



# GREATER WEST BLOOMFIELD CABLE COMMUNICATIONS COMMISSION

KEEGO HARBOR • ORCHARD LAKE • SYLVAN LAKE • WEST BLOOMFIELD

## MINUTES

July 11, 2024

### 1. Call to Order

The meeting was called to order by the Chairperson, Jennifer Taylor Boykins, at 7:03PM at West Bloomfield Town Hall.

### 2. Roll Call

#### Members Present

Representing Keego Harbor

Ronnie Dahl

Joel Ross

Representing Orchard Lake:

Anne Dziuba

Representing Sylvan Lake:

Phil Ross

Representing West Bloomfield:

Jennifer Boykins

Stuart Dorf

Harvey Gersin

Mark Kowalsky

Suzanne Levine

Deborah Macon

#### Members Absent

Representing Sylvan Lake:

Pat Riney

#### Others in Attendance

Mark Roberts (Secrest Wardle), Dave Scott (General Manager, Civic Center TV/Lakes FM), David Albery (Executive Director, GWBCCC)

The Chairperson asked Attorney Mark Roberts of Secrest Wardle to distribute a confidential attorney/client correspondence to commissioners.

### **3. Approval of Agenda**

Motion by Mrs. Dziuba, support from Joel Ross:

“That the Greater West Bloomfield Cable Communications Commission approve the agenda as provided for the July 11, 2024 meeting.”

Voting YES: Boykins, Dahl, Dorf, Dziuba, Gersin, Kowalsky, Levine, Macon, Joel Ross,  
Phil Ross

Voting NO:

The motion was approved.

### **4. Public Comment**

The Chairperson stated that no member of the public was in attendance to address the Commission and added that comments and questions can be provided on-line at the comments tab at GWBCABLE.ORG.

### **5. Approval of Minutes**

Motion by Mr. Kowalsky, support from Mr. Gersin:

“That the Minutes of the June 13, 2024 joint meeting, the June 13, 2024 meeting, the July 1, 2024 joint meeting, and the July 2, 2024 joint meeting be approved as presented.”

Voting YES: Boykins, Dahl, Dorf, Dziuba, Gersin, Kowalsky, Levine, Macon, Joel Ross,  
Phil Ross

Voting NO:

The motion was approved.

### **6. Acceptance of Financial Report**

The report for January through June was summarized by the Executive Director.

Motion by Phil Ross, support from Ms. Levine:

“That the Financial Report be accepted.”

Voting YES: Boykins, Dahl, Dorf, Dziuba, Gersin, Kowalsky, Levine, Macon, Joel Ross,  
Phil Ross

Voting NO:

The motion was approved.

## **7. Committee Reports**

The Chairperson stated that this portion of the agenda provides an opportunity for committees to report to the Commission.

### Report of the Executive Committee

Commissioners were provided a written report which was presented by Ms. Boykins, the committee chairperson. She added two revisions to the written report regarding the time and location of the meeting on June 13.

### Report of the Commission Operations and Strategic Planning Committee

Commissioners were provided a written report which was summarized by Mr. Kowalsky, the committee chairperson. He provided a revision to the report regarding the date of the meeting.

### Report of the Community Programming Committee

Commissioners were provided a written report which was summarized by Mrs. Dziuba, the committee chairperson.

In response to a question from Mrs. Macon, Mrs. Dziuba stated that the document “GWBCCC Programming Resources”, if revised by the Commission at this meeting as recommended by the Community Programming Committee, will be posted on the Commission’s web site and included in the Request for Proposals to Provide Programming Services. The Executive Director re-iterated his comments at the committee meeting that the committee is recommending revisions to be posted on-line and that the document may be revised again for inclusion in the RFP. Ms. Dahl and Mrs. Macon stated that it was also her understanding, and Mrs. Macon added that when the revised document is posted on on-line, the public will not understand that it is a description of current practice. The Executive Director stated that the document, all statements being in the present tense, is clearly a description of current practice.

### Strategic Plan Implementation 2024

Commissioners were provided a written update regarding implementation of the Commission’s strategic plan.

Motion by Mr. Gersin, support from Phil Ross:

“That the Greater West Bloomfield Cable Communications Commission accept the reports of the Executive, Commission Operations and Strategic Planning, and Community Programming committees, as well as the strategic plan implementation update, and consider committee recommendations under New Business later in this meeting.”

Voting YES: Boykins, Dahl, Dorf, Dziuba, Gersin, Kowalsky, Levine, Macon, Joel Ross,  
Phil Ross

Voting NO:

The motion was approved.

## **8. Executive Director's Report**

### Civic Center TV/Lakes FM

Commissioners were provided a written report of programming cablecast on Civic Center TV in June.

Mr. Scott addressed the Commission regarding the operation of CCT and Lakes FM, focusing on both planned and emergency programming efforts in June and early July, the efforts of staff in providing local information, and the milestone of one million CCT views on You Tube. Mrs. Macon stated that she would like to be included in promotional announcements for the one million views.

Mrs. Macon urged commissioners to attend candidate forums conducted by the League of Women Voters Oakland Area and covered by Civic Center TV.

### Cable Operators

Commissioners were provided copies of a communication from Comcast.

### Cable Industry News

Some cable operators are blurring the line between cable and streaming. Wide Open West no longer offers traditional cable television service but rather re-sells You Tube TV to its broadband subscribers. Comcast is offering streaming bundles including Netflix, Peacock, and Apple TV+ as well as its own service, NOW TV.

Streaming constituted 38.8 percent of all viewing in May, a record high. For the month, broadcast television increase slightly and cable decreased 1 percent.

### Communication

Commissioners were provided copies of communications from Michigan Digital and Cable Commission Consulting, LLC.

Commission Assistance to Residents

The Commission has notified Comcast of a cable winding through tree branches in a West Bloomfield subdivision and communicated its expectation that the cable be buried.

The Commission is working with Comcast and a resident whose home was damaged by one of the company's subcontractors in the process of replacing a residential drop.

A subscriber who had not received credit on her bill from the loss of Bally Sports Detroit contacted the Commission, who requested that Comcast issue the credit, which the company did.

Preview

The Executive Director presented his agenda for the time period between this meeting and the next.

Mr. Kowalsky stated that the streaming bundles offered by Comcast are not available to cable subscribers.

**9. Unfinished Business**

No items of Unfinished Business were presented.

**10. New Business**

Recommendation of the Community Programming Committee – Revision of “GWBCCC Programming Resources”

The Chairperson presented the recommendation and noted that as a committee recommendation, it does not require support. Mrs. Dziuba summarized the revisions being recommended by the committee, and the Executive Director stated that the revisions reflect current practice.

Mrs. Dziuba stated that the RFP issued by the Commission in 2013 requested that respondents provide their vision for Civic Center TV, and Mrs. Macon responded that the key is not the vision of a potential contractor but rather the Commission's vision for its programming resources.

Motion by Mrs. Dziuba:

“That the Greater West Bloomfield Cable Communications Commission revise the document ‘GWBCCC Programming Resources’ as recommended by the Community Programming Committee.”

Voting YES: Boykins, Dahl, Dorf, Dziuba, Gersin, Kowalsky, Levine, Macon, Joel Ross,  
Phil Ross

Voting NO:

The motion was approved.

Consideration to Go Into Closed Session Pursuant to the Open Meetings Act MCL 15.268 (1) (h), to Discuss with Counsel a Confidential Attorney/Client Correspondence - Attorney Mark Roberts

The Chairperson stated the requirements for a public body to go into closed session pursuant to the Michigan Open Meetings Act. She added that a two-thirds affirmative vote is needed and that the vote must be conducted by roll call.

Motion by Ms. Boykins, support from Mr. Dorf:

“That the Greater West Bloomfield Cable Communications Commission accompanied by the Executive Director enter closed session pursuant to the Open Meetings Act MCL 15.268 (1) (h), to discuss with counsel material exempt from discussion or disclosure by state or federal statute.”

Mrs. Macon commended the legal expertise of Secrest Wardle and Mr. Roberts and asked whether discussion during a closed session would be limited to facts and information included in the attorney/client privileged communication. Mr. Roberts stated that he was asked to prepare the communication outlining some of the procedures the Commission would consider in response to complaints it has received, that any discussion in closed session would be limited to the content of that correspondence, and that any decision by the Commission must occur in open session. Mrs. Macon stated that she feels comfortable discussing the document in open session.

Voting YES: Boykins, Dahl, Dorf, Joel Ross

Voting NO: Dziuba, Gersin, Kowalsky, Levine, Macon, Phil Ross

The motion was not approved.

At the request of the Chairperson, Mr. Roberts summarized the correspondence he provided to the Commission, focusing on possible further investigation and courses of action. He added that the Commission's current agreement with Michigan Digital expires at the end of the year.

Mr. Kowalsky stated that the four Greater West Bloomfield communities have been very well served by Michigan Digital, that the programming produced has been of the highest quality and may very well exceed the requirements of its agreement with the Commission, that while the Commission has become aware of concerns regarding Mr. Scott, the Commission should not undertake any formal investigation but should monitor the situation as it proceeds to develop and issue a Request for Proposals to Provide Programming Services in 2025.

Motion by Mrs. Macon, support from Mr. Kowalsky:

“That the Greater West Bloomfield Cable Communications Commission take no immediate action, continue its regular process of evaluation programming and monitoring the performance of its programming contractor, and proceed to the issuance of a Request for Proposals to Provide Programming Services.”

Voting YES: Boykins, Dahl, Dorf, Dziuba, Gersin, Kowalsky, Levine, Macon, Joel Ross,  
Phil Ross

Voting NO:

The motion was approved.

## 11. Commissioner Comments

Ms. Dahl stated that since the Commission voted to not go into closed session, she wanted to place her communication to commissioners on the record by presenting the contents in open session. She added that she was providing the communication as a matter of transparency in the expectation that the Commission, once informed, would address the issue and that she is speaking on behalf of employees of Michigan Digital. She stated that the Commission is ignoring the provisions of its programming services regarding professional conduct.

Mrs. Macon reminded commissioners of the Orchard Lake Fine Art Show on July 27 and 28.

Mr. Scott stated that Ms. Dahl has characterized him as a safety risk to the community and his employees, that the incidents communicated by Ms. Dahl are overblown, and added that no Michigan Digital employee has complained.

Joel Ross stated that the problem is that the Commission's programming services independent contractor agreement is not open and transparent and that the contract for 2025 needs to be revised to include more Commission control.

Ms. Boykins stated that the planned Commission issuance of Request for Proposals to Provide Programming Services should reflect the sentiments of all commissioners and to reflect the Commission and its goals. She suggested governance training for the Commission in the future.

Mrs. Dziuba stated that the Commission switched programming contractors in 2013 due to a multiplicity of factors which did not include professional demeanor.

Mr. Gersin stated that the Commission is fortunate to work with Mr. Scott and the staff of Michigan Digital and the four communities feel the same way about the quality and contributions made over the years.

Joel Ross stated that the Keego Harbor is not necessarily satisfied with the Commission and services provided, specifically the issue of funding of coverage of city council meetings through cable funds rather than the general fund. The Executive Director stated that, contrary to Mr. Ross's assertion, the Commission always communicated the funding options to city management.

Phil Ross stated that the city manager of Sylvan Lake is very happy with the Commission and Michigan Digital.

## 12. Adjournment

The meeting was adjourned by the Chairperson at 8:26PM.

The next meeting of the Greater West Bloomfield Cable Communications Commission is **THURSDAY, AUGUST 8, 2024, at 7:00PM at WEST BLOOMFIELD TOWN HALL, 4550 Walnut Lake Road, West Bloomfield, Michigan.**