



Mt. Hood Cable Regulatory Commission

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

COVER SHEET – AGENDA ITEM #R6

For Commission Meeting: January 27, 2025

“BBK Special Legal Counsel Contract Amendment: Increase the amount of compensation payable to Special Counsel in FY2024-25”

Recommendation

Staff recommends the Commission approve an amendment to the Legal Services Agreement with BBK to increase the annual compensation amount of \$30,000 by \$12,000 to a new total not-to-exceed amount of \$42,000 in FY 2024-25; and to designate Andrew Speer as the Project Manager.

Background

In May 2022, the MHCRC entered into a multi-year contract with special counsel Best Best & Krieger LLP (BBK) for a term expiring June 2026. The contract engaged BBK as special counsel to the MHCRC on issues related to franchise renewals, extension, transfer of ownership, regulatory and policy issues and BBK has been actively participating in the Comcast renewal and Zply franchise termination/compliance processes.

The contract establishes compensation to be an annual amount of “about \$30,000 in fiscal years 2022-23, 2023-24, 2024-25, and 2025-26”. Actual expenditures may be higher or lower depending on the need. The MHCRC FY24-25 budget anticipated increased expenditures due to the ongoing franchise renewal/termination processes and allocated \$42,000 for this purpose.

In accordance with Section 19 of the contract, any increases in compensation by more than 25% of the original anticipated amount of compensation in this Agreement must be authorized by MHCRC.

Therefore, the purpose of this amendment is to increase the annual amount of \$30,000 by \$12,000 to a new total not-to-exceed amount of \$42,000 in FY 2024-25.

In addition, the amendment formally designates Andrew Speer as the contract project manager.

Attachment:

- AMENDMENT No. 1 to LEGAL SERVICES AGREEMENT No. 35002248 FOR Special Counsel Legal Services

Prepared By: Rebecca Gibbons
January 16, 2025





**AMENDMENT No. 1 to
LEGAL SERVICES AGREEMENT No. 35002248
FOR
Special Counsel Legal Services**

This Amendment No. 1 amends Legal Services Agreement No. 35002248 dated 1 of July, 2022, by and between Best Best & Krieger LLP ("Special Counsel") a [XXXX corporation/partnership] of the State of [state name], and the Mt. Hood Cable Regulatory Commission, an intergovernmental entity formed under Oregon Revised Statutes Chapter 190 by the cities of Fairview, Wood Village, Troutdale, Gresham and Portland, and Multnomah County ("MHCRC") by and through their duly authorized representatives. This Amendment may refer to Special Counsel and MHCRC individually as a "Party" or collectively as the "Parties."

Commented [RG1]: For FUP or BBK to complete

The Effective Date of this Amendment is December 1, 2024. The purpose of this Amendment is to increase the amount of compensation payable to Special Counsel in FY2024-25 to \$42,000.

Commented [RG2]: When do you need the effective date to be set to cover billings?

The Parties agree to Amend the Legal Services Agreement as follows:

1. The Legal Services Agreement annual compensation amount of \$30,000 is increased by \$12,000 to a new total not-to-exceed amount of \$42,000 in FY 2024-25.

2. Going forward the MHCRC's Project Manager under Section 15 of the Legal Services Agreement shall be Andrew Speer and invoices shall be sent to:

Attn: Andrew Speer
Mt. Hood Cable Regulatory Commission
c/o City of Portland Bureau of Planning and Sustainability
1810 SW 5th, Suite 710
Portland, OR 97201
Email: Andrew.speer@portlandoregon.gov

All other terms and conditions of the Legal Services Agreement remain unchanged by this Amendment and in full force and effect.

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 instrument. The Parties agree that they may execute this Amendment by electronic means, including the use of electronic signatures.

City Attorney 2/7/2020

IN WITNESS WHEREOF, the Parties hereby cause this Amendment to be executed.

SPECIAL COUNSEL

Authorized Signature

Date

Printed Name and Title

Address: _____

Phone: _____

Email: _____

Prepared By: Rebecca Gibbons, MHCRC Operations Manager

Sent to: gail.karish@bbklaw.com

City Attorney 2/7/2020

Contract Number: 35002248

Amendment Number: 1

Contract Title: Special Counsel Legal Services

CITY OF PORTLAND SIGNATURES

By: _____ Date: _____
Julia DeGraw, MHCRC Chair

Approved as to Form:

By: _____ Date: _____
MHCRC Legal Counsel

City Attorney 2/7/2020



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COVER SHEET – AGENDA ITEM #R7

For Commission Meeting:

“Zipty Franchise Termination/Compliance”

Recommendation

No Action – Information only

Background

MHCRC staff have been in discussions with Zipty since fall of 2024 on the ending of cable services to the East County cities as customer counts decline and near zero cable customers. Discussions have centered on timing and knowing the pathways for cable service ending dates and the internet services provided to MetroEast as part of Zipty’s franchise agreement with MHCRC and the East County cities.

Staff have also been working with Zipty on franchise compliance issues and kept the Commission informed of the notices sent to Zipty for compliance violations. Staff are working to negotiate a comprehensive agreement that would set out the agreed pathway and timing for Zipty ending their cable franchise agreement and settle their non-compliance issues into the terms of the termination letter agreement with the Commission.

The terms of the termination pathway for Zipty were sent to the Commission on December 20, 2024 and included the proposed terms for franchise agreement termination. Those terms included a termination date, notice provisions, service end date for internet service to MetroEast, resolution on non-compliance issue, and compliance with existing franchise agreement until the end of the termination date.

The specifics of the discussions and terms of the termination letter will be discussed with the Commission in executive session during the meeting date of this Commission meeting.

Attachments

N/A

Prepared By: Andrew Speer
January 21, 2025



INFORMATION ONLY



Mt. Hood Cable Regulatory Commission

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

MHCRC Finance Committee Workplan

MONTH	PURPOSE	DETAILS
July	Fiscal year beginning	
October	Staff presents Un-audited FY Year End financial report to the full Commission at the October regular meeting as information only	Provides MHCRC informational report about year-end budget and other financial aspects
End of November – early December	FINCANCE COMMITTEE Meeting – to approve the FY MHCRC Fund Financial Statements	The City of Portland accounting group annually prepares the MHCRC Fund Financial Statements. On May 20, 2013, the MHCRC passed resolution 2013-02 which “delegates authority to the MHCRC finance Committee to...annually review and approve the MHCRC Finance Statements on behalf of the full Commission, in order to proceed with a timely audit as required by Oregon law.” The MHCRC annual statements are then provided to Moss Adams for the annual audit. City staff, who worked on the statements, will attend the Finance Committee meeting. Moss Adams then presents the MHCRC Fund Audit to the Commission at its December meeting.
December	MHCRC Regular Meeting – The Audit is presented to the full Commission. Moss Adams presents findings.	Once the MHCRC reviews and acknowledges the audit, staff submits it to the Oregon Secretary of State along with the annual filing fee.
January - March	Next FY Fund Budget planning - staff may need to call a committee meeting to discuss significant budget issues as they arise	The City of Portland will have a new form of government in place in January 2025.
April	FINANCE COMMITTEE meeting – to review current year mid-year budget update, proposed next FY Fund Budget, and hear budget updates from Open Signal and MetroEast.	Operations budget/ other budget issues Possible Agenda items: <ul style="list-style-type: none"> • Budget issues/direction for fiscal year budget development • Mid-year budget update • Presentation of budgets from OS/ ME (relates to fiduciary responsibility and grant agreement oversight)





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		<p>Packet to include as needed:</p> <ul style="list-style-type: none"> • Staff report identifying issues/direction needed from Committee • Operations Budget - Line Item • Admin/Compliance program budgets • Interest Chart • Trend charts or info related to identified issues)
May	<p>FINANCE COMMITTEE meeting – to review final proposed Fund Budget and budget presentations from OS/ME.</p> <p>MHCRC Regular Meeting – The FY Budget is presented as a Finance Committee recommendation. Staff and the CMCs present.</p>	<p>Proposed MHCRC Fund Budget</p> <p>Possible Agenda items:</p> <ul style="list-style-type: none"> • Community media centers' budget presentation (if not done previously) • Action of recommended MHCRC Fund Budget for Commission consideration at May meeting • Staff present update on current year budget (if not done previously)
June	Fiscal Year close	



Cable Complaints Summary



12/7/2024

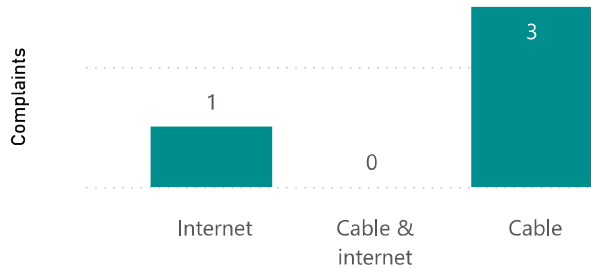
1/20/2025

Comcast

Complaints **4** Avg Days to Solve **28**

Complaints by Issue and Service

Issue Type	Count of Tickets
Billing/Cost	0
Installation/Repair	0
Other	2
Phones	0
Service Quality	2
Total	4

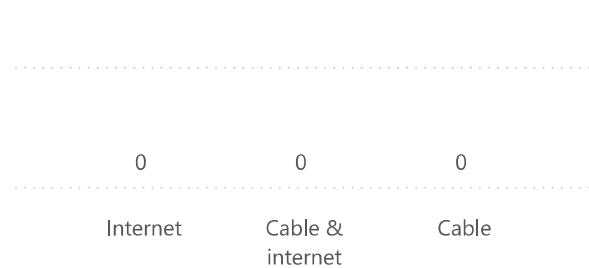


Ziply

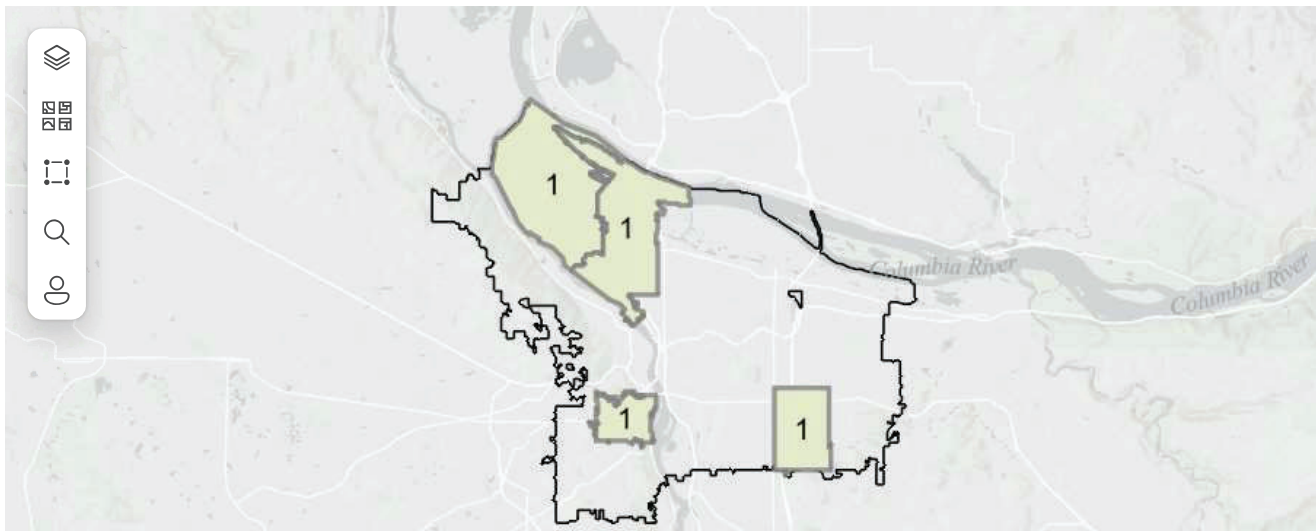
Complaints **0** Avg Days to Solve **--**

Complaints by Issue and Service

Issue Type	Count of Tickets
Billing/Cost	0
Installation/Repair	0
Other	0
Phones	0
Service Quality	0
Total	0



Complaint Volume by Zip Code



City of Portland, Oregon | Esri, CGIAR, USGS

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