

1/26/2014 council meeting and ad hoc committee update to PEG TV

No Taxation without television representation!

In the agenda Item released by City Manager (CM) in response to the PEG TV RFP submitted by myself Eric Dwyer (NCT&T).

Staff states- Following the dissolution of MCTV, there was a great deal of uncertainty about the status of the equipment left behind, particularly with regard to the modulator which is owned by Comcast and is the "head end" that pushes digital programming out to the three public access television channels. Comcast agreed to provide a new modulator to the City to be installed at Town Hall in conjunction with the Town Hall Remodel project. In October 2014, Comcast disconnected the fiber cables from the Foot lighters (FL) building and re-routed them to the new IT room at Town Hall.

Response from NCT&T- Since February 2014 CM and staff as well as city council here had knowledge and it was known of NCT&T and Foot lighters intention to submit an RFP once city finalized such document. If CM say's she instructed Comcast to remove fiber from FL building all the while knowing of the real possibility that PEG TV could be easily re-started with all equipment currently still located within the FL building. CM knows NCT&T has had a voted contractual agreement outline regarding to PEG station equipment operations and space share. This fact submitted in writing from CM and released to the, public. It show's intent to have city staff intentionally interfere directly with a limitation of trade for what looks to be a self-serving reason from CM and staff. This shows absolute prejudice from CM and staff against the proposal from NCT&T and FL by means of manipulation in hopes I can only surmise of an attempt to be swept under the rug and ignored so it might just go away. Understanding that taking on a roll of a media outlet for the public interest as a PEG TV contractor, it is a part and roll of such a contractor to also watch the council and CM and staff and also report any negative finding truthfully that might be found. In order for such oversight of city operation to be done by a media outlet, freedom of speech and press must prevail over personal bias or opinion of any and or all council and city staff, including and not limited to CM. Simply stated, as a media PEG TV cannot nor should not be subject to any control from any public servant or entity.

Staff states- NCT&T's proposal requests that the City of Fort Bragg and Mendocino County disburse an estimated \$62,500 of general funds that were budgeted for PEG operations but not expended in prior budget years. It also requests that the City and County allocate 70% of the Comcast franchise fees to the PEG rather than the 50% share that is currently allocated.

Response from NCT&T- Now I understand the historic accepted percentage but I argue a point of correction on this subject. Monies received from PEG funds from Comcast customers are specifically designated towards PEG TV operation and were negotiated from the FCC and cable providers for the

public service to be collected from Comcast customers. The original intent and reason of this small monthly fee/tax was for a funding mechanism for operation expenses for a PEG TV station and equipment and NOT a free money for city general fund. This has been twisted and manipulated over time. Now it no longer actually does what as was the original reason for such a fee upon Comcast customers. I argue that all funds collected for PEG TV and in city general funds are NOT city monies nor were they collected as a tax from the general public and I suggest the city has no claim over these funds. If these past funds are not used in order to allow for PEG TV operation then Comcast customers should get a refund of such fees from the city and county as service not provided yet paid for by Comcast subscribers...again NOT, by the general public.

Staff states- NCT&T's proposal also rejects the RFP's requirement that PEG equipment purchased with City revenues shall remain property of the City.

NCT&T response- Again as stated above these monies are not from a general public tax and therefore not general fund monies and city revenues. In addition to this it was stated by CM in my beginning investigation that City manager and staff are requesting an independent contractor and city has NO supervisory roll or oversight of station activities and broadcast content. City thus also holds no liability upon the PEG TV and its activities. I do not understand were city manager and staff now seem to have direct oversight as well as hold equipment ownership. Does that mean city will also be taking upon itself all liability? Nonprofit groups have already set protocol for the possible distpersment of equipment in the event of an abandonment situation such as we have here and now with the MCCET and FL. As FL itself is a 501c3 nonprofit, state rules regulating such situations require that equipment form a nonprofit to go to another nonprofit for continued public use. If no other nonprofit is available then and only then would equipment revert back the governmental entity or State. These are the nonprofit rules in regards to distribution of abandoned property. So I was just explaining this concept, since I guess the CM does not agree with state rules of nonprofits or just ignores them.

Staff states-NCT&T's primary goal would be to get high school students involved in the PEG and that will require participation by a teacher who would receive a stipend. This is described as Phase 3 in the proposal

NCT&T response- This is the main reason and goal for why I took this project upon myself. Chris Moore, I and many others had a good learning experience and group fellowship with other students in school programs just like this. The original intent of PEG TV was an ROP type of program that I am going to bring it back. Neither staff recommendation nor Mendocino TV have any such suggestions of expanded community projects. I do.

Staff states-The Foot lighters would also be a stakeholder and make TV shows and vaudeville skits that could be broadcast on channel 3

NCT&T response- Yes, of course they can as well as any other theater group, play, band, dance group or sports club. That is what would be in part of the Public part of the acronym PEG TV. The involvement and community support and activity of all local nonprofit and entertainment groups is one of the larger time consuming parts of this project. Staff also has no recommendations about such things.

Staff states- NCT&T would not provide videography services for public meetings until high school and college students are available in Phase 3.

NCT&T response- The above statement is not truthful and misleading to the general public and council. NCT&T stated in the RFP in so much as PEG TV a nonprofit organization is limited and shall not as per FCC rules is to be non-competitive towards a for profit group. As I stated that City council and several other governmental entity groups have signed contracts with Mendocino TV, NCT&T has no specific business plan to compete with such activities. The option and fee structure was outline for any group whom wishes to use such services but in realistic terms of operation no real push for such contracts will be investigated until such time as the school kids and teacher have an operational system for such activities giving some work and pay to the student videographers and oversight of a mentor or teacher also. This is not a simple cut and paste situation and I encouraged council to continue on with the professional relationship developed with Mendocino TV as his firsthand knowledge and abilities supersedes at this time what NCT&T could offer from a startup.

Staff states-The Council ad hoc committee pressed the NCT&T representative for more specificity about deliverables, milestones, and performance standards that could be incorporated into a contract. No specifics were provided.

NCT&T response- Really? You asked how the council could determine if NCT&T is doing what it is contracted to do. I simply replied turn on channel 3 and if local produced and filmed programs are on it and if kids are once again involved with production and broadcasting then I have done what is required. All else as far as what exactly will be shown or broadcast on channel 3 shall be reviewed by NCT&T board members and approved or disapproved with the major limitations being set by FCC rules as to vulgarity and the like. I then also said I personally would not air anything on the channels I would not want my underage children seeing on TV. Most everything else is a matter of artistic interpretation and I cannot define what art is or what art isn't.

Now to outline a response to staff suggestions to council.

Ad Hock committee met with Mendocino TV 3 times in January. I was not once called in for further negotiation and contract talks to this day. Prejudice continues to build. But during this time, none the

less I continue to attempt to move forward with this project. I have done so now for more than a year. City staff and manager have been very unresponsive to any correspondence or questions about timing and the extreme extended delay upon an official RFP that was all but prepared in late Jan or Feb. of 2014 and a preliminary RFP published in the Advocate at that time. The official report took more than 9 months to finally submit the document publicly. It is very obvious now the delay was intentional and meant as a deterrent for our aspirations of such a program. I also originally messaged CM that since ALL equipment needed and that the only operational system currently was held by the FL and contracted to me NCT&T that there will be no other interested parties. Even after a 9 month delay that CM used to negotiate for a second choice and worked actively towards the city acquiring equipment at further cost of public monies. The only reason I can fathom is that from the start I was misled by CM intent and my good intentions were ignored as CM true micro management style took over. CM and ad hoc committee pressed hard for Mendocino TV to take this operation on and they declined, stating an estimated cost of more than 200K operational funds was needed. With your best alternative quote for service nearly more than double my suggested RFP I hope shows clearly the value and good will and intent put forward from NCT&T and FL.

CM says hire a city IT staffer at a rate of 51 K a year for 1 person a year. Do not be fooled that a part-time work will supply the needed work to be done. That is why I gathered 3 fellows, myself included, to share and work in partnership for a better oversight and accessibility to the general public. I will suggest that if city does continue upon the road to have the city run PEG TV, all options will be reviewed with a legal representative. More so I am concerned about the public access to such broadcast and if dealing with city staff is an example of what one would expect to see, it will not be a very well run or responsive operation.

Then CM says city shall seek volunteers to work as a committee... rather than paying my group NCT&T for services rendered? This is what is all about running a nonprofit. Having responsible accountable adults running the operation day to day is what we intend to do. Need I think city is seeking anyone but NCT&T and FL to run the TV station?

In closing thank you for hearing me out and reading/hearing this information. At this time I would like to very strong recommendation to this council to reject all proposed recommendation suggested by CM and please lets sit down again and in more detailed negotiations for a contract for the PEG TV between NCT&T and the city. The RFP I presented I know was not what you hoped for, I can return the sentiment about the RFP your CM released as well as this agenda item. I implore you the city council, now to take the lead. This is not a very difficult subject and should have never gotten to this point of contention between NCT&T, FL, the public and city staff. I strongly recommend you understand I am here attempting to do some well worthy civic service work for my community and the youth of our community not just in Fort Bragg but on all the Mendocino Coast from Navarro, Comptche, Little River, Mendocino, Casper, Fort Bragg and Westport.

Thank you again for your time and consideration of this important community resource not to mention the required and important emergency response mechanism that currently is off air.