Ohio | Broadcast Educational Media Commission

**Broadcast Educational Media Commission Meeting Minutes**
**2470 North Star Rd., Columbus, Ohio 43221**
**September 4, 2014**

## I. Opening

10:28 a.m.; Commission Chair Mark Filippell opened the Broadcast Educational Media Commission (BEMC) meeting.

## II. Roll Call

10:29 a.m.; Coordinator Sue Price conducted roll call.

Members Present: Chairman Mark Filippell; Commissioner Ronald Amstutz; Commissioner Stephen Black; Commissioner Designee Greg Davidson; Commissioner Stephen Freeze; Commissioner Bruce Hawkins; Commissioner Jan Osborn, Commissioner Michael Stinziano and Commissioner Curt Steiner. (Commissioner George Sarantou arrived at 10:52 a.m.)

Members Absent: Commissioner Cliff Hite; Commissioner Christine Merritt, Commissioner John McClelland, Commissioner Jan Osborn; Superintendent Richard Ross, ~~Commissioner George Sarantou~~ and Commissioner Michael Skindell.

Also present: Executive Director Richard E. May; Assistant Attorney General Jennifer Bondurant, Chief Engineer Craig Stephenson, Broadcast Manager Dave Johnson; Chief Information Officer Laura J. Bryson; Coordinator Sue Price; and interested citizens.

Mrs. Price declared a quorum present.

## III. Resolution 15-31: Acceptance of July 10, 2014 Minutes

10:30 a.m.; Mr. Hawkins moved and Mr. Black seconded to accept the minutes of the July 10, 2014 Commission Meeting.

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| AYES: | Mr. Filippell, Mr. Black, Mr. Davidson, Mr. Freeze, Mr. Hawkins, Dr. Osborn and Mr. Steiner. |
| NAYS: | None |
| ABSTAIN: | None |

## IV. Executive Director's Report

10:30 a.m.;

1. **Update on New Lease with OSU:** BEMC's lease with OSU expired on June 30, 2014, but has been in negotiation since last December. Part of the reason for the long negotiation is because Marcs utilizes 400 sq. ft. of the space. Same arrangement and arrangement with OSU re: maintenance of the building. BEMC is attempting to negotiate a rent reduction. The previous lease negotiated in 1999 obligated eTech Ohio to provide a microwave link from here to Wooster at a cost of $21,000.00 per year. This fiber link not being used for video conferencing. For this reason, we're attempting to renegotiate the lease to eliminate the service provision to, hopefully, realize a $21,000.00 savings. There are a lot of moving pieces. We're temporary on a month-to-month lease.

2. **Update on Department of Education's Financial Assistance for Video Conferencing Help Desk:** For the past two years, The Ohio Department of Education provisioned $150,000.00 per year to partially offset some of the cost of providing help desk for video conferencing (video conferencing services are provided to Ohio K-12 schools at no cost.) BEMC hopes to meet with The Department of Education folks to discuss continuation of the funds. For now, however, we assume we will not receive these support funds but hope to get it renegotiated.

3. **Possible BEMC Sponsorship of Federal Grant Workshop:** There is a possibility that BEMC will be working with the Ohio Board of Regents' Bruce Hawkins and the Ohio Distance Learning Association's Jon Bowers in sponsoring a workshop to purchase video conferencing equipment, hopefully sometime in October. Schools and other entities need to upgrade their equipment, but no state money is available for this purpose.

4. **Statutory Attendance Requirements for Commission Members:** Referring to a copy of memo from Governor's office regarding statutory requirements relating to members missing meetings included with the meeting handouts, Mr. May informed the Commission that if a member fails to attend at least three-fifths of meetings during any two-year period, their position on the Commission would be forfeited.

5. **Ohio Ethics Commission Annual Conflicts of Interests Review:** Not on the agenda, but to let the commission know this review is in process, Mr. May reported BEMC received two letters from The Ohio Ethics Commission yesterday requesting BEMC review companies we do business with for the purpose of identifying any potential conflicts of interest. That review was conducted and BEMC reported no potential conflicts of interest having been identified.

## V. Progress Report on the North Star NOC Modernization Project:

At 10:44 a.m., Consultant John Luff joined the meeting via audio. Mr. Luff reported that the RFP (Request for Proposal) went out on Friday, August 29th. Vendors BEMC selected have received the document. There were 338 copies sent out. Mr. Luff anticipates receiving between (12) and (20) proposals, including at least (10) from vendors we solicited. There have been challenges since the process started in May. We

expect questions from vendors. Bidding is to be completed on 10/17/14. Evaluations will commence the following week, and franking of vendors will take about ten days. We anticipate (3) vendors being in the final selection in November. The purchase order should be issued before Thanksgiving. The completion period should be twelve months, assuming a common understanding.

Mr. May thanked Mr. Luff and commended the work completed so far, as well as recognizing Ms. Bondurant and BEMC staff for their assistance in getting the RFP out. Mr. Filippell added we anticipate submissions will be exactly what we want, the first time.

Mr. May stated that, "Now we're waiting." The big meeting will be September 22nd, when vendors will meet with us for questions and answers. Bids are due October 17th. BEMC is exempt from state procurement process, but elected to go through the RFP process because the project will go to the Controlling Board for approval.

***(10:52 a.m.; Commissioner Sarantou arrived.)***

A Q&A followed, with Mr. Luff and BEMC's Chief Engineer Craig Stephenson responding.

## VI. Status Report of FY12-FY13 Audit of eTech Ohio Commission:

In addressing the commission, Senior Audit Manager Frank Schwinne referenced the audit management letter and representation letter; stating that this was the last audit of eTech Ohio Commission for FY12 and FY13. As background, Mr. Schwinne explained, larger entities are audited annually. Smaller entities are audited every two years, and for these smaller entities, the Auditor's Office doesn't issue an audit report, but, rather, a management letter. This audit exit interview was conducted August 24th, and the management letter was issued on August 26th. There are three levels: 1) The only way BEMC would be affected is if there would be a finding for recovery; 2) Website material – major program size for the state; and 3) Transition from eTech Ohio Commission to Broadcast Educational Media Commission, from location of some documents issues. Comments: There were finds of some non-compliance with laws and some contractual deficiencies: 1) BEMC is already implementing law: New laws and regulations; 2) Inventory representation letter from previous outgoing Executive Director; and 3) Could not find documentation evidence of approvals about reconciliation between two different systems.

A discussion followed, with Mr. May responding to their various questions.

## VII. Discussion/Action Regarding BEMC's FY16/FY17 Budget & Management:

Mr. May referred to the budget packet and House Bill 59's language regarding statutory new responsibilities and actual appropriations in explaining OBM's requirement for submission of two budgets: 1) A FY16/FY17 budget cutting our numbers by 10%, it being a $781,000.00 cut, providing options for how to meet the demand; and 2) A second

version at 100% of our FY16 budget. Mr. May recommended the 100%, zero-cut budget submission and asked the Commission to determine how the budget should be cut to meet the 10% reduction requirement, referring to a handout with his thoughts relating to various options for the cut.

A discussion followed.

***(11:58 a.m.; Commissioner Amstutz left.)***

***(12:04 p.m.; Commissioner Steiner left.)***

**Resolution 15-32: Option Determination for 10% Budget Cut Submission**

12:15 p.m.; Mr. Black moved and Mr. Hawkins seconded to proceed with Option #2, "Eliminate funding for multi-media grants – potential savings $658,099; Trim $123,000.00 from priority projects and equipment upgrades/expansions; Maintain current staff levels; and No reduction in direct subsidy payments to affiliates" in submitting the 90% funding level budget submission.

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| AYES: | Mr. Filippell, Mr. Black, Mr. Davidson, Mr. Freeze, Mr. Hawkins, Dr. Osborn, and Mr. Sarantou. |
| NAYS: | None |
| ABSTAIN: | None |

## VIII. Discussion/Action Regarding BEMC Bylaws:

Ms. Bondurant reported she worked with Mr. May and Katy Coy in recommending bylaws requirements as being:

1) Legal;
2) Chair;
3) Vice Chair; and
4) Committees

Ms. Bondurant's role is that of legal; Mr. Filippell's role is that of Chairman; and Mr. Hawkins role is that of Vice Chair. Currently, there is no Executive Committee. BEMC meetings are conducted under *Robert's Rules*, but we can make a change, should we elect to do so.

Regarding the need for an Executive Committee, Mr. Hawkins stated that if there are under 12 members, the Chairman can make a motion.

**Resolution 15-33: BEMC ByLaws:**

12:20 p.m.; Mr. Sarantou moved and Dr. Osborn seconded to adopt BEMC Bylaws in accordance with these recommendations.

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| AYES: | Mr. Filippell, Mr. Black, Mr. Davidson, Mr. Freeze, Mr. Hawkins, Dr. Osborn, and Mr. Sarantou. |
| NAYS: | None |
| ABSTAIN: | None |

Mr. May initiated a discussion relating to term appointments. There was a question if appointments were effective as of the date of appointment? ...Or, by fiscal year? Ms. Bondurant indicated all appointments were good for this current meeting because of an automatic 60-day extension. Mr. May will verify appointment terms and inform the Commission of findings.

## IX. Executive Session

No Executive Session.

## X. New Business

No New Business.

## XI. Resolution FY15-34: Adjournment:

12:21 p.m.; Mr. Black moved and Mr. Sarantou seconded to close the meeting.

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| AYES: | Mr. Filippell, Mr. Black, Mr. Davidson, Mr. Freeze, Mr. Hawkins, Dr. Osborn, and Mr. Sarantou. |
| NAYS: | None |
| ABSTAIN: | None |

Mark Filippell, Chair
Broadcast Educational Media Commission

11/13/14
Date