

Colorado Channel Authority Board

**Meeting Minutes**

December 7, 2011 at 12pm  
World Trade Center, **City Conference Room**, 27<sup>th</sup> floor

**1. Call to order and attendance**

Board Members

Sen. Steadman - Present

Sen. Cadman - Absent

Rep. Holbert - Present

Luisa Collins - emd Secretary on 12/6, unable to attend

Carol Haller - Present

Rep. Todd - Present by phone

John Montgomery - emd on 12/6, traveling and unable to attend

Ken Fellman - Present

Laura Hoepfner - asked to be excused at October Board Mtg; cannot attend

Other individuals present: Bart Miller, Lynne Sprague, Chris Haugen, Tony Shawcross, Jeff Villano, Zack Wimberly (replacing Scott Nachtrieb)

**2. Public comment period- None offered**

**3. Review & approval of October 19th, 2011 meeting minutes**

Ken Fellman made motion to approve minutes as revised by Ed Krisor, Ed Krisor seconded, minutes approved unanimously

**4. CCAB Board role in fundraising**

The board engaged in a discussion about what role CCAB Board members, as well as the contractor, should play in fundraising for the Colorado Channel. It was noted that this conversation is important to have currently since the board is developing the RFP and it will be good to have these parameters clarified.

Various considerations were raised when considering this issue. For elected officials, Ed Krisor noted the impact of Amendment 41, which addresses fundraising by elected officials. Ed additionally noted the recent ruling by the Ethics Commission, which Ed interprets as a cautioning against any soliciting during the session that would give the appearance of impropriety. Could CCAB ask their contracting organization to fundraise for the Channel? Ed's opinion is that we should not, because that's indirectly doing what the ethics committee suggested we not do it. The question was raised was whether the Colorado Channel qualifies as a charitable cause, and it is Ed's opinion that it does. Rep. Holbert believes we should ask the Ethics Commission for a determination on this issue, and that if we do move forward with elected officials engaging in fundraising that board members should be cautious of timing and not fundraise when they have an issue that could be considered a conflict going through the legislative process. Other representatives responded and suggested that we should go further and not have elected officials engaged in fundraising during the session. Additionally, it was suggested that CCAB Board members only solicit for funds to be used for specific programming, such as youth education, additional content, and not for our televised broadcasts, which would be considered our core content and would be funded through our regular funding. This way, our core mission activity (broadcasting) would not be impacted in years with leaner fundraising. The rest of the Board agreed with this.

Ken Fellman suggested that we consider soliciting sponsorships of particular shows, but not sponsorship of the broadcast of the General Assembly. It was noted that some of these issues related to sponsorship are concerns because of the associated recognition, or the political nature of possible sponsorships. For example, it would be improper if a sponsor had a bill going through the Legislature. Senator Steadman suggested we look through the budget to identify line items for things that might be appropriate for sponsorship/underwriting and see where we might want to accept underwriting for? It was noted that this would only be a good idea when the Board had already decided the content so that sponsors are not influencing the content itself. Board agreed that this would be a good way to proceed. Sen. Steadman noted that if a sponsor did attempt to influence content, that would be a red flag to CCAB and it could be discussed/addressed at that time.

Carol Haller noted that while she is not subject to the fundraising restrictions of Amend 41, she should be cautious about fundraising because of her role with the Supreme Court.

Rep Holbert asked if we would be fundraising to shore up our existing budget rather than grow the budget? Board agreed it was to shore up existing budget and possibly start a much-needed maintenance fund. Carol noted that our Additional Content budget is lean and could be supplemented. Senator Steadman noted that a maintenance fund is needed and that we could consider using additional dollars raised to shift to such a fund. Board agreed that starting to fund a maintenance fund is a good idea for sustainability in the future.

Holbert-could we reach out to registered lobbyists, etc. all professional lobbyists, and solicit contributions from them; doesn't want to send the message that they are prohibited from supporting this great cause; develop a way to recognize them that doesn't reach the level of impropriety. Ed Krisor responded by saying that amend 41 prohibits this; but could OMF sent out such a letter to lobbyists? Ed would definitely want an advisory opinion on this because it would be doing something indirectly what you can't do directly; he can look further into this; Carol/Ken could engage in a fundraising activity such as this; Ken believes that an advisory opinion would be broad enough to apply to all CCAB members along with contract org

RFP committee should clarify whether or not they want the contractor to engage in solicitation or fundraising; OMF wouldn't activate our internal development resources unless the Board charges the contractor with this responsibility. Sen. Steadman believes that fundraising should not be included in the responsibilities of the contractor. No one disagreed with this statement.

Ken noted he will change the additional content policy: we will not have any regular sponsorships of broadcast of GA, but we will accept sponsorships for additional content projects and perhaps for the maintenance fund.

Tony-how would we avoid the slippery slope of a sponsor trying to shift the content of our additional programming? Ken believes this is addressed in the draft policy because we state that we can reject any sponsorship.

## **5. RFP Process-Update from subcommittee**

Ed Krisor gave an update on the November subcommittee meeting; noted that the meeting minutes are available.

Ed stated the group began to flesh out what would be included in the RFP, which would be: introduction to the channel, equipment description, state preference for non-profits based in Colorado, budget parameters, basic expectations of scope of work, additional content as directed by the board, continued web presence, and detail experience of applicant org

It was noted that Scott Nachtrieb has previously done work on this RFP process and his notes would be helpful to our current process. Zack Wimberly will ask Scott for any RFP information he has.

Ed Krisor noted that he has been in contact with someone from a Connecticut program similar to ours to get perspective/guidance on the RFP process. Their main recommendation is to go with a non-profit.

Ed noted that the subcommittee decided to only state a preference for Colorado organizations and not non-profits because they did not want to significantly limit the pool of applicants.

Carol Haller noted that she was tasked with determining if there are any other organizations that can offer the same package of services that OMF provides. Carol asked if the board should just sole source the contract to OMF if that's the level of services we really need and there appear to be few, if any, non-profit organizations that can provide the services we require (production/website)

Given that, the subcommittee wondered if instead we should follow a two-step process, outlined below:

- 1) Request for qualifications—RFQ
- 2) If no others besides OMF, then OMF becomes the sole source contractor

Ken Fellman cautioned the board against engaging in a two-step process like this since it would be a bigger expenditure of time/energy.

Carol asked Tony Shawcross if he knows of similar non-profits. Tony said only for-profits.

Ken noted that a possible solution could be to hire two organizations; one for the production side and another for the website.

Timeline for the rest of the RFP process:

- Have something ready to be approved by full board at January Board meeting
- Issue the RFP in January, allow 30-day response time
- Discuss applicants at March Board meeting

Next steps for the subcommittee:

- Draft the RFP
- Bring draft to full board at January's meeting for approval
- Issue through bids systems (Zack can assist with this)
- Decide on a point of contact for the RFP's (Legislative Council might be able to advise on this issue)

Next RFP Subcommittee Mtg: To be held right after the adjournment of today's full board meeting.

## **6. Update on Additional Content Policy**

Chris/Ken gave brief update; policy has been drafted by OMF, reviewed by Ken Fellman; next the draft policy will go to Additional Content subcommittee for review and approval; then to the full board one week prior to the January CCAB meeting for review; to be voted on at the January meeting.

## 7. Additional Content Update

Chris gave overview of progress on the 7 Additional Content Projects

Chris asked for support connecting with any local celebrities for one of the projects, in particular John Elway. Please contact him if you have connections you are willing to leverage.

Sen. Steadman asked to see the script for the Referendum project; Chris will email this to Sen. Steadman

Rep Todd: Additional content committee should discuss how we could get suggestions, feedback, etc from viewers to help drive additional content. Tony promised to include this in the next Add Content Cmt agenda and to give her the opportunity to contribute to that conversation there.

## 8. Other agenda items? None

**Next Meeting Date:** Friday, January 13<sup>th</sup>, 12-1pm

Ed Krisor will not be able to make it.

We will meet in one of the Senate Committee meeting rooms.

### **Proposed agenda items:**

- 1) RFP ready to be approved
- 2) Additional Content Policy approval; board will receive this one week prior to January Mtg