

**Draft Agenda**  
**Regular PNB Meeting, Public/Open Session**  
 Teleconference Meeting  
**Thursday, March 7, 2019**

**Directors:**

Grace Aaron, KPFK, Listener	William Heerwagen, WBAI, Listener
Jonathan Alexander, KPFK, Staff	Sabrina Jacobs, KPFA, Staff
Garry Boast, Cerebral Radio, Affiliate	DeWayne Lark, KPFT, Listener
Adriana Casenave, KPFT, Listener	Ken Laufer, WBAI, Listener
Robin Collier, KCEI, Affiliate	Tony Leon, WPFW, Staff
Chris Cory, KPFA, Listener	Mansoor Sabbagh, KPFK, Listener
Bill Crosier, KPFT, Listener	Nancy Sorden, WPFW, Listener
Joseph Davis, KPFT, Staff	Alex Steinberg, WBAI, Listener
Kathryn Davis, WBAI, Staff	Carole Travis, KPFA, Listener
Benito Diaz, WPFW, Listener	Tom Voorhees, KPFA, Listener
Jan Goodman, KPFK, Listener	Maskeelah Washington, WPFW, Listener

**Others:**

Maxie Jackson III, Executive Director	Larry Dankner, interim Chief Financial Officer
Otis Maclay, Webmaster, web streamer	John Tatum, Parliamentarian

<b>Item # Description</b>	<b>Time</b>
<b>1. Preliminary items</b>	5 min.
A. Call to Order	
B. Roll Call	
C. Excused Absences	
D. Identify Timekeepers	
<b>2. Motion from Programming Committee on free speech case before Supreme Court</b>	10 min.
(see motion below – discussion completed but vote not completed at last PNB meeting)	
<b>3. Presentation from Greater Public on their services for Pacifica</b>	30 min., time certain 9 pm EST
<b>4. Agenda Approval</b>	15 min
<b>5. Minutes approval for the PNB open/public meetings on the following dates:</b>	5 min
- Feb. 28, 2019	
<b>6. Executive Director Report, Questions &amp; Answers</b>	20 min
<b>7. Set next regular meeting date</b>	5 min
<b>8. National Committees and Task Forces Reports &amp; Motions</b>	
Affiliates Task Force	5 min
Audit Committee	20 min
Coordinating Committee	5 min
Finance Committee	5 min
Governance Committee	5 min
Personnel Committee	5 min
Programming Committee (see motions below)	
- Resolution on Pacifica pilot project with KPFA apprentices	10 min
- Resolution on arts & cultural programming, international/network/local engagement	10 min

**9. New Business** (see motions below)

9a. Motion to amend a previously approved motion on Timeline for Non-Affiliate Directors Elections for 2019, from Steinberg 10 min

9b. 2019 Delegate Election, from Aaron 10 min

**10. Adjourn to Executive Session to approve Exec. Session minutes** no later than 11:30pm EST

**Reports/Motions:**

**Report/Motion from Programming Committee on free speech case before Supreme Court, approved Feb. 20, 2019:**

Whereas

The case of Dee Dee Halleck versus Manhattan neighborhood network represents a direct attack on the first amendment of the United States and that this case, Reminiscent of the case of Pacifica vs the fcc that enshrined the seven “dirty word” doctrine, will have a decisive impact on public media in the United States when the Supreme Court of the United States hears it on February 25, 2019,

Be it resolved

That the Pacifica foundation stands behind Dee Dee Halleck and Jesus Papoleto Melendez in their defense of the first amendment and is opposed to Manhattan neighborhood network infringing on their rights

*Passed by the PNB Programming Committee 2/19/19*

**More background information on this motion:**

The case will be argued on February 25, 2019

Information from the Supreme Court Blog which has a comprehensive listing of the petitions and the amicus briefs associated at this point with this case:

[Manhattan Community Access Corp. v. Halleck – SCOTUSblog www.scotusblog.com/case-files/cases/manhattan-community-access-corp-v-halleck/](http://www.scotusblog.com/case-files/cases/manhattan-community-access-corp-v-halleck/)

Information on the Second Circuit decision in 2018 <http://vermontaccess.net/wp-content/uploads/2018/07/Halleck-New-York-Law-Journal-Article-SECURED.pdf>

The Alliance for Community Media brief on how this impacts community media throughout the United States: [acm-ne.org/2019/01/20/acm-files-amicus-brief-with-us-supreme-court-in-mcac-v-halleck/](http://acm-ne.org/2019/01/20/acm-files-amicus-brief-with-us-supreme-court-in-mcac-v-halleck/)

The poetry of Jesus Papoleto Melendez: [Jesús Papoleto Meléndez www.poetryfoundation.org/poets/jesus-papoleto-melendez](http://www.poetryfoundation.org/poets/jesus-papoleto-melendez)

The ACLU has taken a strong stand supporting Halleck and Melendez: "[The Supreme Court Is Considering Whether the Government Can Dodge the First Amendment by Outsourcing Its Power](http://www.aclu.org/blog/free-speech/supreme-court-considering-whether-government-can-dodge-first-amendment-outsourcing)"  
[www.aclu.org/blog/free-speech/supreme-court-considering-whether-government-can-dodge-first-amendment-outsourcing](http://www.aclu.org/blog/free-speech/supreme-court-considering-whether-government-can-dodge-first-amendment-outsourcing)

The NY County Lawyers Association makes the very strong point that when NY State established the laws for public access TV their intentions were that it embodied the First Amendment, a very different set of assumptions than other public access TV state laws and unique to NY State.

Here is information on it and a link to a draft film being made on the case  
[SCOTUS Free Speech and Public Access TV](#)

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**Programming Committee motion: Resolution On Pacifica Pilot Project With KPFA Apprentices On May Day 2019**

Whereas, the Pacifica Foundation is committed to develop cutting edge and progressive media for the 21st Century, **Pacifica celebrates International Workers' Day also known as May Day** around the world and we are organizing programming to honor this

Be it resolved that As part of the effort to build and develop a multi-media platform, Pacifica supports work done by the KPFA Apprentices to develop a pilot project of national Pacifica multi-media programming for May Day 2019. Management of this project as well as technical expertise, computer, video production and equipment will be donated by KPFA volunteers. This project simply requires a 'button' on the KPFA website so that people can access what is being streamed. KPFA volunteers agree to assist volunteers at other stations to replicate this effort at their stations. Any Pacifica stations and their affiliates who wish to may add the streaming link to their website. There will be no financial cost or staff time needed except for the placement of a 'button' on the KPFA website.

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**Programming Committee motion: RESOLUTION ON ARTS AND CULTURAL PROGRAMMING AND INTERNATIONAL/NETWORK/LOCAL ENGAGEMENT**

Whereas, the Pacifica mission statement states that  
"In radio broadcasting operations to encourage and provide outlets for the creative skills and energies of the community; to conduct classes and workshops in the writing and producing of drama; to establish awards and scholarships for creative writing; to offer performance facilities to amateur instrumentalists, choral groups, orchestral groups and music students; and to promote and aid other creative activities which will serve the cultural welfare of the community." And thus states in clear unambiguous language that it shall be the OBJECTIVE of the Foundation to foster the cultural and artistic wellsprings of the people in the communities each Pacifica station is located, it will be the policy of the Foundation to foster ACTIVELY Support and participation with fine arts, theatrical, musical, dance, cinematic and all forms of artistic expression from established institutions to grassroots movements that embody the

richness and diversity of their local communities, the people of the United States of America and the world.

This can will be embodied in direct fostering of collaboration and support through the use of station facilities and community outlets of all sorts of artistic events.

This includes and is not limited to fostering musicians, concerts, literary readings, drama, Radio Theater, movie festivals and other means of expression.

It will also be the Policy of Pacifica to encourage the local stations to partner with existing institutions and collaborate and reinforce each other.

This can be from airing curators discussing the latest exhibits at the Metropolitan Museum of Art to people talking about Grassroots Theater in their local communities or street art.

The Artistic community is a natural ally of all Pacifica stations and we have for too long given lip service to our relationship with them. Such a resolution will allow us to as POLICY also collaborate with cultural movements and institutions across the United States and around the world.

We could be working with cultural initiatives in Latin America, Asia, Africa, the Middle East, and South Asia as well all over Europe.

This includes join operations with exiting organizations like Pen and the Creative Coalition which in the past approached Pacifica to do reading by A list actors of banned writings but were rebuffed due to the narrow sectarianism of Pacifica staff at the time.

The responsibilities for implementing this policy will be part of the quarterly reports required by the PNB and PNB Programming Committee from the Ed, and management team of each station.

This reporting process will start in March 2019.

*Passed without objection 2/26/19*

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## **Motion to amend a previously approved motion on Timeline for Non-Affiliate Directors Elections for 2019, from Steinberg**

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**Be it resolved that the motion on the timeline for the election of non-Affiliate Directors for 2019 that was approved by the PNB on Dec 13, 2018, which had the following text:**

*Whereas Article 5, Section 3 of the Pacifica bylaws specify the dates when nominations for Directors and election of non-Affiliate Directors are due, to wit:*

### **A. NOMINATION**

*Any current Delegate of any class of Members may nominate any other current Delegate of any class of Members serving the same radio station for the office of Director, provided that the nominee has served at least one year as a Delegate for that radio station. Said nominations shall be given in writing to the Recording Secretary for the radio station Local Station Board ("LSB") by December 31 prior to the election of Directors in January..*

### **B. ELECTION**

*The Delegates for each radio station shall meet annually in early January to elect four Directors to represent that radio station on the Board. The Delegates of both classes of Members, voting together, shall elect three Listener-Sponsor Directors using the Single Transferable Voting method, and shall elect one Staff Director using the Instant Runoff Voting method, to represent*

*that radio station on the Board. The Staff Director must be a Staff Delegate. The Listener-Sponsor Directors must be Listener-Sponsor Delegates.*

### **C. SEATING OF STATION REPRESENTATIVE DIRECTORS**

*All newly elected Station Representative Directors shall be seated at the Meeting of the Board of Directors held in late January each year, when their terms shall commence.*

*And whereas due to the 2018 Election cycle being late it will not be possible to meet these deadlines,*

*And whereas the intent of Article 5 Section 3 was clearly that the nominations process shall begin after the winners of the current election cycle for Delegates are known and have been seated,*

*And whereas it would clearly contravene the intent of Article 5 Section 3 to allow a committee of lame-duck Delegates to nominate and/or to vote for the Directors of the new yearly cycle,*

*Be it resolved that*

- 1. All non-Affiliate Directors from the 2018 PNB remain in place as hold-over Directors until the 2019 Directors are seated, in accordance with past precedent,*
- 2. That the due date for nominations for 2019 Directors be changed to the end of the month after the election results are announced, currently Feb 28 according to the revised time line for the 2018 elections*
- 3. That the election of non-Affiliate Directors take place early in the following month after the nominations have been sent, currently early March according to the revised time line for the 2018 elections.*
- 4. This new time line for nominations and election of Directors is subject to change if there is a quorum failure or some other occurrence that prevents the election cycle from being completed in February 2019."*

### **Be Amended to read:**

*Whereas Article 5, Section 3 of the Pacifica bylaws specify the dates when nominations for Directors and election of non-Affiliate Directors are due, to wit:*

#### **A. NOMINATION**

*Any current Delegate of any class of Members may nominate any other current Delegate of any class of Members serving the same radio station for the office of Director, provided that the nominee has served at least one year as a Delegate for that radio station. Said nominations shall be given in writing to the Recording Secretary for the radio station Local Station Board ("LSB") by December 31 prior to the election of Directors in January..*

#### **B. ELECTION**

*The Delegates for each radio station shall meet annually in early January to elect four Directors to represent that radio station on the Board. The Delegates of both classes of Members, voting*

together, shall elect three Listener-Sponsor Directors using the Single Transferable Voting method, and shall elect one Staff Director using the Instant Runoff Voting method, to represent that radio station on the Board. The Staff Director must be a Staff Delegate. The Listener-Sponsor Directors must be Listener-Sponsor Delegates.

### C. SEATING OF STATION REPRESENTATIVE DIRECTORS

All newly elected Station Representative Directors shall be seated at the Meeting of the Board of Directors held in late January each year, when their terms shall commence.

And whereas due to the 2018 Election cycle being late it will not be possible to meet these deadlines,

And whereas the intent of Article 5 Section 3 was clearly that the nominations process shall begin after the winners of the current election cycle for Delegates are known and have been seated,

And whereas it would clearly contravene the intent of Article 5 Section 3 to allow a committee of lame-duck Delegates to nominate and/or to vote for the Directors of the new yearly cycle,

Be it resolved that

1. All non-Affiliate Directors from the 2018 PNB remain in place as hold-over Directors until the 2019 Directors are seated, in accordance with past precedent,

2. That the due date for nominations for 2019 Directors be changed to **7 days after the results of the election are announced, and certified** according to the revised time line for the 2018 elections.

3. That the election of non-Affiliate Directors take place **as soon as the new Delegates can convene after the due date for nominations** according to the revised time line for the 2018 elections.

4. This new time line for nominations and election of Directors is subject to change if there is a quorum failure or some other occurrence that prevents the election cycle from being completed in **March 2019.**"

5. **That the regular meeting of the PNB for April be scheduled for April 11 at which meeting the new non-Affiliate Directors will be seated.**

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### **MOTION: 2019 Delegate Election, from Aaron**

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First of all, the Pacifica National Board would like to express its appreciation to our ED, Maxie Jackson III, and our National Election Supervisor, Renee Penalzo, for overcoming many difficulties and successfully completing the 2018 Delegate Elections.

Whereas, the Pacifica Bylaws state:

Article Four, Delegates, Section 4: Election Supervisors

A. NATIONAL ELECTIONS SUPERVISOR

In March of each year in which there will be an election of Delegates by the Members, or by a date no less than 90 days before nominations are set to open, whichever is earlier, the Executive Director shall appoint a national elections supervisor whose role shall be to oversee and certify the fairness of the Delegates elections in each station area and to confirm said elections' compliance with these Bylaws...

And, whereas, Bylaws violations in the 2018 election caused great dissension on the National Board and at our stations, put the Pacifica Foundation in legal jeopardy and increased the cost of that election,

Therefore, the PNB urges the ED to hire a National Elections Supervisor for the 2019 election this month (March) so that the 2019 election can be conducted according to the Bylaws.

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