

Fairfax Public Access Board of Directors
November 30th, 2016 – Regular Meeting Minutes
2929 Eskridge Road, Fairfax, VA

Board Members Present:

Jim Housel (President)
Georgia Graves (Vice-President)
Steve Mullen (Treasurer)
Ruth Bennett (Recording Secretary)
John Henkel
Kevin McFarland
Jim Southworth
Ingrid Parris-Hicklin

Staff:

Chuck Pena
Steve Ruddell
Daniel Olewine
Jerry Ferguson
Jay Erasquin
Maryam Shah
Rocio Lopez

Members:

Ahmed Selim
Rafael Arancibia
Brian Kelleher

MEETING OPENING REMARKS:

President Jim Housel called the meeting to order at 7:11 PM. He extended happy holiday greetings to all. He asked if anyone had any conflicts of interest that needed to be identified; there were none. He reminded all of the code of conduct that requests everyone be treated with dignity and respect.

ACCOLADES AND ACKNOWLEDGMENTS:

Jim Housel spoke of the amazing opportunity provided to FPA at the Dulles Airport 50th Anniversary Gala. He had an opportunity to speak to Fairfax Board of Supervisors members, Sharon Bulova and Katie Smith. It was a great opportunity for FPA attendees to speak to State/County Legislators and Government Officials. Thanks was extended to Ingrid Parris-Hicklin and Georgia Graves, who were largely responsible for introductions, and for FPA attendees getting their pictures taken with Fairfax Board of Supervisors members. Thanks again to Ingrid, Georgia, and other FPA attendees for helping to tell the story about the important contribution that FPA makes to the community.

Georgia Graves reminded that FPA is preparing a video of the event that will be provided to dignitaries and officials and the Virginia General Assembly. Thanks to Jerry Ferguson who conducted interviews and is turning them into a video story about the event. Georgia asked for a round of applause for Jerry for his excellent video work. Georgia Graves extended accolades to Maryam Shah and Rocio Lopez and other Staff who have participated in preparations for the upcoming Holiday Party. It is intended to be very Staff friendly. Details to follow.

Steve Mullen extended accolades to Joe Marrero for the exceptional job he has done in providing the LightWorks Software Training to members. He also thanked Jay Erasquin for preparing the handbook used for this training.

AGENDA:

Jim Housel asked if there were any changes to the Agenda; there were none. He asked for a motion to approve the agenda as written. Motion was approved by unanimous vote.

APPROVAL OF MINUTES:

Jim Housel thanked Ruth Bennett for her vigilance in getting minutes of past meetings corrected and approved. Ruth was able to make several necessary corrections to the minutes (April, July, and August 2016). Steve Mullen pointed out that, although Ruth has done a great job of identifying needed corrections, some of the minutes still needed to be corrected. There were incorrect statements in a couple of cases, incomplete sentences, and words left out in other cases. Jim Housel suggested deferral on approval of minutes until the next meeting (January 2017). He requested that any changes be provided to Ruth by mid-January; or a week before the meeting. Steve Mullen advised he would make a copy of the changes he noted and provide a copy to Ruth tonight. As an example, he pointed out there was an action item with a motion in the August 2016 minutes to extend the time that an employee may use comp time. The language in the minutes was not what we started with for that proposal. As written, you would not completely understand the proposal. In another case, a reference was made to a statement made by John Henkel that was completely incorrect.

Steve Mullen suggested that all motions should be in writing. Jim Housel advised there is a difficulty in doing that, since we make so many amendments to motions. He suggested that we stop and have the motion read out loud. Ruth Bennett advised that we should record, in case of discrepancy. Chuck Pena indicated we are recording meetings at the current time. Decision was made to delay approval of minutes until the January meeting. Jim Housel advised that all Directors should have the opportunity to listen and fully participate. He thanked Wayne Bertram for being the professional note taker. Steve Mullen offered kudos to Danny Olewine for taking minutes on several previous occasions. They were exceptionally well done. Jim Housel asked that we move on to Staff Reports.

STAFF REPORTS:

Chuck Pena: I have 3 Action Items.

- **ACTION ITEM 1:** Request a change to the wording of the Operations Manual. These changes were presented at the previous BoD Meeting. The Board approved the Operations Manual and any revisions to it need to be approved by the Board.

- **Jim Housel comment:** It's more of a motion action item; do I have a motion? Motion made by Ruth Bennett. Seconded by Kevin McFarland. Discussion:

- The requested revisions are based on the fact that FPA is now beginning to accept different file formats for programming and distributed this information at the last board meeting.

- Steve Mullen did request a slight wording change in regards to the language about the "header" required between separate programs submitted on the same tape.

- Steve Mullen had asked for an extension last month to help ensure that Producers were OK with what we were proposing. Important since Producers have to sign a statement they are in compliance with the Operations Manual. This is binding on them with any program they submit.

- Maryam Shah clarified that we are not taking anything away for program submissions. We are adding. The existing formats are for SD, because we have outside Producers, and some may want to continue to submit SD programs (the proposed formats are in HD).

- In response to a question from Jim Housel, as to how we would get the word out to Producers, Maryam advised that FPA was going to email the entire Membership after the final plans were approved in January (2017). Also going to create a page on the website after approval of the technical standards.

- Question raised about the exact language of the motion. It was the language referred to as Action Item 2 in the Executive Director's Report for the last meeting, with the change made as requested by Steve Mullen to the "header" language. He was OK with the proposed change to that language.
- Jim Housel called for vote on the motion. Unanimous approval by the Board. Motion carried.

ACTION ITEM 2: Program submitted that had gratuitous violence.

- No political purpose, example, if someone wants to argue against war they were to show the "The Sorrow and the Pity".
- "The Fists of Jesus." shows Jesus ripping people's heads off, lots of blood.
- We currently have a safe harbor in which we restrict indecent scenes to a particular hour.
- If a program is legally obscene, we don't play it at all. But if the program is indecent and doesn't reach the obscenity threshold, we play it during the hours where programs are less likely to reach a young audience.

Jim Housel comment: Gratuitous violence isn't my real concern. We have to be very careful in identifying content we want to restrict. The Board would support seeking an outside opinion about what could be done to address the issue. Not really worried about gratuitous fictitious violence, worried about real violence. Understand the historical value of war videos that people want to put in their shows.

Chuck Pena comment: We have a relationship with Rick Elrod, Director of the Division of Cable Communications Policy and Regulation. Previously, a Board member wanted us to not air a program, thought it was anti-Semitic. Went to outside legal help. Miller and Van Eaton, at the time. Lawyers identified some things we could do in regards to legally restricting indecent programs.

- We have an arrangement that we don't censor programming. But will give Rick Elrod a heads up in case there's anything someone may have an issue with and possibly contact the Board of Supervisors, related to telecommunications.
- Spoke with Rick about possibly seeking legal advice, and Rick thought it was a wise idea.
- Rick did say that any decision we make should not affect or impact the program at hand, because it would look like you took steps to prevent this program from being aired.
- We should let this program play, but in future situations, we should know if we may restrict certain violent programs to certain hours.
- Recommend that we send an email of the most recent copy of the operations manual to all the members.
- But any changes would have to be approved by the board and the producers would have to abide by that rule.

Jim Housel comment: We should seek assurance from legal counsel that if we restrict violent programming that we don't lose our protections as a public access station. We're fairly protected under the law from liability from what appears on our channels.

Chuck Pena comment: We don't want a situation where we censor the program inappropriately. Don't want to actually take a violent program and inappropriately restrict it to certain hours when case laws says we should not. That would present the potential for a lawsuit, which would be publicized in the paper, etc.

Motion by Chuck Pena: Motion will be to engage the outside law firm, Best, Best and Krieger, to explore the legal aspects of restricting play of violent content to certain hours. I'm also going to write a suggested modification to this motion. Request, if a change needs to be made to the operations manual, they assist us in drafting one.

Jim Housel comment: Everyone clear on the motion? Do I have a second? Seconded by Jim Southworth.

Jim Housel called for the vote. Unanimous approval. Motion carried.

ACTION ITEM 3

- Maryam Shah requested redline revisions to the FPA Policies & Procedures Manual regarding programming technical standards and WRLD studio reservations and time slot duration.
- Request for a motion that involves a change to the Manual to reserve time in WRLD studio.
- Currently when an individual requests time in the WRLD studio they do so in 4 hour increments, we would like to change it to 3 hour increments. So other members can have time and can take advantage of available time.

Maryam Shah comment: This was included in my motion, from last month. Unfortunately it didn't make it into my report, but I can read the section to you.

- Section 6 of taping cable and casting submitting program section II.
- This includes another change, mistake.
- Under Section B, Production and Taping for Radio.
- Section A time slots are assigned through the radio coordinator and blocks of up to 1 hour per week for radio Fairfax and 1 hour for WRLD per week.
- It used to say 2 hours, but we grandfathered radio producers years ago for 1 hour.

Jim Housel comment: Can I have a motion for that?

- Motion made by Georgia Graves. Seconded by Ingrid Parris-Hicklin.

Discussion: Discussion ensued about the need for soundproofing In between Radio Fairfax and TV Control Room B; and between WRLD Studio and TV Studio C. Danny Olewine is working this issue.

Jim Housel comment: Back to the motion, any other issues? None stated.

Jim Housel called for the vote. Unanimous approval. Motion carried.

Additional Chuck Pena Report comments:

- George Mason (GMU) classes have gone great. We're very happy, Students are happy, GMU is very happy. Wanted to wait to approve additional classes until after initial successful completion. It's too late to schedule spring classes, but will explore future classes to continue our great working relationship.
- Back in June, I proposed a concern for an FCC rule for cable companies to develop an open architecture for their cable boxes for 3rd party vendors to provide cable boxes directly to subscribers.
- The county estimates 10-20% revenue comes from cable box fees. If the cable company loses 10% of their income, we lose 10% of ours.
- A 10% reduction would mean we lose \$280k; Even a 5% reduction would result in a loss of \$140k.
- Additionally, Comcast has been able to avoid any subscriber loss by the use of the X1 cable box, and in fact Cox Communications is going to lease these boxes for use in Fairfax County. Because of new Presidential Administration, this proposed rule is dead; this particular political outcome has benefited us.
- New studio lighting to be installed in Studio's A and C from December 12th to 16th. New lighting will illuminate new areas. Starting on February 13th, new lighting will be installed in Studio B.
- I sent an email to all members that FPA is a safe place to do business, requiring respect for all the members. Important, since US has seen an increase in hate crimes since the Presidential election.

Steve Ruddell Report:

- Lighting work to be done in Studio A and Studio C from December 12th to 16th. Studios are cleared out and closed for the update.
- Studio C will be closed January 9th thru 16th for additional maintenance.
- Additional work will be done on HD change over.
 - o Studio A/B will be done during Hiatus.
- Studio B will be closed completely, while the lighting is hung, February 13 to February 24.
 - o Two sets (small/large) to set the risers, and a lighting board.

- Four additional lights that will be moved, but Studio B will be locked down until complete.
- Thanks to Steve Mullen again for the free plumbing repairs he provided. This time FPA got upstairs toilet repairs, new shut-off valves installed, and a new garbage disposal installed at no cost to FPA.

Jay Erasquin Report:

- The month of December we are making sure the syllabus and manuals have correct information.
 - LightWorks Program updates. Lighting freebies, new tricaster update freebies, etc.

Maryam Shah Report:

- We are planning to move over to new web server.
 - New modified version, more mobile, tablet, etc. friendly for the site.

Rocio Lopez Report:

- Received first quarterly payment from Cox in November (\$250k) and Verizon (\$461k). We received a combined \$711k for the first quarter.
- Cox is down \$25k from last year, due to reduction and Verizon is up \$14k.
- Staff productions are up \$3k from last year, principally due to HD Conversion work.
 - Lisa has been doing conversions for producers at a reduced price, to improve the productions.
- Training is up \$2k from last year, principally due to new classes offered.
- Building loan fee down \$2k, principally due to refinance of the loan.
- Training instructors expense up \$5k, principally due to increase in classes.
- Professional service expense is up \$6k, due to the legal service provided for special projects.
- George Mason revenue income is not reflected this month.
 - Not included in budgeting but put under training.
- Last month's comparison Budget, details on last month's reports.
 - Note. Percent of budget shown should be at 25%.
- Income side is around the same percentage as the expense side. Email Rocio with any questions.

BOARD REPORTS:

Treasurer Steve Mullen Report:

- I am going to ask the Board to approve a Motion to increase the annual Bonus Pool under the salaries, benefits, and taxes expense line item. Last fiscal year (FY) when Rocio and I went through the initial budget for this FY, it was tight, took us into the RED. Expenses were higher, due to Increased salaries, need to maintain benefits, and we did want to provide for a good bonus pool amount for Staff. In the end to make the numbers work, we did have a reduced bonus pool, compared to the prior year.
 - \$124k, provided for \$100k for the annual and \$24k for the quarterly bonuses.
- I am asking for an additional \$26k for the bonus pool. This would raise it to \$150k for this FY; we're doing better financially, and can afford to do this for the Staff.
- I am asking for this increase now, since there is no Board meeting next month (Dec). As such, there will not be another opportunity to increase the bonus pool money before it is paid out in December. Managers are completing their performance reviews NLT December 12, and the bonus payments will be based on the results of these performance reviews.

Steve Mullen Motion:

- Board authorizes the budget for FY 16/17 salaries, benefits, and taxes to be increased by \$26k to allow the executive director and FPA Managers to provide for additional Bonuses for staff. Performance reviews are expected NLT December 12, 2016. This additional funding will allow FPA Managers to pay bonuses in December 2016 as performance reviews dictate.
- Jim Southworth seconded the motion.

DISCUSSION:

- Questions were raised by the Board about how bonus payment amounts were determined.

Chuck Pena comments:

- Performance Review Forms have an area to indicate strength/weakness. If Performance Reviews support a bonus, managers need to provide an explanation. We used school type grades for overall evaluations.

- A, B, C, D.

-Based on the evaluations, we take a look at the available bonus money and allocate it.

- We look at all the employee's reviews; grades, bonuses, and how funds are allocated.

- Does not include Chuck Pena bonus.

Kevin McFarland comment:

- Is FPA better served if we have 2 or 3 individuals do the final review/decision making?

Chuck Pena comment:

- I have no objection to that, but most of the board members are here one night a month. As such, most Board members don't see day-to-day operations, but I have no objection to such a committee.

Kevin McFarland comment:

- I think we need a motion to entertain that. I recommend John Henkel to head it.

Jim Housel comment:

- One motion for additional bonus funding, and you have your motion, Kevin, which is a separate motion. Let's do them separately. I'm a little concerned that we could delay the bonuses for this year.

Rocio Lopez comment:

- December 12th, is the last date to provide payroll input. Any payroll changes for payment in December need to be submitted by that date.

Jim Housel called for the vote on the Mullen Motion: Unanimous approval. Motion carried.

Jim Housel called for the vote on the McFarland Motion:

- Let's move to Kevin's motion, motion for a committee to review and give final approval for bonuses to Staff in future years. To be headed by the Director for Organizational Development. This would be yearly and quarterly bonuses. Seconded by Jim Southworth. Unanimous approval. Motion carried.

Continued Treasurer Mullen Report:

- We're still working with Dan Burnett on efforts to complete this year's audit. Dan hasn't started his audit fieldwork yet. There's been a push back with his schedule, due to other clients and other requirements. Received an extension from IRS on November 15th tax submission deadline. I owe Dan a call to confirm his audit start date.

Vice-President Georgia Graves Report:

-Reviewed 9 to 10 restaurants, to evaluate their costs, locations, etc., for the Holiday Party. Maryam Shah can make the announcement.

Maryam Shah comment:

- We selected "Black Fin America Pub" as the location for our Holiday Party. It is located next to Dunn Loring Metro, multiple parking spaces available. We will be seated in the Pub Area. Booths/Tables and 44 attending. Biggest turn out. Party starts at 7:00PM on Friday, December 2, 2016.

President Housel comments:

- Thanks again to Georgia and Staff for all their party planning efforts. Discussed the white elephant gift exchange. The white elephant gift has a \$10 limit. Wrap it, no identifying information. Each person who brings a gift participates. Gifts are pooled. Numbers are drawn for order of selection. You want to be the last person to select a gift. Stealing of gifts is encouraged. When a gift is stolen for the third time, it belongs to that person. The gift exchange is a lot of fun!

Ingrid Parris-Hicklin Report:

- Visit planned to College of Business at Bowie State University to promote FPA.

- A lot of interactions planned and events to attend in December. Talking to people/promoting FPA. Plan is to develop new business contacts in the future.

President Housel comment:

We have a “blank” for the next Member report. By virtue of our bylaws, Suyong Min missed her 3rd meeting, and is deemed to have resigned. As a result, unfortunately, she is no longer on the Board and we have a vacancy that will need to be filled. We haven’t heard from her for quite some time. Loss of communication, so we are concerned. We know she traveled to South Korea to assist her parents, but our last contact with her indicated she was sick, so we remain concerned. If anybody has news, please share. Be aware there is a vacancy that we will need to fill at some point in the future.

President Jim Housel comments:

We have been approached about the possibility of naming one of the FPA studios after Jim Girardi, who passed away suddenly, earlier this year. It’s not a simple issue, since other very deserving members have passed away, and it isn’t the first time we’ve been approached about honoring a valued member. It’s not a trivial approval. I’m going to recommend that this matter be turned over to Staff as an action item. In the meantime, we have a Member, Rafael Arancibia, who would like to address the Board about this matter.

Rafael Arancibia comments:

- Jim Girardi was an important part of our “Inside Scoop” show production crew, volunteering 2 nights a week, if not more, for several years. In addition, he was an FPA instructor and mentor for members, also for an extended period of time. I understand it is difficult to determine how someone like Jim Girardi should be honored, since others are equally deserving. I do hope that FPA can find a way to honor Jim. We have a resolution prepared by our show crew, asking that Jim be recognized in an appropriate way.

Georgia Graves comments:

- What if we create a beautiful wooden brass plaque, as a way to honor extraordinary individuals who have contributed to FPA in a special way. We could put Jim’s name on the plaque. Keep it in a special place. It should be in a place where all the members can see it. Not in a hallway. Don’t believe we are in a position to name rooms.

Jim Housel comments:

This matter of how to recognize extraordinary members, who have provided an exceptional service to FPA, is added as an action item for the Staff to investigate. Comments to Rafael: Let’s leave this as an action item for Staff. Please send Chuck a copy of your resolution.

Secretary Ruth Bennett Report:

- There’s another member development meet and greet coming up in December. December 14 is target date. May need to do two different nights. Topic is “Digital Story Telling.”

President Housel comments:

- Next Board meeting is Wednesday, January 25th, 2017. Happy Holidays to all!

Jim Southworth comments:

- Delegation from Beijing, China, is coming back on the night of December 12th, 2016.
- Last was media group, this is a production group. They are amazed because of no censorship.

President Housel Motion to Adjourn:

- Motion to adjourn. Seconded by Kevin McFarland. Approved unanimously.

- **MEETING ADJOURNED AT 8:52PM**