

Quad Cities Cable Communications Commission
Anoka City Hall – Council Chambers

August 17, 2017, 11:00 AM

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Administrative Reports**
 - 4.1. Secretary
 - 4.1.1. Approval of the July 20, 2017, commission minutes.
 - 4.2. Treasurer
 - 4.2.1. June Financial Reports
 - 4.3. Executive Director
- 5. General Business**
 - 5.1. Liability Coverage Waiver
- 6. Adjourn**

MINUTES OF THE REGULAR MEETING OF JULY 20, 2017

CALL TO ORDER – 1

Acting Chair Ulrich called the meeting to order at 11:00 a.m. at the Anoka City Hall.

ROLL CALL– 2

Commissioners present were: Greg Lee, Anoka; John LeTourneau, Ramsey; Kurt Ulrich, Ramsey; Jim Dickinson, Andover; Jim Goodrich, Andover; and Jessica Tesdall, Champlin.

Commissioners absent and excused: Carl Anderson, Anoka; and Bret Heitkamp, Champlin.

Others present included Karen George, Executive Director.

APPROVAL OF AGENDA – 3

Motion was made by LeTourneau and seconded by Dickinson to approve the agenda as presented.

6 ayes – 0 nays. Motion carried.

ADMINISTRATIVE REPORTS – 4

4.1 Secretary

4.1.1. Approval of meeting minutes from May 18, 2017 Commission Meeting

Motion was made by Dickinson and seconded by Lee to approve the May 18, 2017 Commission minutes as presented.

6 ayes – 0 nays. Motion carried.

4.1.2. Approval of meeting minutes from June 29, 2017 Executive Committee Meeting

Motion was made by LeTourneau and seconded by Tesdall to approve the June 29, 2017 minutes of the Executive Committee meeting as presented.

6 ayes – 0 nays. Motion carried.

4.2 Treasurer

4.2.1. April/May Financial Report

Commissioner Dickinson stated that the budget is intact and going as expected. He noted that revenues are received quarterly and therefore percentages often do not match up in the report. He advised that capital has been separated to provide clarity.

Motion was made by Goodrich and seconded by Lee to accept the April and May Financial Reports.

6 ayes – 0 nays. Motion carried

4.3 Executive Director

Ms. George provided an overview of her report, noting that the contract has been executed for the HD upgrades at member city halls. She noted that part of this process will be to determine the individual needs of each city hall. She stated that the HD camera purchase has arrived and installation will begin soon. She noted that the iPhone Bootcamp, discussed at the last work session, will take place in September and each member city will have five seats in that training session. She noted that a legislative update was also included in the packet, highlighting the right-of-way impact item. She stated that she has worked with Chair Heitkamp and Attorney Vose to draft comments in response to the FCC.

GENERAL BUSINESS – 5

Kate Henson, Manager of Government Affairs for Comcast, reported that Ron Orlando is the new President of External Affairs, which her department falls under. She noted that Mr. Orlando would like to attend the next meeting to introduce himself to the Commission.

ADJOURN – 6

Time of adjournment 11:10 a.m.

Respectfully submitted,

Amanda Staple
Recording Secretary
TimeSaver Off Site Secretarial, Inc.

Reviewed for approval,

Karen George
Executive Director

Quad Cities Communications Commission Balance Sheet Summary

As of June 30, 2017

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts - QCTV	1,026,383.81
- PayPay acct	936.19
- US Bank Reserve	5,000.00
- Petty Cash	250.00
- Investments	1,242,713.60
Accounts Receivable	0.00
Other current assets	0.00
Total Current Assets	\$ 2,275,283.60
Fixed Assets	0.00
TOTAL ASSETS	\$ 2,275,283.60
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	48,288.18
Other Current Liabilities	0.00
Total Current Liabilities	\$ 48,288.18
Equity	2,226,995.42
TOTAL LIABILITIES AND EQUITY	\$ 2,275,283.60

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
 January - December 2017

	Jun 2017				YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Income								
Duplication Revenue	\$ 477.10	\$ 125.00	\$ 352.10	381.68%	\$ 1,237.35	\$ 1,500.00	\$ (262.65)	82.49%
Equipment Grant		4,748.00	(4,748.00)	0.00%	56,428.75	56,980.00	(551.25)	99.03%
Franchise Fees		72,854.00	(72,854.00)	0.00%	272,223.06	874,248.00	(602,024.94)	31.14%
Interest Income	923.46	8.00	915.46	11543.25%	4,298.68	100.00	4,198.68	4298.68%
Miscellaneous Income	20.69		20.69		20.69	0.00	20.69	
PEG Fee		36,427.00	(36,427.00)	0.00%	136,254.36	437,125.00	(300,870.64)	31.17%
Total Income	1,421.25	114,162.00	(112,740.75)	1.24%	470,462.89	1,369,953.00	(899,490.11)	34.34%
Expenses								
A-PERA Expense	2,995.91	3,443.00	(447.09)	87.01%	19,102.18	41,320.00	(22,217.82)	46.23%
A-SS/Medicare Expense	3,258.00	3,952.00	(694.00)	82.44%	19,082.82	47,432.00	(28,349.18)	40.23%
A-Wages - Full-time	37,064.20	41,075.00	(4,010.80)	90.24%	221,529.49	492,900.00	(271,370.51)	44.94%
A-Wages - Part-time	6,467.15	9,993.00	(3,525.85)	64.72%	32,735.49	119,922.00	(87,186.51)	27.30%
Accounting / HR Services	39.95	1,275.00	(1,235.05)	3.13%	7,701.16	15,300.00	(7,598.84)	50.33%
Ads/Promos/Sponsorships	472.25	916.00	(443.75)	51.56%	3,001.89	11,000.00	(7,998.11)	27.29%
Andover Capital Equipment		416.00	(416.00)	0.00%	157.03	5,000.00	(4,842.97)	3.14%
Announcers Fees	600.00	1,250.00	(650.00)	48.00%	5,426.77	15,000.00	(9,573.23)	36.18%
Anoka Capital Equipment	155.94	416.00	(260.06)	37.49%	1,056.04	5,000.00	(3,943.96)	21.12%
Audit	14,150.00	1,166.00	12,984.00	1213.55%	14,150.00	14,000.00	150.00	101.07%
AV Equip / Repair / Supply / Software			0.00		1,916.99	0.00	1,916.99	
Bank Fees / CC Fees		41.00	(41.00)	0.00%	0.00	500.00	(500.00)	0.00%
Brand Apparel	1,449.00	208.00	1,241.00	696.63%	1,449.00	2,500.00	(1,051.00)	57.96%
Building - Cleaning	500.00	583.00	(83.00)	85.76%	3,035.63	7,000.00	(3,964.37)	43.37%
Building - Insurance		208.00	(208.00)	0.00%	1,488.00	2,500.00	(1,012.00)	59.52%
Building - Maintenance	3,380.74	833.00	2,547.74	405.85%	8,144.97	10,000.00	(1,855.03)	81.45%
Building - Supplies	31.08	208.00	(176.92)	14.94%	394.98	2,500.00	(2,105.02)	15.80%
Car Allowance	250.00	250.00	0.00	100.00%	1,500.00	3,000.00	(1,500.00)	50.00%
Cell Phone - Allowance		578.00	(578.00)	0.00%	1,250.00	6,940.00	(5,690.00)	18.01%
Champlin Capital Equipment	84.90	416.00	(331.10)	20.41%	594.30	5,000.00	(4,405.70)	11.89%
City Sewer & Water	362.48	216.00	146.48	167.81%	767.82	2,600.00	(1,832.18)	29.53%
Commission Expense	935.00	600.00	335.00	155.83%	1,080.63	7,200.00	(6,119.37)	15.01%

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
 January - December 2017

	Jun 2017				YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Computer Equip / Repair / Supply / Software	4,062.00		4,062.00		4,062.00	0.00	4,062.00	
Consulting Services	1,840.00	6,250.00	(4,410.00)	29.44%	6,641.25	75,000.00	(68,358.75)	8.86%
Contingency Fund		2,551.00	(2,551.00)	0.00%	0.00	30,622.00	(30,622.00)	0.00%
Duplication Expenses		83.00	(83.00)	0.00%	29.27	1,000.00	(970.73)	2.93%
Electric Service	1,300.23	1,596.00	(295.77)	81.47%	6,754.14	19,152.00	(12,397.86)	35.27%
Emp / Comm Appreciation		208.00	(208.00)	0.00%	0.00	2,500.00	(2,500.00)	0.00%
Equip/Repair/Supply/Software	1,081.07	3,817.00	(2,735.93)	28.32%	9,321.53	45,812.00	(36,490.47)	20.35%
Federal Unempl Expense		70.00	(70.00)	0.00%	0.00	850.00	(850.00)	0.00%
Health Insurance	5,570.50	6,221.00	(650.50)	89.54%	33,462.50	74,652.00	(41,189.50)	44.82%
Insurance - Deductibles		41.00	(41.00)	0.00%	0.00	500.00	(500.00)	0.00%
Insurance - Liability / Bonds		541.00	(541.00)	0.00%	3,727.00	6,500.00	(2,773.00)	57.34%
Lawn Service	785.00	458.00	327.00	171.40%	1,855.00	5,500.00	(3,645.00)	33.73%
Legal Fees	193.50	1,250.00	(1,056.50)	15.48%	898.50	15,000.00	(14,101.50)	5.99%
Licenses and Permits	625.00	83.00	542.00	753.01%	625.00	1,000.00	(375.00)	62.50%
Meals		83.00	(83.00)	0.00%	292.00	1,000.00	(708.00)	29.20%
Memberships - NATOA / Others		666.00	(666.00)	0.00%	4,855.00	8,000.00	(3,145.00)	60.69%
Mileage	763.00	600.00	163.00	127.17%	4,234.02	7,200.00	(2,965.98)	58.81%
Miscellaneous Expenses		83.00	(83.00)	0.00%	0.00	1,000.00	(1,000.00)	0.00%
Natural Gas	110.32	333.00	(222.68)	33.13%	2,571.54	4,000.00	(1,428.46)	64.29%
Office Supplies / Equipment	188.78	500.00	(311.22)	37.76%	1,238.34	6,000.00	(4,761.66)	20.64%
Parking Lot Maintenance		266.00	(266.00)	0.00%	0.00	3,200.00	(3,200.00)	0.00%
Payroll Expenses	71.70		71.70		391.35	0.00	391.35	
Payroll Expenses (ADP/HSA)		491.00	(491.00)	0.00%	612.15	5,900.00	(5,287.85)	10.38%
Postage	5.53	83.00	(77.47)	6.66%	531.42	1,000.00	(468.58)	53.14%
Printing / Copy Services		83.00	(83.00)	0.00%	0.00	1,000.00	(1,000.00)	0.00%
Professional Development	4,534.40	1,500.00	3,034.40	302.29%	8,507.45	18,000.00	(9,492.55)	47.26%
Publications		41.00	(41.00)	0.00%	0.00	500.00	(500.00)	0.00%
Ramsey Capital Equipment	131.31	416.00	(284.69)	31.56%	893.00	5,000.00	(4,107.00)	17.86%
Repairs			0.00		23.18	0.00	23.18	
Sales Tax		41.00	(41.00)	0.00%	125.00	500.00	(375.00)	25.00%
Secretary Services		249.00	(249.00)	0.00%	485.00	2,992.00	(2,507.00)	16.21%
Snow Plowing Service		375.00	(375.00)	0.00%	1,483.75	4,500.00	(3,016.25)	32.97%

Quad Cities Communications Commission
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 January - December 2017

	Jun 2017				YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
State Unemploy Exp		208.00	(208.00)	0.00%	0.00	2,500.00	(2,500.00)	0.00%
STD / LTD / Life Insurance	544.38	666.00	(121.62)	81.74%	3,291.18	8,000.00	(4,708.82)	41.14%
Studio Sets		833.00	(833.00)	0.00%	1,175.00	10,000.00	(8,825.00)	11.75%
Subscription Services	130.00	1,666.00	(1,536.00)	7.80%	11,890.31	20,000.00	(8,109.69)	59.45%
Temp Staff Services		208.00	(208.00)	0.00%	0.00	2,500.00	(2,500.00)	0.00%
Vehicle - Equipment / Repair	746.19	1,041.00	(294.81)	71.68%	4,654.19	12,500.00	(7,845.81)	37.23%
Vehicle - Insurance		333.00	(333.00)	0.00%	2,536.00	4,000.00	(1,464.00)	63.40%
Vehicle - Maintenance / Gas	1,007.13	500.00	507.13	201.43%	2,404.06	6,000.00	(3,595.94)	40.07%
Waste Removal	91.12	100.00	(8.88)	91.12%	672.72	1,200.00	(527.28)	56.06%
Web / VOD / Int / CaTV / Phone	1,275.54	1,833.00	(557.46)	69.59%	7,827.27	22,000.00	(14,172.73)	35.58%
Work Comp Insurance		191.00	(191.00)	0.00%	0.00	2,300.00	(2,300.00)	0.00%
Total Expenses	97,253.30	104,601.00	(7,347.70)	92.98%	473,635.31	1,255,494.00	(781,858.69)	37.73%
Net Income	\$ (95,832.05)	\$ 9,561.00	\$ (105,393.05)	-1002.32%	\$ (3,172.42)	\$ 114,459.00	\$ (117,631.42)	-2.77%
ZCIP - Andover	\$ 10,491.22				41,327.44			
ZCIP - Anoka	10,491.22				41,327.44			
ZCIP - Champlin	10,491.22				41,327.44			
ZCIP - Network Servers					6,231.72			
ZCIP - Ramsey	10,491.22				41,327.44			
	<u>\$ 41,964.88</u>				<u>\$ 171,541.48</u>			

QCTV Bank Reconciliation
June 2017

Beginning Balance - 4M Statement	1,131,518.30
Less: Cleared Checks/Withdrawals	(91,319.79)
Plus: 4M Fund Interest	409.14
Plus: Bank Deposits/Credits	172.29
Bank Balance	\$1,040,779.94
Book Balance	1,040,779.94
Adjusted Book Balance	1,040,779.94
Difference:	\$0.00

Completed by: MK

Quad Cities Communications Commission

BILL PAYMENT LIST

June 2017

DATE	NUM	VENDOR	AMOUNT
Quad Cities Commission			
06/08/2017	11764	ACE Solid Waste, Inc.	-91.12
06/08/2017	11765	Alliance for Community Media	-2,005.00
06/08/2017	11766	Amazon	-458.62
06/08/2017	11767	Anoka Area Chamber of Commerce	-250.00
06/08/2017	11768	CenterPoint Energy	-110.32
06/08/2017	11769	City of Andover	-1,949.53
06/08/2017	11770	City of Champlin	-102.49
06/08/2017	11771	Comcast Cable	-578.52
06/08/2017	11772	Gerald S. Thomson	-180.00
06/08/2017	11773	Greenery Enterprises, Inc.	-645.00
06/08/2017	11774	Holiday Station	-99.29
06/08/2017	11775	Huebsch	-31.08
06/08/2017	11776	James Childs	-480.00
06/08/2017	11777	Joe G. Ruhland	-360.00
06/08/2017	11778	LiveU Inc.	-500.00
06/08/2017	11779	Pierce	-2,038.80
06/08/2017	11780	Rushworks	-4,062.00
06/08/2017	11781	St. Paul Saints Baseball Club	-150.00
06/08/2017	11782	Timesavers	-139.00
06/08/2017	11783	U.S. Bank Corporate	-3,212.17
06/08/2017	11784	Verizon Wireless	-90.08
06/08/2017	11785	Vividly Clean Inc.	-500.00
06/08/2017	11786	Xcel Energy	-1,091.12
06/09/2017	11787	Associated Bank N.A.	-50.00
06/09/2017	11788	HealthEquity Inc.	-255.00
06/09/2017	W/D	Minnesota State Retirement System	-570.00
06/09/2017	W/D	PERA	-2,810.74
06/19/2017	11789	Alliance for Community Media	-100.00
06/19/2017	11790	Amazon	-997.03
06/19/2017	11791	Anoka Area Chamber of Commerce	-15.00
06/19/2017	11792	Comcast 2	-463.41
06/19/2017	11793	Greenery Enterprises, Inc.	-360.00
06/19/2017	11794	James R. Erickson	-300.00
06/19/2017	11795	Puke Rainbows LLC	-1,425.00
06/19/2017	11796	St. Paul Saints Baseball Club	-75.00
06/21/2017	11797	Redpath and Company	-14,150.00
06/21/2017	11798	The Lincoln National Life Ins. Co.	-544.38
06/23/2017	11799	Associated Bank N.A.	-50.00
06/23/2017	11800	HealthEquity Inc.	-255.00
06/23/2017	W/D	Minnesota State Retirement System	-570.00
06/23/2017	W/D	PERA	-2,781.60
06/30/2017	11802	Alliance for Community Media	-200.00
06/30/2017	11803	Bret Heitkamp	-120.00

DATE	NUM	VENDOR	AMOUNT
06/30/2017	11804	Carl E. Anderson	-120.00
06/30/2017	11805	CDW Direct	-208.05
06/30/2017	11806	Comcast Cable	-392.54
06/30/2017	11807	Greenery Enterprises, Inc.	-300.00
06/30/2017	11808	HC Houston Communication Inc.	-103.59
06/30/2017	11809	Holiday Station	-239.38
06/30/2017	11810	Ideal Advertising	-1,449.00
06/30/2017	11811	James Dickinson	-160.00
06/30/2017	11812	James Goodrich	-80.00
06/30/2017	11813	Joe G. Ruhland	-300.00
06/30/2017	11814	John Letourneau	-120.00
06/30/2017	11815	Kennedy & Graven, Chartered	-193.50
06/30/2017	11816	Kurtis G. Ulrich	-120.00
06/30/2017	11817	Maza Technologies, LLC	-1,840.00
06/30/2017	11818	Preferred One Insurance Co.	-5,903.42
06/30/2017	11819	Regions 5AA	-400.00
06/30/2017	11820	Verizon Wireless	-75.08
06/30/2017	11821	Wildlife Management Services Inc.	-299.00
Total for Quad Cities Commission			\$ -57,519.86

QCCCC Agenda Item

4.3 Executive Director's Report

August 8, 2017

To: Commissioners

From: Karen George, Executive Director

Subject: Executive Director's Report

September Commission Work Session Scheduled

There will be the annual Technology work session, September 21, 10 am followed by the regular monthly commission meeting at 11 am.

City Council HD Upgrade Project

The HD upgrade to city council chambers is on track. See Technology Manager report for details of the HD camera installation process. Regarding the city needs assessment, Alpha Video has meet with staff producers for initial information gathering on city meetings. Alpha Video representatives are now visiting all city halls to create a specifications baseline. Once that is completed Alpha Video/QCTV reps will meet with individual cities to determine unique needs. Then will meet with all cities and QCTV together to present emerging trends and solicit desires.

iPhone Boot Camp

QCTV is offering a free iPhone Boot Camp training for city officials. The training is scheduled for September 27 and registration materials have been sent to member cities. We are committed to provide innovative services and this offering targets Strategic Plan Objectives:

- 11 – Develop capacity to market member cities
- 7 – Brand the organization to establish its role in using technology to encompass the broad spectrum of current and future services
- 6 – Identify innovative programming and services to address emerging customer needs

Presentation of Telly Awards Received

The Telly Awards is the premier award honoring the best in TV and Cable, Digital and Streaming, and Non-Broadcast Productions. QCTV earned four honors:

- General Entertainment and Peoples' Choice – Grid Package – Como Zoo
- Live Event – Rosemount vs Champlin Park Football
- Sports – Rosemount vs Champlin Park Football

5-Year Capital Budget Plan Underway

Staff has been working on a new 5-year capital plan for future technology and building investments 2018-2022. A draft of the plan will be presented at the technology work session in September.

Commission Bylaws Review

The commission bylaws are under review for updating. Legal counsel Scott Lepak is drafting changes to the bylaws to come back before the commission for review and action at a later date.

PSA Day 2017

The annual PSA Day was completed in July. There are 11 new public service announcements about local civic organizations that are playing on the channels. Please refer to the Operations Manager report for details on the PSAs.

AED Project

The Allina grant for purchasing two AED units was awarded. QCTV purchased a unit for the building and another for the mobile production truck. There will be two trainings offered: basic AED training (6 people) and CPR certified training (7 people). Leslie has been doing a good job coordinating this project.

State of MN Files Complaint Against CenturyLink

On July 12, the Attorney General of the State of Minnesota filed a complaint against CenturyLink in the District Court for the Tenth Judicial District in Anoka County. The complaint alleges:

CenturyLink promises a simple, low rate to Minnesota consumers for internet and cable television service. But CenturyLink has fraudulently charged some Minnesota consumers more than the price the company quoted to them at the time of sale. To make matters worse, CenturyLink has often refused to honor its quoted rates after consumers bring the price misrepresentations to the company's attention. The State of Minnesota brings this action to stop these fraudulent practices and to enforce Minnesota's consumer protection laws.

A copy of the complaint filing is available at the QCTV offices.

MACTA Legislative Report

Enclosed is the legislative session final review report provided by MACTA.

MACTA Reply Comments to FCC

Enclosed is the reply comments to the FCC regarding WT Docket No. 17-84: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.

CenturyLink Channels Feeds Installed

The confidence feeds of the channel lineup on CenturyLink are now installed at the QCTV office. This allows us to monitor our SD and HD channels on the subscriber network for CenturyLink. Due to the design of the Prism TV service, we can also watch sister station programming as the Prism channel lineup is distributed metro-wide.

Alliance for Community Media Conference Attendance

QCTV staff attended the national ACM conference here in Minneapolis. This was a wonderful opportunity for many staff members to learn from experts around the country. Sessions attended were: Virtual Reality, Copyright Laws, Metadata in the Online World, Web-based Workflow, Electronic Program Guides, Sports Productions, Youth Media, Federal Policy Updates, Narrative Filmmaking, Conflict Resolution, Music Licensing, Franchise Negotiations, Podcasting, and Library Partnerships.

Because the conference was local, representatives from the Anoka-Hennepin School District and the Anoka County Sheriff's Department were invited to attend the Hometown Media Awards Ceremony. They were presented with the First Place Award for Instruction Videos for the Active Shooter Training video.

Champlin 169 Construction

Please note that there is a major road construction project planned for the Highway 169 corridor through Champlin. This will affect travel time to attend shoots at the QCTV Studios.

Customer Comments

Achieve Services

Thank you for the wonderful PSA you put together to help us promote our mission! Aaron had a terrific time and hasn't stopped talking about his "big commercial". We really enjoyed the opportunity and appreciate everything. – Alex Carlson

City of Ramsey

Very nice. Great job Kathy! – Kurt Ulrich

Bolton Menk

Very nice! Great script Kurt and excellent tie in with pictures and music Katherine! – Kevin Bittner

MN Literacy

Thank you so much for all your help, Katherine! This was such a fun and cool opportunity. Looking forward to working with you again in the future! – Alyse Snyder

Mjos & Larson

We're very pleased with your show, also! I'm eager to start sending out announcements this weekend. You and your team did a wonderful job and made the experience very nice for us and the friends who came for the recording! Thank you for bringing LaBine & Friends to your audience! Next we'll be in touch about Ukulele Drive! – Rocky Mjos

I fully agree. Thank you for the wonderful experience and excellent result. – Noel Labine

Jellybean and Julia's

Oh my gosh, Kathereine! You guys did such a great job on this! It looks amazing! Thank you so much for doing this! – Koli Fyten

Anoka-Hennepin School District

Hi Karen,

I just wanted to reach out and say thank you again for your hospitality and graciousness at the awards ceremony. It was such a fun evening! So nice to have the officers there and Jim, and you and your staff's company was greatly enjoyed! I have those extra programs for you as well.

Look forward to continuing our collaboration!

Michelle Day-Millett, *Technology Support Technician*, Anoka-Hennepin Schools

Action Requested: None.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Accelerating Wireline Broadband)	
Deployment by Removing Barriers)	WT Docket No. 17-84
to Infrastructure Investment)	
)	

**REPLY COMMENTS OF THE
MINNESOTA ASSOCIATION OF COMMUNITY TELECOMMUNICATIONS ADMINISTRATORS**

Introduction

The Minnesota Association of Community Telecommunications Administrators (MACTA)¹ respectfully submits these Comments in response to the April 21, 2017 Notice of Proposed Rulemaking, Notice of Inquiry (“NOI”), and Request for Comment of the Federal Communications Commission.²

Telecommunications and Broadband Deployment has a History of Success in Minnesota

MACTA whole heartedly acknowledges the immense benefits of broadband infrastructure deployment as it fosters economic development and educational opportunities and provides overall lifestyle improvement. MACTA recognizes without adequate broadband facilities in place, Minnesota communities may be unable to meet the demands of their residents and businesses and we therefore support the Commission’s goal to accelerate the deployment of next-generation broadband networks.

¹ MACTA is a Minnesota non-profit professional association which represents over 100 Minnesota local government entities in matters related to cable television franchising; public, educational and government access programming; and use of the rights-of-way (ROW) as it pertains to cable, broadband and telecommunications development and deployment of their “communications” systems. MACTA is a state chapter of the National Association of Telecommunications Officers and Advisors (NATOA).

² *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, PUBLIC NOTICE, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, FCC 17-37 (Apr. 21, 2017) (2017 Wireline Infrastructure Notice), as modified by *2017 Wireline Infrastructure Notice*, PUBLIC NOTICE, WC Docket No. 17-84 DA-17-473 (May 16, 2017).

But, the Commission’s NOI operating premise is flawed in its perceived assumption that municipal laws, regulations and rights-of-way practices have a negative and chilling effect for the installation, construction, and placement of telecommunications infrastructure throughout Minnesota. In fact, just the opposite. As we stated in our WT Docket No 16-421 Reply Comment filing,³ Minnesota communities have had a

“successful 25 plus year history of local governments working in partnership with the wireless industry to the deployment of wireless services in our communities through the use of local government’s infrastructure, i.e., water towers, parks and other public land, etc. Local governments are responsible for these public assets and the industry has been successfully negotiating the placement and payment of its infrastructure for over 25 years. This partnership has served the industry with reliable, timely, convenient and cost effective locations for placement of their equipment. MACTA sees no difference between this successful partnership and this next phase of small cell wireless infrastructure deployment. In fact, the industry knows it is far easier to place and pay for their infrastructure on public property than having to negotiate hundreds of separate contracts with private property owners.”

There is absolutely no reason to believe this is still not the case. Public and private partnerships work in Minnesota.

To help further illustrate this point, the State of Minnesota’s Border-to-Border Broadband Development Grant Program⁴ has awarded \$65.5M, dispersed through 73 broadband grants over three years (2014-16) to support the advancement of broadband deployment in rural Minnesota. The first three years have seen \$81.6M in matching investments from the industry and communities resulting in 26 public/private partnerships to date. Additionally, this successful program received an additional \$20M funding from the State during the 2017 legislative session.

Another prime example of local government working with the telecommunications industry(s) in Minnesota is the recent amendments to State Statute 237.⁵ Although, the League of Minnesota Cities (LMC), and other similar organizations representing local governments, including MACTA, believed the former language in 237 provided reasonable abilities for the telecom industry to deploy small cell

³ WT Docket No. 16-421, *In the Matter of Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Mobilitie, LLC Petition for Declaratory Ruling*

⁴ See Minnesota Office of Broadband Development website, <https://mn.gov/deed/programs-services/broadband/grant-program>

⁵ NEED TO KNOW WHAT TO PUT HERE

infrastructure, LMC still worked tirelessly with the industries to find language acceptable to all parties. As a result, Minnesota State Statute has been amended to address many of the concerns the industry(s) has sought to change at the federal level pertaining to the oversight and regulation of the Rights-of-Way, in particular to small cell deployment. Yet, another example of how public and private partnership can work, if all parties are willing to work together.

Related to this, with the passage of this legislation in Minnesota, along with at least nine other states which have enacted new “small cell deployment” legislation, it is good common business sense that any state, including Minnesota, that has negotiated language acceptable to local government agencies and the telecommunications industry(s), should be grandfathered and exempted from any changes enacted by the FCC in policies pertaining to the areas being addressed in WT Docket No 17-84.

MACTA Supports Comments

MACTA supports Comments submitted by the League of Minnesota Cities (LMC)⁶, the Minnesota Coalition⁷ (Coalition) and the National Association of Telecommunications Officers and Advisors⁸ in this proceeding. All of these Comment filings support our claim that the current system is working. LMC summarizes this by stating:

“LMC urges the Commission to refrain from interfering with local ordinances and practices, and to continue to allow Minnesota to continue delivering Broadband through its Minnesota Broadband Program, as well as its management of its public rights-of-way through existing Minnesota Statutes, specifically Chapter 237 (Minnesota’s Local Telecom ROW Act). Imposing a new federal regulatory overlay would not only create confusion and administrative burden upon communities (many with limited resources and personnel; but also, would create unnecessary costs, conflict with the intent of Section 253 of the TCA and would undermine important local policies.

⁶ WT Docket No 17-84 Comments filed by Pamela Whitmore for League of Minnesota Cities, 145 University Avenue, St. Paul, MN

⁷ Minnesota Coalition comprised of 21 Minnesota cities, with WT Docket no 17-84 Comments filed on their behalf by Brian T. Grogan, Moss & Barnett, 150 South Fifth Street, Suite 1200, Minneapolis, MN

⁸ WT Docket 17-84 and WTB 17-79 Comments filed by Steve Traylor for NATOA, 3213 Duke Street, Alexandria, Virginia

Clarification of a Statement Made by AT&T Services in its WT Docket No 17-84 Filing⁹

MACTA would like to provide clarification of an allegation made by AT&T pertaining to the City of Bloomington's (Minnesota) permit fees as being unreasonable. It should be understood, the recent change in Minnesota state law, one championed by providers like AT&T, significantly limited the amount of rent Bloomington is allowed to charge to private users of its public right-of-way. Before this change, Bloomington would recover the costs of processing applications for small cell installations, in part, by charging rent for the use of the public right-of-way. However, the new state law capped rent at an amount that will not cover the City's up-front costs of processing these applications. The new state law allowed cities to use the permit fee to recover the actual costs of processing small cell applications. But Bloomington's old permit fee of just \$35 did not cover costs. Bloomington's Engineering Division calculated the staff time and other resources utilized to process small cell applications, and established the new permit fee at a figure that will cover its actual costs. Therefore, it is incorrect to characterize the increase in Bloomington's permit fee as an issue of recouping "lost revenue." It is an issue of cost recovery. The new state law specifically allows the permit fee to be set at a figure which covers actual costs. This is what Bloomington has done.

Conclusion

MACTA's member cities understand the importance of what the advancement and introduction of broadband and new technologies, including 5G, will provide to our residents, businesses and public at-large. Furthermore, we look forward to continuing to nurture and build upon the partnerships that have been developed with the wireless and communications industries. But, we oppose further federal guidelines and interpretations which result in preemption of local siting authority, and ask the Commission to consider carefully the many differences between communities that necessitate local decisions. Instead, we ask to be allowed to continue work with local wireless carriers and infrastructure providers to integrate these technologies, and other that have yet to be invented, into our planning and zoning processes in a way that preserves and protects the finite rights-of-way belonging to our residents.

⁹ Page 18, (Application/Permit Fee) WT Docket No 17-84 Comment Filing by AT&T Services, Inc, and filed on behalf by Robert Vitanza, et al, 208 S. Akard Street, Dallas, TX

Respectively Submitted,

Minnesota Association of Community Telecommunications Administrators

Janine Hill
President
MACTA
4248 Park Glen Road
Minneapolis, MN 55416
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MACTA 2017 LEGISLATIVE SUMMARY

Joseph T. Bagnoli

GENERAL OVERVIEW OF THE 2017 LEGISLATIVE SESSION

The 2017 Legislative Session began on Tuesday, January 3. Governor Dayton was not on the ballot in 2016, however, the entire legislature had stood for election. As a result of the election, the session began with a few changes and some legislators in new leadership positions. In the House, the Republicans expanded their majority to 77 seats, and thus had a 77-57 majority. Representative Kurt Daudt (R-Crown) was re-elected as the Speaker, and the House DFL elected Representative Melissa Hortman (DFL-Brooklyn Park) as the new Minority Leader. The Republicans also took control of the Senate by a one vote, 34-33 majority. Senator Paul Gazelka (R-Nisswa) was elected the Senate Leader and Senator Tom Bakk (DFL-Cook) was elected as the Minority Leader.

Budget: The Constitutional obligation of the 2017 Legislature was to pass a budget for the 2018-19 biennium. In late November, a projected budget surplus of \$1.4 billion was announced. In his budget proposal, Governor Dayton placed priorities on early education, investments and broadband development grants and a transportation proposal that included a gas tax increase. In late February, the office of Minnesota Management and Budget released a new forecast that showed the projected budget surplus has grown to \$1.65 billion for the 2018-19 biennium.

Taxes: Unsurprisingly, the Republican dominated House and Senate had different priorities than DFL Governor Dayton. The difference in priorities was most visible in the approach to tax cuts. Governor Dayton proposed a tax cut of approximately \$250 million, while the House Republicans proposed a \$1.3 billion tax cut, and the Senate Republicans proposed a \$900 million tax cut. The size of tax cuts by the legislature in turn led to very skinny budget targets for other areas of government.

In the end, the House, Senate, and Governor seemed to reach agreement on all aspects of state government. The tax bill came in at \$650 million, which allowed budget targets to expand in other areas of spending. On May 30, Governor Dayton signed all of the budget and tax bills. However, he also included one particularly controversial line item veto, in which he deleted all funding for the House and Senate. The Governor also vetoed the Uniform Labor Standards Acts, which Republicans had rolled into a bill that included the Omnibus Pension Bill and State Employee Paid Leave. The Governor indicated that he would agree to call a Special Session to restore the House and Senate funding provided five provisions in bills that he had just signed be repealed in a Special Session. These provisions include:

- Repealing the tobacco tax breaks for cigarettes and cigars.
- Repealing the increase in the estate tax exclusion.
- Repealing the commercial-industrial tax inflation freeze.
- Repealing the teacher licenser provision.
- Repealing the provision relating to issuing driver's licenses to undocumented people.

Currently, negotiations have broken down, and the Legislature has brought a legal challenge to Governor Dayton's line item veto of funding for the House and Senate arguing that the Governor has violated the separation of powers contained within the Minnesota Constitution. A Ramsey County judge has ruled in favor of the legislature. The Governor has indicated that he will appeal to the Minnesota Supreme Court.

MACTA OVERVIEW OF 2017 LEGISLATIVE SESSION

In the 2017 legislative session, there were 17 bills introduced that were of interest to MACTA that were tracked.

In the end, the most significant legislation that passed involved wireless telecommunications providers desire to install small cell technology in the right-of-way of local units of government. Other bills of interest included:

- Broadband Grants / Office of Broadband funding
- Sales tax exemption for telecommunications equipment
- Gas/electric franchise fee legislation
- VOIP Legislation

I. LEGISLATION THAT BECAME LAW

Small Cell Siting Legislation

**Omnibus Jobs Finance Budget Bill
SF 1456 (Miller) – HF 1620 (Garafolo)
Minnesota Laws 2017 Chapter 94 – Art. 9**

[Link to - 2017 Omnibus Jobs Finance Bill - Small Cell - Art. 9](#)

Much has already been written about this legislation that after grueling negotiations, led ably by the League of Minnesota Cities, ultimately passed. This legislation essentially provides a special section of law relating to placement of small cell towers in publicly owned right-of-way and on publicly owned facility.

It sets rates for installation, maintenance, electricity and rent of small cell facilities that are installed within the city right-of-way. The law established small wireless facilities and support structures as permitted uses within the right-of way with some exceptions. Although not abolishing zoning and oversight, the legislation does degrade a municipalities ability to control their right-of-way.

Significant resources were expended by the wireless industry on this issue and considering the current makeup in the legislature, the legislation that passed is uniformly seen as the best of this type of legislation in the United States.

If there are any questions regarding this legislation, the League of Cities is closely monitoring the implementation of the legislation and the issues that are arising.

A smaller concern that existed throughout the debate of this legislation is how the cable industry would react to legislation that provided a new entrant into the right-of-way potential better terms. Concern also existed that the new legislation, if not crafted correctly, would allow cable companies to argue that they should be regulated under the new statute, rather than Chapter 238. Consequently, MACTA sought language that specified that for the purpose of the small cell legislation that cable companies could not redefine themselves as “wireless providers” and thus take advantage of the legislation to circumvent existing chapter 238 cable requirements. The language states:

Subd. 15 Wireless service. “Wireless service” means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).

Broadband Grant Funding – Office of Broadband

**Omnibus Jobs Finance Budget Bill
SF 1456 (Miller) – HF 1620 (Garafolo)
Minnesota Laws 2017 Chapter 94 – Art. 9**

[Link to - 2017 Omnibus Jobs Finance Bill - Broadband Funding - Art. 1](#)

Governor Dayton’s budget called for continued funding for the Office of Broadband as well as providing funding of \$30 million per year, or \$60 million over the biennium for broadband grants.

A number of different bills were introduced at different levels to fund broadband grants and the Office of Broadband. In the end, the Omnibus Jobs Finance bill provided the following at Article 1, sec. 2, subd. 8:

	<u>FY 2018</u>	<u>FY 2019</u>
<u>Broadband Development</u>	\$20,250,000	\$250,000

(a) \$20,000,000 in fiscal year 2018 is for deposit in the border-to-boarder broadband fun account in the special revenue fund established under Minnesota Statutes, section 116J.396.

(b) \$250,000 each year is for the Broadband Development Office.

The legislature also included an additional \$100,000 per year for administrative support services “for the support of broadband development.” Art. 1, sec. 7, subd. 4(b).

The Senate had proposed changes to the local match requirements for projects in underserved areas to make grants more accessible to poorer areas. These changes were not included in the final bill.

Expansion of the Sales Tax Exemption for Telecommunications Equipment

Omnibus Tax Bill

HF 1 (Davids) – No Senate Companion

Minnesota Special Session 2017 Laws Chapter 1 – Article 3, sect. 20, subd 5(11)

[Link to 2017 Omnibus Tax Bill](#)

As introduced, this legislation, which was broadly supported by the telecommunications and cable industry, expanded the sales tax exemption for capital equipment to include “wire, cable, fiber, poles, or conduit for telecommunications.” This proposal has been floated the last couple of years. Proponents argued that this sales tax exemption would make Minnesota more competitive with other states that had this exemption.

This year this proposal was included in the tax bill the Governor signed, however, it only extended the sales tax exemption to conduit and fiber. The bill language states:

(11) This subdivision does not apply to telecommunications equipment as provided in subdivision 35a, and does not apply to wire, cable, fiber, or poles, ~~or conduit~~ for telecommunications services.

The cost of this provision was \$5.2 million for the biennium. It is a certainty that in the future, industry will seek to extend the sales tax exemption to wire, cable and poles.

II. LEGISLATION THAT DID NOT BECOME LAW

Gas/Electric Franchise Fee Bill

HF 1146 (Vogel) – SF 2092 (Draheim)

This legislation, which was also introduced in the 2016 legislative session, arose out of a Representative Vogel’s (R. Elko) concern that municipalities were using franchise fees to raise revenue. The legislation as introduced last year, and this year, does not impact cable franchise fees, but is isolated to electric and gas utilities.

Last year it was included in the House Omnibus Tax bill, but was not heard by the Senate in any committee, and not included in the final tax bill sent to the Governor. This year, the provision was again included in the House Omnibus Tax bill. It was heard in the Senate Local Government Committee, but never heard in the Senate Tax Committee. Again, it was not included in the final tax bill that was sent to, and signed by, the Governor.

Attached is the 2017 Omnibus House Tax bill – HF 4. The provision is found in Article 12, sec. 4 – lines 266.27-268.3 - [Link to 2017 House Omnibus Tax Bill](#)

**VOIP – ATT / MN Cable Ass’n Bill
HF 1665 (Kresha) – SF 1742 (Ruud)**

This legislation was originally introduced in 2015 by ATT and the Minnesota Cable Association. It prohibited any unit of government from regulating voice, data or video if it was delivered using internet protocol. As introduced, the bill was sweeping and generated opposition from the Attorney General, the Department of Commerce and consumer groups. In 2015 the Attorney General had a press conference flanked by citizens where she decried the legislation as an attack on seniors and poor people.

In 2015, a MACTA sponsored amendment was added to the bill in the House, which explicitly indicated that this bill did not include within its ambit video provided by cable service providers even if the video was provided by internet protocol. The MACTA amendment reads as follows:

Subd. 4. Exemption

The following services delivered by IP-enabled services are not regulated under this chapter:

- (1) Video services provided by a cable communications system, as defined in section 238.02, subdivision 3; or
- (2) Cable services, as defined in United States Code, title 47, section 522, clause (6); or
- (3) Any other IP-enabled video service.

In 2016, the House VOIP language was amended into the House Omnibus Supplemental Budget bill. In the end, however, the language was not included in the final 2016 Omnibus Supplemental Budget bill.

In the 2017 legislative session, this legislation quickly passed and was included in both the House and Senate Omnibus Jobs Finance bills respectively. Attached is the 2017 House Omnibus Jobs Finance Bill, HF 2209, Art. 9, sec. 1 – line 152. [2017 House Jobs Bill Link](#)

The Governor’s office and the Attorney General as well as consumer and senior groups continued to oppose the legislation. In the end, the provision was dropped from the legislation and thus did not become law.

On May 8, 2017, the Federal District Court of Minnesota issued an opinion overturning the Minnesota Public Utilities Commission’s decision that VOIP was a telecommunications service and thus subject to PUC regulation. The Federal Court ruled that VOIP was an information service and thus not subject to PUC regulation.

Thus, effectively achieving the objective of the legislation. The Department has indicated that it will appeal the decision to the Eight Circuit Court of Appeals.

**Local Referenda related to Spending Must be held in November Election
SF 1711 (Kiffmeyer) – HF 922 (Drazkowski)**

This legislation was first introduced in 2015 by Representative Drazkowski (R. Mazeppa). It requires elections on city, county, and school district referenda questions related to spending to be conducted on the annual general election date. Thus, the bill also, struck the option for a special election on decision of a city to establish a telephone exchange. Any such election must also be conducted on the annual general election date.

This language was included in the 2016 House Omnibus Tax bill, but was not included in the final bill that was sent to the Governor. This year the same scenario played out. The language was included in the House Omnibus Tax bill, but was not included in the final omnibus tax bill that the Governor signed.

[Link to 2017 House Tax Bill - Article 3](#)

III. Conclusion

It has been a privilege to represent MACTA at the Capitol again this session. As always, we encourage MACTA members to invite legislators to visit your studios to learn about the services you provide in their community and the value of supporting MACTA members. We are happy to make those connections for you if you would like. Please do not hesitate to contact us if you have any questions about the issues included in this report.

QCCCC Agenda Item

4.3.1 Operations Report

August 1, 2017

To: Karen George, Executive Director

From: Katherine Lenaburg, Operations Manager

Subject: Operations Update

Productions in July included eleven PSA's that were produced on PSA Day in our studio. Organizations that participated include: Impact Services, ACT Alzheimer's, Hope for Youth, Minnesota Literacy Council, Achieve Services, Ramsey Rotary, Head Start, MACV (Minnesota Assistance Council for Veterans), Mental Wellness Campaign, Happy Days in Ramsey, and The Lee Carlson Center. This is the third year we have offered this service and it went very well. Everyone came prepared with a script, graphics, and photos or videos, and we edited them together in a timely fashion. The response and feedback has been positive.

Our production truck was in the community for live coverage of five baseball games and at the Andover Fun Fest Parade. We also participated in the Monster Truck Rally that was part of the national ACM (Alliance for Community Media) conference held in Minneapolis this year. There were six trucks on display at Saint Paul Neighborhood Network and ACM members toured the trucks. Our staff members attended parts of the 3-day conference. Topics of interest included virtual reality, music copyrights, metadata and the future of video in an online world, and sports production and programming. QCTV won a Hometown Media Award for the Anoka-Hennepin School District Training Video in the Instructional/Training category. Local school district and sheriff's office officials attended the awards ceremony.

We produced live coverage of seventeen government meetings. In our monthly News and Views show we featured eight guests and eight stories about local government.

Procured programming included a ninety minute documentary produced by Saint Paul Neighborhood Network titled "Hmong Pioneers: Honoring the First Wave." This documentary was a three year project that commemorates the 40th anniversary of the first Hmong arrivals in St. Paul from Laos. We also carried 13 St. Paul Saints games that were produced by a sister station.

We also produced several regular shows: "QC Cooks", "Game Sharks", "Beyond the Book", and "Answers to Aging".

We worked with the local chapter of the League of Women Voters to produce a show called "Minnesota Healthcare and Affordability" The guest speakers were State Senators Jim Abeler and Carolyn Laine.

The Anoka Hennepin School District asked us to produce live coverage of a regular school board meeting and we did so as a paid production.

A Habitat for Humanity PSA was produced by an associate producer. He used humor and it has been well received.

We produced four Slow TV's in beautiful locations in our area and promoted our programming by producing a new episode of "What's New at the Q."

We also went to the Anoka County Fair where we interviewed children and had them do "Shout Outs" for our website and community channel.

4.3.2 Technology Report

August 17, 2017

To: Karen George, Executive Director

From: John Sommer, Technology Manager

Subject: July Technology Report

Equipment Issues:

City Equipment

No major issues reported for July.

Comcast Equipment

No issues reported for July.

CenturyLink Equipment

No issues reported for July.

Current Projects:

City Hall HD Updates

All 16 Panasonic cameras for the city hall upgrade project are in our possession. 8 have been unboxed, tested and configured for use. The remaining 8 will be tested and configured in August. We installed four cameras at Champlin after verifying functionality. The computer switcher is able to control the robotic cameras but the position presets do not function. Working with the manufacturer Rushworks on the solution. Video cable for camera 3 may be too long for stable HD video. We are testing with a different camera and may need to install a new video cable. Once these issues are resolved we can look at the other cities.

Transmission of live video back to QCTV is still over analog RF cable plant, so we are sending a down-converted Standard Definition (SD) video signal back to QCTV at this time. The recorded meeting file is HD and we are using that for the website version. The file that is played back on the channel is SD but in a 16 by 9 aspect ratio more compatible with current televisions.

Action Requested: None.

QCCCC Agenda Item

5.1 Liability Coverage Waiver

August 8, 2017

To: Commissioners

From: Karen George, Executive Director

Subject: Liability Coverage Waiver

QCCCC obtains liability coverage from the League of Minnesota Cities Insurance Trust. The governing board must take action on a decision to waive or not waive monetary limits on tort liability. Upon the advice of QCCCC's financial services provider City of Andover, it is recommended QCCCC not waive the monetary limits.

Action Requested: Approval designating QCCCC does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.



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LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____

Position _____