



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE  
CORTE MADERA, CA  
94925-1492

[www.townofcortemadera.org](http://www.townofcortemadera.org)

TOWN MANAGER  
TOWN COUNCIL  
415-927-5050

TOWN CLERK  
415-927-5085

FINANCE / BUS. LICENSE  
415-927-5055

FIRE DEPARTMENT  
415-927-5077

PLANNING / ZONING  
415-927-5064

BUILDING INSPECTOR  
415-927-5062

TOWN ENGINEER  
PUBLIC WORKS  
415-927-5057

RECREATION DEPARTMENT  
415-927-5072

SANITARY DISTRICT NO. 2  
415-927-5057

CENTRAL MARIN  
POLICE AUTHORITY  
415-927-5150

September 17, 2019

Lucy Dilworth, Foreperson  
Marin County Civil Grand Jury  
3501 Civic Center Drive, Suite 275  
San Rafael, CA 94903

Foreperson Dilworth:

Thank you for your recent report, "Marin's Telecommunications Disconnect," dated June 6, 2019. Pursuant to Penal code 933.05, I am writing on behalf of the Town of Corte Madera, to respectfully respond to the report.

The report requests that the Town respond to Recommendation R2, R3 and R4. The Town's response to the report's recommendations concurs with that of the Marin Telecommunications Agency Board of Directors and was approved by the Town Council at the September 17, 2019 Town council meeting, and is included below.

Please accept our appreciation for the service you provide to the residents of Marin County, and for addressing this important issue. Should you have any questions regarding this response, please contact the Town Clerk, Rebecca Vaughn, at (415) 927-5085 or [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org).

Sincerely,

James H. Andrews  
Mayor

Cc: Honorable Judge Paul Haakenson, Marin County Superior Court

## AGENCY RESPONSE TO GRAND JURY REPORT

Report Title: **Marin's Telecommunications Disconnect**

Report Date: **June 6, 2019**

Response Date: **September 20, 2019**

Agency Name: Town of Corte Madera

Agenda Date: September 17, 2019

Response by: James H. Andrews

Title: Mayor

### FINDINGS

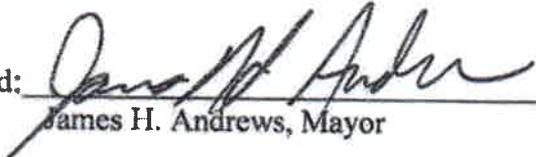
- I (we) agree with the findings numbered: N/A
- I (we) disagree *partially* with the findings numbered: N/A
- I (we) disagree *wholly* with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

- Recommendations numbered N/A have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered R4 require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R2 and R3 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.) See attachment.

Date: September 17, 2019

Signed:   
James H. Andrews, Mayor

Number of pages attached: 3

## Grand Jury Recommendations and Responses

**R2. The MTA's franchise fee collection and disbursement responsibilities should be moved to the MGSA.**

**Response:** The Town of Corte Madera concurs with the Marin Telecommunications Agency Board of Directors and disagrees with this recommendation.

The Marin Telecommunications Agency (MTA) reports that moving their functions to MGSA has been evaluated in the last few years. Prior to 2018, MTA reevaluated its mission and had discussions with MGSA regarding the potential for MGSA to oversee MTA functionalities. At that time, MTA's Executive Director determined that a new program with staffing and funding would have had to have been created in order to incorporate the responsibilities of MTA into MGSA's existing staffing and programmatic structure and therefore, it was decided that MTA's JPA structure remain.

**R3. MTA's responsibilities for CMCM should be terminated.**

**Response:** The Town of Corte Madera concurs with the Marin Telecommunications Agency Board of Directors and disagrees with this recommendation.

The MTA and CMCM are tied together through a Designated Access Provider (DAP) contractual agreement between the MTA and CMCM and through Section 5780(b) of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), which states: "The PEG channels shall be for the exclusive use of the local entity or its designee to provide public, educational, and governmental channels."

Due to the DAP contractual agreement and DIVCA, both MTA and CMCM have governance responsibilities and obligations. MTA states that part of those obligations also includes MTA's ownership of the capital equipment that CMCM has purchased using PEG funds to establish the broadcast and transmission capabilities at each city, town and the County.

Through the relationship of these two agencies, MTA appoints two voting members on the CMCM Board of Directors, and the non-voting MTA Executive Officer frequently provides informational reports to the CMCM Board. The involvement MTA has with the activities and expenditures of CMCM is necessary oversight that is required by both State law and the Designated Access Provider (DAP) contractual agreement.

#### **R4. The MTA should be dissolved.**

**Response:** The Town of Corte Madera believes that this recommendation requires further discussion and analysis.

At present, there is reason for MTA to continue to assist in the collection and disbursement of franchise fees. As the fee environment changes, through regulatory or legislative action or changes in the cable market, this question should be revisited, and is anticipated to be agendaized for discussion by the Marin Managers Association, comprised of the City/Town Managers representing each of the 11 municipalities in Marin, within the next six months.

The mission of the MTA is to be the key policy-making and coordinating body related to telecommunications matters in Marin. The MTA Board of Directors is composed of elected officials who are appointed from its ten member agencies and Corte Madera is one of them. Overall, MTA works to promote availability, accessibility, affordability and public inclusion in the advancement and enhancement of telecommunications infrastructure and services in Marin.

The MTA Board of Directors is aware of the changing environment in the world of telecommunications due to proposed legislation and technological advancements that ultimately effect the ways companies like Comcast and AT&T do business and these changes lead to effects in the community. The effects from these changes have an impact on the structure of MTA and its mission. Related to this, MTA recently reported that the Federal Communications Commission (FCC) was taking up a proposed rule that may have the potential to significantly reduce franchise fee and PEG funds. This is particularly important because MTA has income from franchise and PEG fees. At present, there are no proposals before the FCC or Congress to eliminate franchise fees however, MTA continues to monitor and comment on proposals designed to affect PEG channel services and franchise fee revenues. MTA also involves each of its member agencies in discussions surrounding appropriate and responsible actions to accommodate any needed changes. If the MTA Board of Directors decides to reconsider its activities and structure, it will conduct a detailed evaluation of its options, and make decisions based on its findings. As a member agency of MTA, the Town of Corte Madera will continue to be part of that evaluation, and will take action accordingly.