



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

MEETING NOTIFICATION

March 21, 2022

6:30 p.m.

In response to the COVID-19 virus, the meeting will be conducted via participation by phone or computer. Participants can access the meeting as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/86017546524?pwd=eE1FTnZSMHg3OHBEb2tuREU4em1ZUT09>

Meeting ID: 860 1754 6524

Passcode: 292944

One tap mobile

+12532158782,,86017546524#,,,,*292944# US (Tacoma)

+13462487799,,86017546524#,,,,*292944# US (Houston)

AGENDA

- Roll Call
- Agenda Review
- Disclosures
- Public Comment (non-agenda items)
- Community Media Center Annual Report
 - MetroEast
 - Open Signal
- Franchisee Activity Report
 - Ziplly
 - Comcast

***CONSENT AGENDA – NO DISCUSSION**

All items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Commission so requests.

C1. January 24, 2022 Meeting Minutes

REGULAR AGENDA



MHCRC 1120 SW 5th Ave. Suite 405 Portland, Oregon 97204
503.823.5385 info@mhcrc.org www.mhcrc.org

- *R1. Extend Comcast Cable Franchise Renewal Negotiation Period 10 min
- *R2. Recommendation to Portland Council for One-Year Extension of Open Signal (PCM) Operational Grant Agreement 5 min
- *R3. Approve One-Year Extension of Open Signal (PCM) Capital Grant Agreement and MetroEast Community Media Capital & Operational Grant Agreement 10 min
- R4. Comcast's I-Net End Fund Report (Information Only) 5 min

- Staff Updates
 - MHCRC FY22-23 Budget Process
 - TechSmart Initiative Shared Learning Event: April 7
 - NDIA Net Inclusion Conference
- Committee Reports
 - Finance Committee
 - Equity Committee
 - Policy Committee
 - Open Signal Board Appointee
 - MetroEast Board Appointee
- New Business; Commissioner Open Comment
 - Hybrid meetings
 - 2022 Meeting Schedule:
 - April: Retreat TBD
 - May 16
 - June 20
 - July/August: recess
 - September 19
- Public Comment
- Adjourn

*Denotes possible action item

Please notify the MHCRC no less than five (5) business days prior to our event for ADA accommodations at 503-823-5385, by the City of Portland's TTY at 503-823-6868, or by the Oregon Relay Service at 1-800-735-2900.



CONSENT AGENDA – NO DISCUSSION

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MT. HOOD CABLE REGULATORY COMMISSION

Remote Meeting via phone or computer – Portland OR

January 24, 2022 Meeting Minutes – [DRAFT](#)

SUMMARY MINUTES

Call to Order: 6:30PM PM by Chair Studenmund

Roll Call

Present: Commissioner Dennerline; Commissioner Thomas (6:32PM); Vice Chair Harden; and Chair Studenmund.

Absent:

Commissioner Roche.

Agenda Review:

- Agenda Review
 - Chair Studenmund stated that an executive session will be held prior to adjourning the regular meeting and that the MHCRC meeting packet contained a notice regarding the executive session.
- Disclosures: None.
- Public Comment (non-agenda items):
 - Richard Donin, lives in Portland, and is a Xfinity comcast customer. He states that he has noticed and researched, a \$10 per month Comcast fee per month for people that pay by check. Mr. Donin states it weighs most heavily on individual ages 60 and over that don't trust companies nor the internet have access to internet to have money taken out of their account without their consent. Mr. Donin has written a letter to the Oregon Attorney General's office outlining that this is a discriminatory practice. People who pay for their bill either by an automatic deduction from savings, checking, or credit card, Comcast has worded it so that it sounds like they are getting a \$10 credit because they are doing that; however, at \$10 a month - \$120 annually – they are charging people to pay by check, it falls heavily on anyone utilizing social security benefits. That \$120 could go towards medication, food, or a variety of things. Mr. Donin has also submitted a written complaint to the FCC and he has a FCC number; he also sent a written complaint to the FTC and to Senators Wyden, Sanders, and Warren. Mr. Donin spoke with the with the Comptrol of currency legal tender from bank; Mr. Donin finds being charged a fee for using legal tender despicable. The other issues are no other service oriented companies such as garbage, electricity, natural gas, charges a fee for paying by check.





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Mr. Donin believes that Comcast is using the money as revenue stream rather than providing service. He got a letter from Comcast regarding his FCC complaint that he filed, in it they say they tried to contact him a number of times, which Mr. Donin refutes. He states that instead he tried calling Comcast more than a dozen times only to be shut off, disconnected, no call back regarding concerns with this issue. Most notably, President Biden, signed an order that deals on this to make services more competitive. Mr. Donin states that legal tender should not be used to discriminate against people and that alone falls most heavily on people who have paid their bills on time for sixty or more years yet are being charged a surcharge – Comcast lists it as a credit for those that pay via internet, credit card, or direct withdrawal through their bank. That is not a credit, they are just giving people the opportunity to do that so when people do not want to do that they get charged. Mr. Donin states it doesn't cost \$10 a month to process a single check. They are batched processed by the thousands. Mr. Donin's complaint is that Comcast needs to look at their discriminatory process and MHCRC put them on notice that within 90 days, Comcast needs to provide a real number to process a single check, where that money is going, and oversight. Mr. Donin feels that this would be a reasonable request given that they provide no explanation for this additional fee. Mr. Donin states the letter he received from Comcast is dated January 19th but he received it today. Those situations are hurting Oregonians, those on fixed income such as Mr. Donin, and is an unnecessary charge considering no other businesses including the Portland Water Bureau. Most businesses in Portland accept all forms of payment equally, so why discriminate against those that pay by check – it is unfair. Comcast is not going to change; this is the 3rd time Mr. Donin has been in front of council with this issue. Comcast has no reason to change their behavior unless they are threatened with legal action. Mr. Donin has not received a letter back from the Attorney General's Office but was told they are looking into it. He received a letter from Senator Sanders who is outraged. Mr. Donin will follow up with MHCRC staff when he hears from the various offices he's addressed.

- Community Media Center Updates:
 - MetroEast: John Lugton, Interim Executive Director:
 - Decided ten days ago, their office would go into slight slow-down due to COVID-19 Omicron variant. They will keep doing individual checkouts, but will slow down the number of people in the building. They hope to be back full swing in a few weeks.
 - Before that, the education department got a photo shoot for promotional materials to start building the layout and design for the mobile media lab. They are also starting to work at De La Salle High School soon to teach a Digital Portfolio Class to help the high school students and get an online skills portfolio and resume. The last time they did it was at the Open School East.





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- From the production side of things, they are just about to wrap on Follow the Water done in conjunctions with Clean Rivers project. They hope to show it in a couple of months this powerful and hopeful project.
- They are going to be partnering with Open Signal for the NDIA conference, where they will be live streaming from six rooms. Jim and John are pulling together people to staff this for the 2.5 days and are excited for this collaboration.
- Open Signal: Rebecca Burrell, director of strategy, shared presentation:
 - Determine the name for the relationship between MetroEast and Open Signal.
 - Welcomed two new board members. Ruchika Agrawal is an attorney who practices law in the technology industry; she has been in their community for several years as a volunteer and advocate. Andre Gray, is a long-time producer at Open Signal and a deaf media artist; He has been apart of their initiative for Black filmmakers and is also a board member at CymaSpace and founder of Beyond Tone. Open Signal is introducing sign interpretation at all board meetings moving forward.
 - Open Signal Labs has been actively raising money for the past year to launch a new professional training initiative through Labs on a new production that will begin this Spring – The Outdoor School Project is a feature length film and a collaborative project with Portland-based filmmaker Ime Etuk. Etuk will direct this project which is expected to be circulated nationally and is based on the story of a local actor who grew up homeless in Irving Park. It will include a training component for Black media makers. Etuk will help design the training and help will recruit apprentices. Private funds raised to operate the program will provide at least 10 apprentices with a minimum of 250 hours each paid at industry standards on set, opportunities to gain experience in sound, lighting, wardrobe, production design, and more to build a focused career track. They will also receive 40 hours of training prior to production to help set them up for success.
 - OpenSignal thanked MHCRC for their \$137,000 grant and noted that MHCRC was their first investor. They have leveraged it many times to create a sustainable funding. Seed funding means more than we know.
 - They've had COVID infections amongst staff and they will be remote through the end of January, hybrid after that and pivot as pandemic requires.
- Franchisee Activity Report
 - Ziplly: N/A
 - Comcast: Tim Goodman provided an update and clarification.
 - Tim Goodman clarified that Comcast does not charge a fee for paying by check. Sent up the chain while he was waiting to speak, and it was verified to him. They





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will reach out to Mr. Donin if MHCRC directs it and states that he has not heard of that issue until tonight.

- They have a 2-year support agreement for Hacienda CDC for \$50,000 for 2022-2023 at Rockwood Village, providing computer equipment and digital literacy training.
- They are supporting Free Geek in the amount of \$20,000 to support their bilingual digital education video library.
- Providing \$20,000 to NAYA Family Center (for which John is a board member) to strengthen their employment opportunities and interests for Native youth to increase career exploration and readiness and career and technical education CTE in their college and career services center and onsite high school.
- Winter Olympics coming up in early February, products supporting Team USA.

CONSENT AGENDA – NO DISCUSSION

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- C1. December 13, 2021 Meeting Minutes

MOTION: Commissioner Harden moved to approve the consent agenda (C1) as presented.

Motion seconded by Commissioner Dennerline.

VOTE: Motion Passed with 4 votes in favor and 0 against.

REGULAR AGENDA

- R1. Awarding Grant Dollars Through Amendments Policy
 - Rana DeBey, MHCRC Community Grants Manager, presented that in a response to an identified need that staff is proposing a temporary policy for reviewing and processing amendments to current grant contracts which are requesting additional grant dollars. Staff would like to pilot this policy given the need within the grantee community and would be in effect from December 1, 2021 to December 31, 2022 on a trial basis. It will allow us to be responsive to community need and continuously changing landscape in which grantees are being required to pivot due to continued COVID-19 complications.

MOTION: Commissioner Harden moved to approve the Amendment Policy. Motion seconded by Commissioner Dennerline.

VOTE: Motion passed with 4 votes in favor and 0 against.

- R2. Community Grant Amendment: The CETI Group





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- DeBey presented. She made a correction for the record in the staff recommendation section of the cover sheet where it lists The Old Church as the grantee, but it is actually for the grantee CETI Group. The commission approved a grant agreement in June 2021 in the amount of \$76,867 for the purpose of their project entitled, “Archive, Creating Social Documentary Experiences.” That agreement is set to expire November 30, 2022. Although the work on the Archive has been receding due to ongoing complications related to the COVID-19 pandemic. CETI has identified the need to produce more videos for training and workshops to allow for remote access. In addition, some of the planned tours will be spaced out and done outdoors including interactive technology components for increased access and safety for the broader community. Additional technology requested will allow them to increase training participants to 60 from their identified communities and increase the number of videos produced to share with the broader community to 8 total. CETI is requesting an additional grant award of \$41,000. Combined with their previous grant award, that would bring their total grant award to a total of \$117,867. Staff recommends that the commission approve an amendment to the current contract for that additional award of \$41,000.

MOTION: Commissioner Harden moved to approve an amendment to the grantee agreement with CETI for an additional grant award amount of \$41,000. Motion seconded by Commissioner Dennerline.

VOTE: Motion passed with 4 votes in favor and 0 against.

- R3. 2022 Community Technology Grants.
 - DeBey presented 14 preapplications that were received of which 13 are eligible. Commissioner Thomas suggests moving forward with those rated 5. DeBey read those rated 5 along with their requested amount:
 - Community for Positive Aging is requesting \$57,145
 - Curious Comedy Theatre is requesting \$162,400
 - Day One Tech is requesting \$30,000
 - NAAME for the Key’s Beats and Bars Project is requesting \$77,500
 - Portland Community College is requesting \$13,406
 - Somali American Council of Oregon is requesting \$63,300
 - Wild Diversity is requesting \$49,115

MOTION: Commissioner Thomas moved to approve Community for Positive Aging, Curious Comedy Theatre, Day One Tech, NAAME, Portland Community College, Somali American Council of Oregon, and Wild Diversity forward in the granting process. Motion seconded by Commissioner Dennerline.

VOTE: Motion carried with 4 votes in favor and 0 against.





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- There were two applications that were rated 4. They include:
 - ELSO Inc. is requesting \$104,008 to expand programming by providing access to modern equipment and video production equipment and training for youth to create videos to support program objectives. Videos will be shared on their online platforms and community media center channels. This is a 12-month project.
 - Resolutions NW is requesting \$42,846.91 for a video series entitled *Immigrant Perspectives* featuring interviews with 6-12 individuals aiming for one video released every two months over the course of 1-2 years. It will highlight contributions from Immigrant communities.

MOTION: Commissioner Thomas moved to approve ELSO and Resolutions NW forward in the granting process. Motion seconded by Commissioner Harden.

VOTE: Motion passed with 4 votes in favor and 0 against.

- There were several preapplications that include
 - PSU School of Film is seeking \$85,675 for approximately 96 students in six courses during the academic year, will receive training on TV studio webcasting technology and multi-cam field production gear to generate 3 60-minute programs ready for broadcast that include game play, studio segments, athlete profiles, designed to tell a multi-tiered story about women in sports, inspired by the 50th anniversary of the Civil Rights law – Title IX. It will focus on the experience Portland area female and nonbinary athletes. It will be organized around the season of the Portland Ravens and produced across many locations.
 - The Lotus Seed Inc. is requesting \$54,574 to purchase equipment to foster economic empowerment for local teachers to gain skills in film, sound engineering, and video production. They seek to improve the career potential of graduating yoga teachers through workforce development training program where they will learn digital content. It will be lead by an Open Signal producer and. The virtual educational content will be shared through an online platform and through the community media channels.

MOTION: Chair Dennerline moved to approve PSU School of Film and the Lotus Seed Inc. forwarding in the granting process. Motion seconded by Chair Thomas.

VOTE: Motion passed with 4 votes in favor and 0 against.

- Mapping Action Collective is requesting \$52,066 to purchase audio-visual equipment and to support training and educational video production of at least 8 videos, 3 community spotlight videos, and podcast series about the importance of data, GIS, geographic information systems in social justice work.
- Open Signal is requesting \$200,000 to combine website with an improved streaming platform to create a new capital asset. It will increase access to content for multiple





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groups and widen audience. Commissioner Harden would like to see meaningful data from mapping. Can present to any group, but the data and pictures that maps portray is compelling. He suggests a presentation from them before consideration of this project. Commissioner Dennerline wants to see an amortization schedule. Rebecca Gibbons can prepare memos and background information to present either at a formal meeting, retreat, or other time to delve into that if the application moves forward.

MOTION: Commissioner Harden moved to approve Mapping Action Collective and Open Signal forward in the granting process. Motion seconded by Chair Dennerline.

VOTE: Motion passed with 4 votes in favor and 0 against.

- R4. MHCRC Fund Financial Review Consultant Contract – Moss Adams LLC
 - Finance Manager Michael Wong and Minh Dan Vuong, City of Portland Contract Manager presented. The previous contract with Moss Adams has come to completion. Previous request to undertake the external auditors for MHCRC – RFP process and settled on Moss Adams. Current contract requests from current fiscal year to 2024 extensions 2025 and 2026. Auditors' Office on the phone in the event there are questions. In response to a question from Commissioner Dennerline, Wong states that Open Signal is a component unit but most of the time they are not there for external audits. In response to Commissioner Thomas's question, the MHCRC contract is riding with the city of Portland. Vuong Thomas – is the contract with MHCRC – Wong -riding with city of Portland. Vuong addressed increases in response to Commissioner Thomas.

MOTION: Commissioner Harden moved to authorize Moss Adams for the MHCRC FY2021-22, FY2022-23, and FY2023-24 Fund Audits. Motion seconded by Commissioner Dennerline.

VOTE: Motion passed with 4 votes in favor and 0 against.

- R5. MHCRC Planning Retreat Goals
 - Rebecca Gibbons, Strategic Initiatives presented retreat goals that staff has been preparing with Chair Studenmund. The retreat is tentatively scheduled for March 5, 2022. Director Perez meets regularly with Commissioner Rubio's office and Gresham City Manager, and they have a couple of ideas. There has been trouble finding a facilitator for the retreat. Rebecca RFP process that included Martha, however, many are at capacity for the winter and some not available until September. Wood Village, Mike Habate is the best bet so far.

MOTION: Commissioner Thomas moved to approve the MHCRC Planning Retreat Goals. Motion seconded by Commissioner Dennerline.

VOTE: Motion carried with 4 votes in favor and 0 against.





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- Staff Updates
 - 2021 Year-End Complaint Report:
 - Overall, complaints have gone down just over 52% compared to 2020, however, that is likely not an accurate capture due to gaps in the databases and staff transitions. The numbers represented are likely higher in reality due to inconsistent tracking and documentation of phone calls and emails and changes in how complaints were previously tracked. This is consistent across the board as we see a reduction in complaints for each provider as well for 2021.
 - MHCRC Annual Planning Retreat
 - MHCRC FY22-23 Budget Process. Wong provided preliminary numbers for MHCRC for personnel related expenses. Should be meeting a similar timeline as to previous years.
 - NDIA Net Inclusion Conference takes place February 15-17. Gibbons provided background information. The National Digital Inclusion Alliance have been aligned and benefited from their trainings and the CoP DEAP and DIN was selected as the host site for their annual conference for Spring of 2020 which was cancelled due to the pandemic and will have the 2022 conference in Portland. Several staff will be participating. Gibbons will report out on the takeaway from conference. Thank you to community media partners who are contributing the livestreaming.

- Committee Reports
 - Finance Committee will start meeting in March 2022.
 - Equity Committee has not met.
 - Policy Committee has not met.
 - Open Signal Board Appointee: Gibbons met with the board met a week ago, and they are doing a wonderful job. The board is very engaged, and they added two new board members, supportive of staff, communication and collaboration is great. The board is delving into their own workplans to support the organization on various levels and workgroups have been formed.
 - MetroEast Board Appointee: Commissioner Dennerline is meeting with the board tomorrow January 25, 2022.

- New Business
 - Commissioner Open Comment – Tim Goodman mentioned Free Geek they were out of computers, now Wood Village graduated 1st class of welcome to computers and another scheduled for the spring.
 - Hybrid meetings
 - We anticipated meeting hybrid meetings in January in response to governor's order, due to omicron variant, the requirement is delayed for now. Staff will monitor timeline and work to prepare commission for hybrid model potentially as soon as march meeting. In response to Commissioner Thomas, Rebecca states that the hybrid





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model will likely be a requirement ongoing even if the commission moves to in-person.

- 2022 Meeting Schedule:
 - Tentative: March 5 MHCRC Retreat – doesn't work for several commissioners.
 - March 21
 - April: Recess
 - May 16
 - June 20

- Public Comment: None
- Executive Session (*held in Zoom breakout room*)

MOTION: Commissioner Dennerline moved to adjourn. Motion seconded by Commissioner Thomas.

VOTE: Motion passed with 4 votes in favor, 0 against.

Adjourned: 8:31 PM by Chair Studenmund.

Respectfully submitted,
Ava Hansen, BSW
Executive Assistant



REGULAR AGENDA



Mt. Hood Cable Regulatory Commission

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COVER SHEET – AGENDA ITEM #R1

For Commission Meeting: March 21, 2022

“Extend Comcast Cable Franchise Renewal Negotiation Period”

STAFF RECOMMENDATION

Staff recommends that the Commission authorize the Chair to send a letter to Comcast acknowledging the agreement to extend the cable franchise renewal negotiation period through September 30, 2022.

BACKGROUND

The Comcast cable franchise renewal negotiation period was initially estimated to conclude by or before December 31, 2021.

At the September 2021 Commission meeting the MHCRC determined an extension of the negotiation period was needed and with no questions or concerns raised by Member Jurisdictions, the Commission agreed to extend the negotiation period through March 31, 2022.

In February 2022, it was determined that an additional extension was needed to ensure outstanding issues are resolved in the best interest of the public. MHCRC staff, consultants, and Comcast representatives have agreed to extend the franchise renewal negotiation period by a further six months, extending the cable franchise renewal process through September 30, 2022, with the intent to complete the negotiation as soon as final outstanding issues are resolved.

As identified in section 19.4(B) of the Comcast Cable Franchise Agreements with the City of Portland, Multnomah County and the Cities of East Multnomah County, Comcast will continue to operate under the terms of the current Cable Franchise Agreements until the draft renewed agreements are adopted by the Member Jurisdictions.

Approval of the updated negotiations period will take the form of a letter from the MHCRC Chair to Comcast acknowledging agreement to extend the negotiation period.

Prepared By: Bea Coulter
March 14, 2022





Mt. Hood Cable Regulatory Commission

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COVER SHEET – AGENDA ITEM #R2

For Commission Meeting: March 21, 2022

“Recommendation to Portland Council for One-Year Extension of Open Signal (PCM) Operational Grant Agreement”

STAFF RECOMMENDATION

Staff recommends that the Commission forward to the Portland City Council a recommendation to extend by one-year Open Signal’s operational grant agreement, to end on June 30, 2023.

BACKGROUND

As the Commission is aware, both the MetroEast and Open Signal (formerly Portland Community Media) grant agreements expire at the end of the current fiscal year. The Open Signal Operational Agreement is with the City of Portland, however the City has delegated oversight responsibility to the MHCRC.

Due to delays in the Comcast franchise renewal negotiations, staff is recommending a one-year term extension of the existing contract to allow staff and Open Signal time to consider the impact of the renewed franchise terms on services required under the City-Open Signal contract and to allow for continuity of requirements in tandem with the MetroEast contract renewal process.

Staff has discussed the extension with Open Signal leadership and representatives at the City of Portland. All are in favor for the extension of time to conduct the renewal process. Over the next six months, MHCRC staff will continue to hold informal meetings with Open Signal leadership to establish an issues/priorities list with the goal of entering into formal negotiations on a multi-year contract next fall.

Attachment: PCM Amendment Ordinance Draft & Exhibit A Contract Amendment 2022 Draft

Prepared By: Rana DeBey
March 10, 2022



ORDINANCE No.

*Authorize the Director for the Office for Community Technology to amend Contract No. 32001990 with Portland Community Media (doing business as Open Signal) in an amount not to exceed \$1,010,000

The City of Portland ordains:

1. The City of Portland has entered into cable services franchise agreements with cable operators, which, among other things, require the companies to provide certain resources, system capacity and facilities for public, educational, and governmental (“PEG”) access programming.
2. Since 1981, the City has contracted with Portland Community Media (PCM) to manage PEG access resources, including access channels, provided under the cable services franchise agreements and to provide community media and PEG services on a city-wide basis. PCM has successfully provided community media and PEG access services for the City and is uniquely qualified to continue providing these services.
3. On June 19, 2019, by Ordinance No. 189579, City Council approved Grant Agreement No. 32001990 (“Grant Agreement”) for the purpose of managing PEG access resources and providing community media and digital literacy services to residents and organizations throughout the City. The current Grant Agreement with PCM is due to expire on June 30, 2022.
4. Under the Grant Agreement, the City has delegated responsibility to the Mt. Hood Cable Regulatory Commission (“MHCRC”) for monitoring and administering PCM’s compliance with the terms and conditions of the Grant Agreement.
5. Due to an extended cable services franchise renewal period, additional time has become necessary to complete a Grant Agreement renewal process with Grantee. The MHCRC requests that the Council extend the Grant Agreement term by one year through June 30, 2023. This extension would provide additional time to conduct a more inclusive process to determine services and provisions to be included in a renewal agreement. An extension of the Grant Agreement would also ensure that funded services continue to serve current and emerging community needs.
6. The proposed City budget for FY2022-23 identifies sufficient funds for an extension of the grant agreement.

NOW, THEREFORE, THE COUNCIL DIRECTS:

Section 1. The Director for the Office for Community Technology is authorized to execute an amendment to Grant Agreement No. 32001990 in an amount not to exceed \$1,010,000 and in a form substantially similar to the amendment attached to this Ordinance as Exhibit A.

Section 2. The Council declares that an emergency exists because a delay in amending the current Grant Agreement may cause harmful delay regarding the resolution of certain pending fiscal and compliance issues; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

Prepared by:
Rana DeBey
March 15, 2022

Mary Hull Caballero
Auditor of the City of Portland
By:

AMENDMENT NUMBER 1

GRANT AGREEMENT No. 32001990

FOR

PORTLAND COMMUNITY MEDIA MANAGEMENT OF PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS RESOURCES AND MEDIA AND DIGITAL LITERACY SERVICES

This Amendment No. 1 (“Amendment”) amends Grant Agreement No.32001990 (“Agreement”) effective July 1, 2019, by and between Portland Community Media under its assumed business name Open Signal ("Grantee"), a domestic nonprofit corporation of the State of Oregon, and the City of Portland, a municipal corporation of the State of Oregon, ("City") by and through their duly authorized representatives. This Amendment may refer to Grantee and City individually as a “Party” or collectively as the “Parties.”

Recitals:

1. In June 2019, Council authorized the Agreement between the City of Portland and Portland Community Media (PCM) by Ordinance No. 189579.
2. The Agreement No. 32001990 is due to expire on June 30, 2022.
3. The purpose of this Amendment is (1) to extend the duration of the Agreement, (2) to increase the not-to-exceed amount of the Agreement for the fiscal year beginning July 1, 2022 and ending June 30, 2023, and (3) to add the City’s standard audit requirements.
4. This Amendment is authorized by City Ordinance No. **[insert ordinance number]**.

Effective July 1, 2022, the Parties agree to amend the Agreement as follows:

1. Article II is amended as follows (new language is in BOLD and deleted language is in strikethrough):

ARTICLE II. TERM

The term of this Agreement is July 1, 2019, through and including June 30, ~~2022~~ **2023**, unless terminated in accordance with Article V(B). This Agreement shall be effective when an ordinance is passed by City Council and the Agreement is executed by all the parties, as shown by their signatures below.

2. Article IV, subsection A, is amended as by adding a new subsection A.5 as follows:
 5. The City will make a payment not to exceed \$1,010,000 for the fiscal year beginning July 1, 2022 and ending June 20, 2023.

EXHIBIT A

3. Article III, subsection H.2 is deleted in its entirety and replaced with the following new subsection H.2:

2. Records and Audits.

a. Records Retention. Grantee shall maintain current financial records in accordance with Generally Accepted Accounting Principles (GAAP). Grantee agrees to maintain and retain and retain all financial records, supporting documents, statistical records and all other records pertinent to this Grantee during the term of this Agreement and for a minimum of six (6) years after the expiration or termination date of this Agreement or until the resolution of all audit questions or claims, whichever is longer.

b. City Audits. The City, either directly or through a designated representative, may conduct financial and performance audits of the billings and Grantee's grant program at any time during the Agreement and during the records retention period listed above. Audits shall be conducted in accordance with generally accepted auditing standards as promulgated in Government Auditing Standards by the Comptroller General of the United States Government Accountability Office.

c. Access to Records. The City may examine, audit and copy Grantee's books, documents, papers, and records relating to this Agreement at any time during the records retention period listed above upon reasonable notice. Copies of applicable records shall be made available upon request.

4. This amendment may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same contract amendment. The parties agree the City and PCM may execute this amendment by electronic means, including the use of electronic signatures.

5. All other terms and conditions GRANT AGREEMENT No. 32001990 shall remain unchanged and in full force and effect.

CITY OF PORTLAND

PORTLAND COMMUNITY MEDIA

Signature

Signature

Name: _____

Name: _____

Title: _____

Title: _____

EXHIBIT A

Date: _____

Date: _____

Approved as to Form

OFFICE OF CITY ATTORNEY



Mt. Hood Cable Regulatory Commission

*Serving Multnomah County and the Cities of Fairview, Gresham, Portland,
Troutdale & Wood Village*

COVER SHEET – AGENDA ITEM #R3

For Commission Meeting: March 21, 2022

“Approve One-Year Extension of MetroEast Community Media Capital & Operational Grant Agreement”

and

“Approve One-Year Extension of Open Signal (PCM) Capital Grant Agreement”

STAFF RECOMMENDATION

Staff recommends that:

- 1) The Commission amend its grant agreement for capital and operations support with MetroEast Community Media to extend the agreement term by one year to June 30, 2023.
- 2) The Commission amend its grant agreement for capital support with Open Signal (PCM) to extend the agreement term by one year to June 20, 2023.

BACKGROUND

As the Commission is aware, both the MetroEast and Open Signal (formerly Portland Community Media) grant agreements expire at the end of the current fiscal year. As the Commission is also aware, the MHCRC is still engaged in the franchise renewal process with Comcast. The results of the renewal are crucial to the contract negotiation process with the community media centers. The franchise requirement for PEG fees has a direct impact on the amount of capital equipment support, and in the case of MetroEast, operational support, the community media centers receive under the terms of the renewed franchise. Staff has discussed the extension with organizational leadership for both MetroEast Community Media and Open Signal. All are in agreement about the extension of time to conduct the renewal process. Over the next six months, MHCRC staff will continue to hold informal meetings with organizational leadership to establish an issues/priorities list with the goal of entering into formal negotiations next fall.

**Attachments: Open Signal/MHCRC Contract Amendment DRAFT & MetroEast/MHCRC
Contract Amendment DRAFT**

Prepared By: Rana DeBey
March 10, 2022



AMENDMENT TO AGREEMENT FOR OPERATIONAL & CAPITAL SUPPORT

This is an Amendment to the Agreement for Operational & Capital Support (Agreement 35001574) between the Mt. Hood Cable Regulatory Commission (Commission), through the Office for Community Technology (OCT), and MetroEast Community Media (Grantee) (together referred to as the "Parties").

RECITALS

1. The Commission approved an Agreement in June 2018 for the provision of MHCRC funds to support the operational and capital needs of Grantee to provide services to the community. The Agreement is set to expire June 30, 2022.
2. Due to an extended cable services franchise renewal period which has direct implications for funding availability for the MetroEast Community Media contract, additional time has become necessary to complete a full grant agreement renewal process with Grantee.
3. This Amendment extends the term of the Agreement through June 30, 2023.
4. Amendments increasing the MHCRC's financial risk or the amount of the grant funds under Article IV(A) must be approved by the MHCRC. Amendments must be in writing and executed by the authorized representatives of the parties and approved as to form by the MHCRC's legal counsel.

AGREEMENT

1. Agreement, Article II, Term, is amended to extend the term of the Agreement through, and including, June 30, 2023.
2. All other terms of the Agreement shall remain the same.

MetroEast Community Media:

By: _____

Title: _____

Date: _____

Mt. Hood Cable Regulatory Commission:

By: _____

Carol Studenmund, Commission Chair

Date:

Approved as to Form:

Commission Legal Counsel

AMENDMENT TO AGREEMENT FOR CAPITAL SUPPORT

This is an Amendment to the Agreement for Capital Support (Agreement 35001576) between the Mt. Hood Cable Regulatory Commission (Commission), through the Office for Community Technology (OCT), and Open Signal (Grantee) (together referred to as the "Parties").

RECITALS

1. The Commission approved an Agreement in June 2018 for the provision of MHCRC PEG funds to support capital needs of Grantee to provide services to the community. The Agreement is set to expire June 30, 2022.
2. Due to an extended cable services franchise renewal period which has direct implications for MHCRC PEG funding for the Open Signal/PCM contract, additional time has become necessary to complete a full grant agreement renewal process with Grantee.
3. This Amendment extends the term of the Agreement through June 30, 2023.
4. Amendments increasing the MHCRC's financial risk or the amount of the grant funds under Article IV(A) must be approved by the MHCRC. Amendments must be in writing and executed by the authorized representatives of the parties and approved as to form by the MHCRC's legal counsel.

AGREEMENT

1. Agreement, Article II, Term, is amended to extend the term of the Agreement through, and including, June 30, 2023.
2. All other terms of the Agreement shall remain the same.

Open Signal:

By: _____

Title: _____

Date: _____

Mt. Hood Cable Regulatory Commission:

By: _____

Carol Studenmund, Commission Chair

Date:

Approved as to Form:

Commission Legal Counsel