



City of Clearlake
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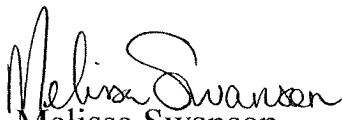
September 10, 2010

Superior Court of California
County of Lake
Honorable Richard Martin, Presiding Judge
255 N. Forbes Street
Lakeport, CA 95453

Dear Judge Martin:

I have enclosed the Lake County PEG Board of Directors' Response to the Civil Grand Jury Report.

Sincerely,


Melissa Swanson
City Clerk

SEP 16 2010

Response by the Lake County PEG Board of Directors to the Civil Grand Jury Report

The Citizen's Advisory Committee has studied the recommendations made by the Civil Grand Jury in their recent report of July 2010, based on citizen complaint and this is the written response to this report stated as: R2, R3, R4, R5, R6, R7, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, and R21:

The Citizen's Advisory Committee thanks the Civil Grand Jury for their time and input into the organizational structure of Lake County PEG TV, Channel 8 in their report. We realize that this was a challenging project in spite of some inaccuracies in the interpretations of the laws relating to Public Access television. The Citizen's Advisory committee is of the consensus that the points made in the report are valid and useful. In response to the requested recommendations, we have come to the following conclusions in response to the following:

R2: There have been two new appointments to the PEG Board at this time. Therefore, we do not feel it is necessary to engage a representative of Mediacom specifically on the PEG Board, it is not done at any other PEG station nor is it recommended by precedent or the media attorneys that we consulted in the City of Clearlake and the Buske Group 4808 T Street Sacramento, California 95818 (916) 441-6277, who are PEG station advisors in reference to the issues stated.

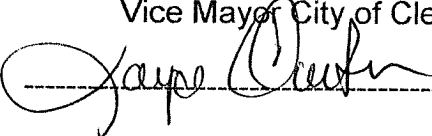
R3: The new policies and procedures manual for channel 8 deals with these issues. The current PEG BOD is in the process of learning the operations of the station. They are familiar with all the documents relating to the operations of the station and the laws and ordinances which govern them at Municipal, State and Federal levels.

- R4:
- 1.) Bi-laws have been rewritten to include these recommendations.
 - 2.) PEG Board members' roles have been defined and applied as recommended.
 - 3.) Quorum requirements have been established as recommendation.
 - 4.) The PEG BOD is responsible for physical accountability and budgeting. The city is responsible for annual audits
 - 5.) Purchasing policies have been established as recommended.
 - 6.) Funding and staffing will depend on the support of the entire community.
 - 7.) Rapport has been established between the PEG Board and staff as recommended.
 - 8.) PEG Board meetings have always been posted to the public in a timely manner.
 - 9.) The Peg station has always adhered to Roberts' rules of order and the Brown Act.
 - 10.) The PEG Board bi-laws are now governed by all appropriate documents, laws and Supreme Court rulings.

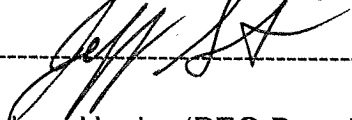
- 11.) The PEG Board is currently assessing itself on a regular basis as recommended.
- R5: The PEG Board has become acutely aware of every aspect of a public broadcasting station. New policies and procedures' have been written. New member and volunteer manuals have been written. Present board members and managerial staff volunteers have been updated to these changes and are implementing them as recommended.
- R6: PEG Board meetings are now conducted in convenient locations and reasonable hours as recommended.
- R7: Necessary changes have been done to assure good communications between staff, volunteers and board members. However, it is not considered to be in the best interest of the community nor the operation of any PEG channel to alienate or not allow former members to participate. Whether or not the actions of the former manager were right, wrong, justified or not; his technical expertise is of great value and should not be ignored. As a volunteer, he could still be of great value to the operation of the station. All that has been done to date has been done under the belief that it was in the best interest of the community. There will Always be growing pains and a certain amount of controversy involved with PEG TV. These should be embraced, welcomed as learning experience and considered vital to the existence and function of PEG TV...which is to allow expression of all points of view.
- R10: The city of Clearlake already offers more value than what is required via facilities and other considerations that house PEG station operations.
- R11: The city of Clearlake audits PEG TV annually. No other audit is required nor would it be cost effective.
- R12: When funding is available we will implement this recommendation.
- R13: A station manager and appropriate staff will be paid when funding is available.
- R14: The PEG channel was originally started in 1998 as a provision of the franchise agreement between Jones Inter-cable or its successor and the City of Clearlake: Resolution # 97-96, Section 5. Therefore, the cornerstone of the formation of PEG channel is more accurately City of Clearlake resolution # 97-96, not the 2007 agreement. We at the PEG Board and its volunteer staff agree with the recommendation that part of the franchise fees could be used to finance the needs of the PEG station. We would be glad to accept any contributions from the County of Lake and the cities of Clearlake and Lakeport in this regard.
- R15: Current City of Clearlake policies have always covered registered volunteers, staff and paid employees with liability and workman's comp insurance.
- R16: The PEG BOD has spent significant time researching with media attorneys and other PEG stations the laws and regulations governing PEG at the Municipal, State and Federal levels. We have procured a volunteer legal advisor willing to counsel us on further questions. Refer to R2.

- R17: There are no public access limitations on LCPTV Channel 8 other than allowed by community standards as defined by FCC regulations or Supreme Court rulings.
- R18: We agree, the PEG Board runs in close adherence to all bylaws, rules, policies, and agreements applicable to its franchise empowerment.
- R19: It is not necessary for all volunteers to be familiar with the 2007 Agreement; this is only applicable to station management, Advisory Committee and PEG BOD.
- R20: No report is necessary. It is the responsibility of the Board of Supervisors representative on the PEG Board to keep the Supervisors informed on PEG activities.
- R21: We agree... review and evaluations are done on a regular basis.
- R22: Closing statement: The PEG Board declines any oversight by the Grand Jury because of our own new found confidence in our ability to fulfill our mission. The PEG Board thanks the Grand Jury for helping us to reestablish credibility with the community. Further updates on state and federal laws concerning the operation of PEG television can be referenced through the Public Utility Commission Section 5870 and subsequent enactment of the DIVCA ordinance (Digital Infrastructure and Video Competition Act); 1984 Cable Franchise Policy and Communications Act; the Buske Group; the Federal Communications Commission Cable Television Fact Sheet; California Assembly Bill 2987 (Public Utilities Code 5870); and the Constitution of the United States.

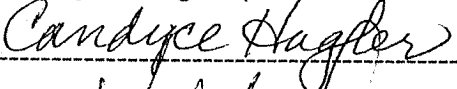
Joyce Overton (PEG Board Chairperson/
Vice Mayor City of Clearlake)



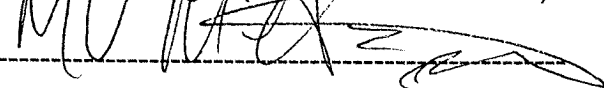
Jeff Smith (PEG Board Member/
City of Clearlake Supervisor)



Candyce Hagler (PEG Board/ Secretary)



Vincent Metzger (PEG Board Member)



Joel Moore (PEG Board Member)

