

KZYZ FCC Complaint
By Sheila Dawn Tracy

(Copy of the 6 pages of handwritten text. Rough draft))

From Sheila Dawn Tracy
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To Federal Communications Commission
Media Bureau
455 12th St.
SW Washington, DC 20554

To whom it may concern:

I am writing in regard to the license renewal application for FM radio station, KZYZ&Z (90.7 91.5 & 88.1) of Mendocino County. I have attended every meeting of the KZYZ&Z Board since July 2010, writing reports for a local newspaper, The Anderson Valley Advertiser. In doing so, I have discovered numerous ways in which the station is not meeting the needs of the community.

Of primary importance, the Board has neglected its duty to provide a Strategic Plan for the station as is stated in Bylaw 6.01(3). The station is seven years out of compliance. Moreover when a Strategic Plan was formulated by the acting Secretary of the Board in 2011, it was taken off the agenda in January 2012 and never returned. Furthermore, it was strongly stated in the March 2012 minutes by the Secretary that the Strategic Plan was the responsibility of the Community Advisory Board, which disbanded soon after.

The Board has violated Bylaw 6.10(2) by not taking a formal vote in deciding numerous actions such as reducing the number of meetings per year and changing the format for the candidate discussion in the yearly Candidates Forum.

Additionally, the KZYZ&Z Board was out of compliance with its Election Policies & Procedures missing the timeline deadline which caused two different dates to be given to members (March 31, and April 12, 2013) as the date for final votes to be counted.

The Board of 2012 also failed to announce its Election Coordinator and Nominating Committee members. As a result the recruitment of new candidates was minimal. In 2009 the KZYZ Board passed a bylaw change in regard to uncontested elections -that there would be no mailed ballot and (instead) election would take place at the Annual Membership meeting and require the voting of only 10 members. It has been the goal of the General Manager John Coate to "save money" by saving the costs of mailing ballots through an uncontested election. On air announcement of the upcoming election was sparse, not using the broadcasting medium for communication and promotion of the election .

The Federal Communications Act of 1934 mandates a Community Advisory Board. It is also required under grants received from the Corporation for Public Broadcasting - Federal monies. KZYX&Z's CAB disbanded in fall of 2011. None of its fifteen recommendations were implemented or even discussed by either the 2011 or 2012 Boards or the General Manager as doable or worthy of consideration.

The station held a community meeting in 2012 in December on a weekday evening. Two members of the community attended. The minutes of that meeting were never published despite numerous requests to the Board President. The recommendations offered were also ignored. The Community Advisory Board has been non-existent for the whole of 2013. It is currently being reformed but will not be formally recognized by the Board until the next meeting scheduled currently for 2014.

Another serious noncompliance issue is regard to deliberate misrepresentation by the General Manager, staff and Board members of the Annual membership meeting. At the Oct. 7 Board meeting I informed the Board, GM and staff that the Board Policy and Procedures Manual, Sect. 12.3 specifies membership dues at \$40 with a reduced "Simple Living" rate of \$25. Management and staff have repeatedly misrepresented the annual membership fee at \$50 and neglected to inform listeners of the \$25 yearly rate during the April and October pledge drives. The GM told one member that they would allow her to be a member at the \$25 rate but they "keeping the \$25 rate a secret" in order to focus on getting members to donate at higher amounts. This cannot be in the interests of many members who are financially challenged and is clearly a discriminatory practice.

Additionally the GM and staff have discriminated against specific individuals, myself included, from becoming members through volunteer service as provided by Sect. 12.4 of the Board Policy Manual, Non Cash Membership Alternatives. I have substantial proof that I was denied the right to volunteer as a phone answerer at the April pledge drive due to what I had written in an earlier newspaper article, which is a violation of my First Amendment right of free speech.

I appealed to four members of the Board and received no response. I was again refused as a volunteer in October and was informed by my District's Board Director that the reason was because I was perceived as "aggressive" and made the board "feel attacked." I maintained I was merely being assertive of my rights to serve in the capacity that the station's web site (kzyx.org) maintains is "open to everyone." The banning of people from volunteer membership by management and the board amounts to extortion of funds to become a member. It is discrimination and should be discontinued as a management policy. According to past Board President and current Board Member, Bob Page, "The Board is not mandated to follow its policies and procedures." Another significant problem is that while the CPG grant requires the Board to have its committee meetings open to the public, past presidents of the Board have allowed the structure of committees to fall into disuse. This creates non-transparency of Board decisions. All discussion is through the Board listserv online to which the public is not permitted to observe. The Board also does not have contact information either on the website or through any other means, to have membership be able to directly communicate with them. Letters to the Board are both unread and receive no response. Also, due to the lack of appointed committees, there is no personnel committee to hear the grievances of employees, volunteers and programmers who have had their shows or services discontinued with no supportive reason or documentation.

In regard to programming, the protocol handbook which included the very necessary Program Advisory Committee was “left out” of the corporation documents for the newly elected 2013 Board members—a serious oversight— and I believe, deliberate.

Moreover, the public is not being informed of the station’s activities or being actively involved in the station’s programming decisions. The station has discontinued its newsletter and does not even include a program guide when presenting a bill for collection of pledges. Public relations is the area supposed to be served by the non-functioning membership Committee. Another area of the public not served by KZYX&Z management and staff is children’s programming. There is but 1 hour of programming on a weekday evening that might be attractive to children but none on the prime time weekend spots. A survey of the membership conducted in 2012 (after numerous programming changes had already been made) found that 74% of members were over the age of 55.

Another serious deficiency of management decisions was the downgrading of the News Director to a part-time position—5 minutes of news from computer sources. The station once had a 30 minute evening Community local news show with reports made by volunteers within each community. The underfunding of the local news causes a substantial lack of depth in community awareness of local events. A former News Director stated to the 2012 Board of Directors that the station’s commitment to local news gave the station its unique identity and integrity.

Finally, the General Manager is in direct violation of Federal law and the January 2011 court reversal of the California Privacy Protection Act which stated that employee salaries must be disclosed. GM John Coate has repeatedly refused to break down staff and management salaries in then 2012 and 2013 budget statistics. He maintains he is still bound to protect employee’s privacy. I believe the numerous irregularities and bylaw violations stated are worth serious consideration by those charged for issuing the station’s license. While there are many programs of merit offered by the station, the governance in the past 5 years has seriously defaulted in achieving the KZYX&Z Mission Statement that the “programming and operational philosophy are controlled by the membership which is open to all.” I sincerely hope my outlining of the problems faced by the community in regard to KZYX&Z has not been overly burdensome.

Additional information is available.

Sincerely Sheila Dawn Tracy

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