

# Cable TV Public Access & Televising of Public Meetings

## Introduction

This report is concerned with the availability of public access channels on cable TV services franchised by the county and cities. A related issue is evaluating the feasibility and desirability of televising Board of Supervisors' meetings and other public meetings. This investigation is consistent with the Grand Jury's duty to review operations by county agencies, in this case, the Public Works Department. The Audit, Finance and County Administration Committee conducted the investigation.

## Background

Current Federal law requires that all Cable TV franchises have the ability to establish channels for what is commonly called "PEG" channels.

"P" is for public access, which is a service whereby any citizen may produce and present a program of his or her choosing on any subject on the public access channels. Neither the cable provider nor the franchising authority has any right to censor the program content other than to prevent obvious obscene material in violation of community standards.

"E" is for educational programming typically prepared by a local educational organization. It may be used for full-time students or continuing education.

"G" is for governmental programming, which, in its most common form is the televising, either live or recorded, of city council or other public meetings.

These three services can be presented in any combination of channels. It is usually dependent on the size of the community being served. In a small community one channel may provide all three services while in a large city there may be three or more.

## Findings

These findings are based on information provided by the following members of the Public Works Department:

*Art Goulet*, Director

*Ray Ruiz*, Manager, Franchise Administration

*Ray Holzer*, Supervising Real Property Agent

1. Figure 1 depicts all Cable TV franchises in the County of Ventura (County) and the current availability of public access. The County controls only franchises in the unincorporated areas. Incorporated areas are covered by individual city-granted franchises. One of the complications in establishing these franchises is frequently a franchise covers a city and its immediately surrounding area with the identical service. This requires two franchise agreements, one with the city and one with the County. The County has attempted to coordinate these franchises for ease of management.
2. The only County franchises that charge for public access are the GTE Americast services. The charge is 19 cents per month per subscriber and was established by calculating the \$250,000 cost (see paragraph 4 below) to equip the Board of Supervisors' hearing room and spreading it over the seven-year franchise agreement period. (It should be noted that Ventura County is unique in that in many areas of the County the GTE service is competitive with other services and that subscribers have a choice of providers.) At face value, charging only GTE customers appears to be unfair, but the intent is to modify each franchise agreement as it comes up for renewal to include this charge, assuming that the televising of public meetings is approved.
3. There is little enthusiasm for televising Board of Supervisors meetings. Perhaps this is, in part, because of concerns about public grandstanding and similar actions by individual board members.
4. An estimate of \$250,000 was prepared by a consultant to equip the Board's meeting room for this service. Admittedly this is a "Cadillac" approach. The County is seeking a less costly alternative solution. However, they are mindful of the Board's desire, if not insistence, that the quality must be first rate to deter criticism.
5. Regarding the issue of televising live *vs* video taping for delayed showing, it is felt that the latter approach is the most feasible one. Networking all cable services throughout the county, while technically possible is difficult. Blocking the full Board's meeting time on all services would be nearly impossible. In addition, since the Board meets during normal business hours, video taping would permit viewing the meetings at night for working people.

6. It should be noted that this service is available only on cable and not via over the air transmission or via satellites.
7. Staff was asked if radio coverage had been considered. The reply was that it was not thought to be a good idea because following such meetings is very difficult and there is not an equivalent public access radio service readily available.
8. The staff presented this issue to the Board on September 22 to seek Board direction. The matter will be brought back at a later date.

## Conclusions

The Public Works Department is doing a reasonable job of managing its franchises. Staff is very knowledgeable of Federal law requirements and is also taking advantage of cities' experience in the negotiations.

It is not clear however, that all communities have legally required public access service.

It is the Grand Jury's opinion that the Board of Supervisors has not shown leadership in determining whether or not they should televise their meetings. This could change next month when they reconsider the issue at one of their meetings.

## Recommendations

1. The County should continue its efforts to assure public access service in all areas of the county. Perhaps a formal committee or board consisting of the County and the cities could be tasked with this effort. This might be a task under the VCOG umbrella.
2. The Board of Supervisors should seriously consider televising its meetings even if only on a video taping basis. Almost all cities throughout the nation provide this service and the public has the right to expect it. Public awareness and full open government is more important than ever.
3. Not exactly in the same category as the above, but for the same purpose of more openness in government affairs, the Board should be encouraged to have its agendas published in local newspapers.

## Responses Required

Board of Supervisors  
Public Works Agency

### Cable TV Public Access & Televising of Public Meetings

CITY/AREA	CABLE COMPANY	PUBLIC ACCESS CHANNELS		
		GOVERNMENT	PUBLIC	EDUCATIONAL
Camarillo	TCI (East)	10	8	21
	TCI (West)	6A	31A	31A
	GTE Americast	10	8	21
Fillmore	TCI	10	8	21
Moorpark	TCI	10	8	21
Ojai	TCI	8	8	8
Oxnard	Jones	17	9	22,23,24
	GTE Americast	10	8,21	
Port Hueneme	GTE Americast	10		8,21
Santa Paula	TCI	10	8	21
Simi Valley	COMCAST	19	19	19
Thousand Oaks	TCI	10	8	21
	Falcon	10	8	21
	GTE Americast	10	8	21
Ventura	Century	6	6	
	Avenue	6	6	6
Unincorporated: Bell Canyon Box Canyon, Malibu Oak Park Piru	Century	58,78	58,77,78	58,75,78
	Falcon	15	15	3
	TCI	10	8	21
	TCI	10	8	21

**Figure 1. Public Access Channels in Ventura County**

# Responses to Report

## county of ventura

CHIEF ADMINISTRATIVE OFFICE  
M. L. "Lin" Koester  
Chief Administrative Officer

December 1, 1998

Honorable Charles Campbell  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, CA 93009

RECEIVED  
DEC 03 1998

Subject: VENTURA COUNTY GRAND JURY REPORT  
CABLE TV PUBLIC ACCESS & TELEVISIONING OF PUBLIC MEETINGS

Dear Judge Campbell,

The following is provided in response to the subject report.

**Findings:**

1. Concur.
2. Partially concur. GTE Americast is the only franchisee that currently collects a fee to support government access equipment and programming, not public access. (If the Board of Supervisors decides in favor of televising board meetings, the Public Works Agency will negotiate for the collection of such a fee by other franchisees as they renew their franchises.)
3. Several Board members have expressed support for televising Board meetings. (See recommendations.) To my recollection, no discussion has occurred which validates your concern on "grandstanding."
4. Concur.
5. Concur.
6. Concur.
7. Concur.
8. Concur.

**Recommendations:**

Recommendation 1 speaks of public access service and neither the Board of Supervisors nor county staff has recommended public access service be required in cable franchises. The discussion thus far has been on a government channel. Recommendations 1 and 2 are policy decisions that should be made by the Board of Supervisors. At its September 22, 1998 meeting, the Board of Supervisors asked staff to report back on several issues. Supervisor Schillo's Office, the Chief Administrative Office, and the Public Works Agency will gather the necessary information and report back to the full Board for policy direction.

Recommendation 3 has been referred to the County Clerk and Recorder (Clerk of the Board Division) for comment.

If you have any questions, please contact Paul Ruffin of the Public Works Agency at 654-2084 or Terry Dryer of the Chief Administrative Office at 654-2862.

Yours truly,



Lin Koester  
Chief Administrative Officer

cc: Board Members      Clerk of the Board  
Grand Jury              Arthur F. Goulet



OFFICE OF THE COUNTY  
CLERK AND RECORDER:  
County Clerk  
Clerk, Board of Supervisors  
Registrar of Voters  
Recorder

Hall of Administration  
Lower Plaza  
800 South Victoria Avenue  
Ventura, CA 93009

**RICHARD D. DEAN**  
COUNTY CLERK AND RECORDER

December 2, 1998

RECEIVED  
DEC 04 1998

The Honorable Charles W. Campbell, Jr.  
Presiding Judge  
Ventura County Superior Court  
800 South Victoria Avenue  
Ventura, CA 93009

Re: Response to the 1998-99 Grand Jury Report Titled: *Cable TV Public  
Access & Televising of Public Meetings*

Dear Judge Campbell:

Attached is a response to the 1998-99 Grand Jury First Report  
submitted pursuant to California Penal Code Section 933.05.

I want to thank the Grand Jury for their time, interest and efforts to  
enhance citizen access to local government.

Sincerely,

Richard D. Dean  
County Clerk and Recorder

RDD:rd

Attachment

c: M.L. Koester, Chief Administrative Officer  
Grand Jury

"REGISTER TO VOTE - THEN VOTE"

## Copy of Attached Response to Dean Letter, 12/2/98

### Cable TV Public Access & Televising of Public Meetings

#### Recommendation

3. "... for the same purpose of more openness in government affairs, the Board should be encouraged to have its agendas published in local newspapers."

#### Response

We cannot concur with this recommendation for several reasons:

1. The annual cost of publishing the Board of Supervisors weekly agenda in a daily newspaper would be an estimated \$28,000 per year. Publication would occur after the Board meeting because the earliest publication day for a legal notice submitted Thursday evening is the following Wednesday. The weekly newspapers would have the same problem because they are published on Thursday with deadlines of Monday, Tuesday, and Wednesday and the semiweekly papers have deadlines of Friday and Monday for the Wednesday edition and Wednesday for the Friday edition.

2. News outlets throughout the county, including 29 newspapers, radio, and television stations, receive the agenda. The media generally does a good job publishing those items on the agenda which are of public interest.

3. Copies are sent to each city. In addition, over 25 individual, community, and special interest groups receive copies including the League of Women Voters, Environmental Defense Center, Channel Islands Harbor Marketing, Healthcare Association of Southern California, Mountains Recreation and Conservancy Authority, Western States Petroleum Association, Building Industry Association of Southern California, etc.

4. Sixteen copies of the agenda are also sent to Foster library for distribution to the other county libraries. We also post the agenda on the internet at [www.ventura.org/recorder/venclrk.htm](http://www.ventura.org/recorder/venclrk.htm) each Thursday.

5. In our opinion, newspaper legal notices are not an effective means of communicating with those who need to know. A few decades ago most people read the newspaper; it was, for practical purposes, the only source of information. In today's electronic age many people get their news from other sources such as radio, television, real time satellite communications, and the internet. Various laws requiring publication of legal notices remain on the books because the newspaper lobby fights repeal of such laws (an example is S.B. 1684 authored by Senator Kopp in 1996). In our view, the millions of tax dollars spent each year on legal notices are little more than a generous local government subsidy for California's newspaper industry.

# county of ventura

**Grand Jury**  
800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-2873

February 3, 1999

Supervisor Susan Lacey  
Chair, Ventura County Board of Supervisors  
Hall of Administration

Subject: Reply to County Response to Grand Jury Report on Cable TV

Dear Supervisor Lacey:

On December 1, 1998, the CAO responded to the October 15, 1998 Grand Jury Interim Final Report on *Cable TV Public Access and Televising of Public Meetings*. We appreciate this timely action. The response concurred with all findings with minor exceptions. The Grand Jury accepts these comments.

The response, however, did not concur with our recommendation that the county should encourage public access in the unincorporated areas managed by the county. We are disappointed in this comment and have further evaluated the situation.

Most unincorporated areas do, in fact, have the capability of viewing public access because their service is the same as the neighboring city. The chart provided by the county during the study phase, enclosed as Figure A, is instructive in this regard. Virtually all of the 20,096 subscribers in the county can view public access in their neighboring city.

What subscribers in unincorporated areas do not have is the authority to produce public access programs. This capability exists only in the franchise agreements with the cities in which these rights are granted to city residents only. An example of this is TCI in Thousand Oaks where TCI, the public access producer, makes it very clear that only residents of Thousand Oaks have the right to produce public access programs.



Supervisor Lacey

February 3, 1999

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While we acknowledge that it is difficult to negotiate and grant these rights to county areas, we continue to encourage the county to do these at franchise negotiation time. Most county franchise agreements are patterned after city agreements, so this should not be an onerous chore.

The response indicates continuing study of issues regarding televising of Board meetings but does not indicate any timetable. We continue to encourage the Board of Supervisors to televise their meetings and to provide video tapes to all franchises in the county for viewing at the convenience of the individual government channels.

The CAO referred recommendation 3 to the County Clerk for comments. This office assumed that the Grand Jury was recommending formal legal notices for publicizing board agendas and commented that this would not be practical. The Grand Jury did not mean to imply such a requirement and concurs that current practices are adequate.

Very truly yours,



Marvin Reeber  
Foreman

cc: Lin Koester, Chief Administrative Officer  
Paul Ruffin, Public Works Agency