

RESPONSE TO GRAND JURY REPORT FORM
Town of Tiburon

Report Title: *Marin Telecom Disconnect*

Report Date: *June 6, 2019*

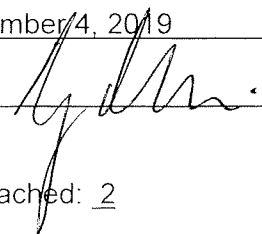
Public Release: *June 13, 2019*

Response By: *Town of Tiburon*

RECOMMENDATIONS

- Recommendations numbered NA have been implemented.
- Recommendations numbered: NA have not yet been implemented but will be implemented in the future.
- Recommendations numbered: NA require further analysis.
- Recommendations numbered: 2,3,and 4 will not be implemented because they are not warranted or are not reasonable.

Date: September 4, 2019

Signed: 

Number of pages attached: 2



*Office of the Town Manager
Town of Tiburon
September 4, 2019*

The Honorable Kelly Simmons
Judge of the Marin County Superior
Court
Post Office Box 4988
San Rafael, CA 94913-4988

Pat Randolph, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

David Kulik
Mayor

.....
Alice Fredericks
Vice Mayor

.....
Jim Fraser
Councilmember

.....
Holli Thier
Councilmember

.....
Jon Welner
Councilmember

.....
Greg Chanis
Town Manager

**Re: Response to Grand Jury Report
Marin Telecom Disconnect5**

Dear Honorable Judge Simmons and Mr. Randolph:

This letter explains in detail the Town of Tiburon’s response to the Civil Grand Jury Report dated June 6, 2019 (*Marin Telecom Disconnect*). The Report directs the Town to respond to Recommendations R2, R3, and R4.

RESPONSES TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

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

Response: This recommendation will not be implemented because it is not warranted or is not reasonable.

The possibility of MGSA taking on the responsibility for fee collection and disbursement has been explored by the MTA Board several times in the past, most recently when the Executive Officer of the MTA retired in 2018. At that time, it was determined that shifting the responsibility to MGSA would not result in significant financial savings. However, at the same time, MTA did make organizational changes resulting in a reduction staffing and reduced administrative costs.

R3. MTA’s responsibilities for CMCM should be terminated.

Response: This recommendation will not be implemented because it is not warranted or is not reasonable.

The longstanding connection between MTA and CMCM is anchored by 2 important interrelated elements: (1) The Digital Access Provider Agreement between the MTA (Representing the 10 member entities and CMCM), and (2) The Digital Infrastructure and Competition Act of 2006 (DIVCA). These elements combined result in commitments, obligations and responsibilities which cannot simply be abandoned. These include provisions in the MTA contract with

CMCM to manage the exclusive provision of public, education and government channels. with the MTA retaining ownership of the capital equipment used to establish the broadcast and transmission capabilities at each municipality.

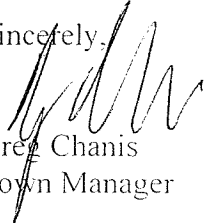
R4. The MTA should be dissolved.

Response: This recommendation will not be implemented because it is not warranted or is not reasonable.

The MTA continues to play an important role in the collection and disbursement of franchise fees, as well as vital oversight of CMCM. In addition, throughout its existence, MTA has closely monitored the regulatory environment on behalf of member agencies. With the Federal Communications Commission currently considering significant changes in this arena, this aspect of MTA's responsibilities is more important than ever.

The MTA Board, and its member agencies, are aware of the rapidly changing environment. Over the years, the MTA Board has responded to change by periodically reviewing various options for restructuring and has adopted prudent organizational changes as a result of these reviews. The Town is confident this process will continue in the future

Sincerely,



Greg Chanis
Town Manager