Bradley Law hired Scott Lewis to conduct the CL audit. He has found some issues of underpayment and is working with the City of Minneapolis to determine the underpayment amount with CL. CenturyLink admitted that there is an underpayment. Additionally, there is an issue around buildout with CL exiting the cable market and there is a settlement agreement in the works.

The 621 franchise fee proceeding with the FCC is being lobbied heavily by the NCTA cable industry association. NATOA is putting together a master document addressing all comments and a set of arguments.

The wireless order HR530 is at the Court of Appeals 9th Circuit. Representative Omar and McCollum are cosponsors and the bill would repeal the wireless order.

The True Fees Act of 2019 requires all communications companies to disclose all taxes and fees. Senator Klobuchar and Smith have cosponsored.

Commissioner Rahm asked if CenturyLink exiting the cable market would constitute a payment to member cities. Attorney Bradley said that he considered that option but would not recommend pursuing a payment at this time. He added that if the Commission felt differently to let him know.

## **7. UNFINISHED BUSINESS**

### **A. ROV Update**

Administrator Martinez supplied a summary of meeting costs per city as they pertain to the ROV formula. He estimated that the member cities expend approximately \$350 for each televised meeting.

There was some discussion around the varying number of meetings televised per city.

This cost represents the labor involved to operate the equipment at city hall during a meeting and general set-up and troubleshooting time involved for the master control specialist to ensure the meeting is live on channels, web streamed live via Granicus, and recorded for playback.

Commissioner James provide clarity that this was not a market cost for hire but wanted everyone to know that this summary was internal cost. He added that if the commission seeks work for hire it should include all costs that cover operational costs.

Martinez briefly discussed an approach he is taking for creative work for hire with a Washington County bid.

Commissioner Blum asked to see the true costs as well. Commissioner Thiede said a true cost analysis can be done and Bluhm asked to expand the analysis.

### **B. 2018 Financial Audit Update**

Administrator Martinez said he received the draft financial audit from Harrington, Langer, & Associates which was included in the packet.

There was discussion about the similarity of the audit from year to year.

Treasurer Thiede said there wasn't anything stated in the draft about the additional tracking of costs and the separation of costs per city the the Commission is doing and hoped that there would be an acknowledgement.

Commissioner James asked about the statement regarding internal controls and segregation of duties and how it doesn't meet their accounting standards, and asked if there was more that we could do. Commissione Rahm offered that the same was true for the City of Newport and that it's typical to receive this feedback from the auditors primarily because of the small size of the organization.

## **8. NEW BUSINESS**

### **A. Administrator review status**

Chair Irvine said he received all feedback from the Commission and staff regarding Administrator Martinez's review and that he will send out a summary. There will be a closed session scheduled and the Executive Committee will discuss the summary at the closed meeting.

Commissioner Rahm asked if it will be a special meeting. There was discussion about time of day and availability. Chair Irvine tasked the Administrator with scheduling his review.

### **B. Bylaws revision: Administrator/Executive Director job title**

Administrator Martinez spoke to the EC about how the title of Executive Director is widely used at other cable commissions, local franchise authorities and community media centers. He thought it would be a good time to ask if the Commission would consider the change at the time of his performance review. He also shared that he is often already referred to as the ED for SWCTC and by adding the title would bring the Commission into conformity with the industry.

Chair Irvine said he supports the change. Commissioner Thiede asked attorney about his experience and Bradley confirmed the widely adopted title as Executive Director. Bradley also briefly reviewed the red lined bylaws included in the packet and said having both Executive Director and Administrator will give the Commission flexibility for the future and will also keep historical reference to Administrator in tact.

MOTION 4.25.19.3. to recommend to the full Commission an amendment to the bylaws to include the title of Executive Director or Administrator. Thiede/MOVED, Rahm/SECONDED. MOTION CARRIED UNANIMOUSLY.

#### C. Branding: New Logo concept

The prototype of a new SWCTC logo design was discussed. Martinez unveiled the design and gave some insight as to how the designer went about the approach. The staff gave instructions to create a professional and modern logo.

Discussion led to considering a more significant change by taking future steps toward renaming the Commission. The Commission felt there could be a potential to shorten the name and create a more modern name that would better represent the future of the Commission.

Commissioner Date offered advice on creating a design around vision and how external clients perceive SWCTC rather than looking internally.

There was further discussion about potential names. (Red Rock Media!)

#### **9. COMMISSION COMMENTS AND REQUESTS**

#### **10. ADJOURNMENT**

MOTION 4.25.19.4. to adjourn at 7:55 p.m. Thiede/MOVED, James/SECONDED. MOTION CARRIED UNANIMOUSLY.



## ADMINISTRATIVE REPORT JUNE

### ACTIVITIES

5/29: Met with MN Board of Soil and Water Resources  
6/3: Met with CTV Executive Director Dana Healy  
6/3: Met with City of Cottage Grove Administration  
6/5: Met with City of St. Paul Park Administration  
6/6: Woodbury Public Works AV design meeting  
6/6: ACM Public Policy Call  
6/12: MACTA Board Meeting  
6/13: MACTA Annual Conference  
6/19: 3M PFC Settlement Meeting  
6/19: Administrator review  
6/24: Meeting with Washington County Administrator

### 2019 GOALS UPDATE

- ROV formula implementation
  - 2018 P&L by city reviewed 2/28
  - 2018 budgeted return distributed 3/28
  - Meeting cost analysis 4/25
  - **Real cost analysis 6/27**
- Capital projects
  - Woodbury Public Works ongoing - AVI integrators
  - Cottage Grove ice arena construction began in March - Tierney Brothers integrator
  - HERO Center ongoing - fall integration - AVI integrators
  - **HERO funding partial transfer**
  - Studio upgrades in progress
- Branding/Funding Diversification
  - Logo ideas
    - Concept presented 4/25
    - **Facilitated discussion 6/27**
  - Partnerships
    - Bidding on work for hire with Washington County
- Water Documentary
  - Comprehensive look at city, county, and agencies working on water conservation and sustainability efforts in the East Metro and greater Minnesota.

### STAFF

6/25: Water doc production begins

### MACTA/LEGISLATIVE UPDATE

6/18: OTARD reply comments filed with the FCC