



MT. HOOD CABLE REGULATORY COMMISSION
MetroEast Community Media, Studio A
January 25, 2016 Meeting Minutes -- **APPROVED**

SUMMARY MINUTES

MINUTES AS APPROVED AT THE MARCH 21, 2016 MHCRC MEETING.

Call to Order: 6:31 pm

- Roll Call

Commissioners present: Carol Studenmund (Chair); Sue Dicile, Rich Goheen, Norm Thomas, Scott Harden, Mike Bennett

Commissioners absent: Leif Hansen, John Branam

Staff: Mary Beth Henry, Director; Julie Omelchuck, Program Manager; Ben Walters, Legal Counsel; Rebecca Gibbons, Program Coordinator

- Agenda Review: A revised agenda was handed out.
- Disclosures: none.
- Public Comment: none
- CONSENT AGENDA

C1. December 21, 2015 Meeting Minutes
C2. Annual Commission Retreat Goals

MOTION: Thomas moved to approve the Consent Agenda as presented. Harden seconded.

VOTE: 6-0 passed

- REGULAR AGENDA

*R1. FY16-17 Budget Reduction – City of Portland’s MHCRC Appropriation

Finance Committee Chair Thomas said the Committee extensively reviewed reduction package options in response to the City of Portland’s request for a 5% reduction from all general fund City bureaus. Thomas said that in order to create a balanced MHCRC FY operating budget, staff estimates the MHCRC must reduce external materials & services expenditures by nearly \$16,000 from the current service level budget (FY15-16) in order to reach the 5% reduction goal. Omelchuck said the reduction package needs to be sent to the City of Portland budget office no later than February 1. Omelchuck said the City of Portland Mayor’s budget is released in late April.

MOTION: Dicile moved to forward to the City of Portland budget office a FY16-17 budget reduction package that includes reducing consultant resources for advocacy by \$11,000, eliminating out of town travel fund for advocacy purposes (\$2,000), terminating professional subscriptions/memberships (\$3,000), and no inflation factor into any other external materials & services expense line items. Goheen seconded.

DISCUSSION: none.

VOTE: 6-0 passed

***R2. IGA with PSU for Student Level Data Evaluation**

Omelchuck said staff worked with Portland State University (PSU), under a previous IGA, to develop a plan to provide evaluation of student-level data for student cohort groups related to the MHCRC's TechSmart Initiative investments. Omelchuck said the draft IGA and Attachment A included in the meeting packet is for implementation of the plan. Omelchuck said the IGA covers implementation through this fiscal year and next fiscal year.

In response to a question from Thomas about PSU's deliverables under the previous IGA, Omelchuck confirmed that PSU met all deliverables and staff and the MHCRC's evaluation consultant, PRE, are very pleased with the work.

Thomas asked if the Grant Committee reviewed the deliverables. Omelchuck said the Grant Committee has been kept informed on PSU's work and the overall development of the evaluation plan, however the Committee did not conduct a detailed review of the plan.

Bennett asked if the IGA before the Commission tonight is a new IGA or a renewal to an existing IGA. Omelchuck said it is a new IGA.

In response to a question from Harden about when the Grant Committee or Commission will see the data that results from the evaluation, Omelchuck said staff is preparing a presentation for the MHCRC's retreat in early March that will help clarify the deliverable timeline and help develop a shared understanding of the TechSmart Initiative evaluation plan and deliverables. Omelchuck said the presentation and discussion will address what types of information will be available and the timing of the reports. Omelchuck said the previous IGA did not involve actual student level data analysis.

In response to a question from Thomas, Omelchuck clarified that the acronym PRE stands for Pacific Research and Evaluation, the MHCRC's evaluation consultants.

Dicile said PSU is the best source for this work because they have access to the Department of Education data.

MOTION: Dicile moved that the Commission delegate authority to the MHCRC Director to execute, an Intergovernmental Agreement (IGA) with Portland State University (PSU) for student-level data analysis that is generally similar to the template included in the meeting packet. Bennett seconded.

DISCUSSION: none.

VOTE: 5-1 (Thomas voted nay)

Dicile asked Thomas to clarify his concerns.

Thomas said the motion did not include the phrase "substantially similar".

Dicile proposed a friendly amendment to the motion. Dicile said that if the Commission is fully supportive and of one mind then the record should reflect that.

REVISED MOTION: Dicile moved that the Commission delegate authority to the MHCRC Director to execute, after consultation with MHCRC legal counsel, an Intergovernmental Agreement (IGA) with Portland State University (PSU), substantially similar to the IGA attached to the staff report. Bennett seconded.

VOTE: 6-0 passed

*R3. Preliminary Funding Decisions on the 2016 Community Technology Grant Pre-Applications

Studenmund, referring to a compilation summary of ‘suites’ that was handed out, said it appeared that all Commissioners supported funding for the Slavic Community Center of NW and Wisdom of the Elders. Studenmund opened the floor to a motion or discussion.

MOTION: Thomas moved to approve the Pre-Applications submitted by the Slavic Community Center of NW and Wisdom of the Elders, Inc. Goheen seconded.

DISCUSSION: none.

VOTE: 6-0 passed

Studenmund said she has concerns that NW Documentary’s pre-application does not meet the grant criteria to utilize the cable system and serve a clear public benefit. Studenmund asked Gibbons to comment on staff’s review of the pre-application. Gibbons said NW Documentary received two past grants from the Commission. Gibbons said the purpose of the active NW Documentary grant is to producing programming and distributing the programming to PCM. Gibbons said staff is aware that programming is being produced, however staff has had several conversations with NW Documentary staff about concerns that the programming is not getting to PCM for distribution on the access channels. Gibbons said the pre-application also coincides with NW Documentary’s physical move to a new and larger office space and appears to seek general funding to assist with this move and expansion. Gibbons said the pre-application lacks a clear public benefit and commitment to sharing programming with PCM. Gibbons said if selected to move forward, staff recommends that these elements be addressed in the final application in order for it to move forward with a contract.

Studenmund clarified that if staff is not able to work through these issues, then the application would not result in a contract. Gibbons confirmed and said that staff engages with each pre-applicant selected to move forward to develop a detailed final application. Gibbons said that if staff is not confident that the issues have been addressed, then staff would recommend that the Commission not sign a contract.

Harden said he supports the application moving forward, however said the evaluation plan as described is lacking detail to track a public benefit. Harden said tracking an increase in users of NW Documentary equipment is not a good indicator of any user learnings or new programming. Harden said they need to be tracking how many more users they might be able to serve as a result of the project expansion.

Bennett agreed with Harden. Bennett said the public benefit, outcomes and evaluation plan need development and clarification.

Dicile said that organizations that come back to request additional funding for an enhancement to an existing program are at a disadvantage because the projects do not have that stirring sense of purpose that new grantees bring to the table. Dicile said she believes NW Documentary could be more effective as a result of the project.

Harden suggested that in future grant rounds staff provide more detail than just ‘this grantee has received funding in the past’ to included details as to the results and success of past projects.

Studenmund said she appreciates the pre-application process and reminded Commissioners that the applications are not being approved for funding at this meeting. Studenmund said the Commission is selecting applications to move forward in the process and the Commission will have another opportunity to review and approve as staff brings forward contracts.

Bennett recommended that staff reflect and refer to the comments included in Commissioner reviews when working with applicants on their final applications.

Thomas said he supports the application as it continues a successful program.

MOTION: Dicile moved to approve the Pre-Application submitted by NW Documentary. Thomas seconded.

DISCUSSION: none

VOTE: 6-0 passed

Thomas said he was excited about the pre-application submitted by the North Northeast Business Association. Thomas said the project is uplifting and has the potential to make real change.

Dicile concurred. Dicile said the applicant seemed to clearly understand that the participants in the program would need mentoring and training supports to effectively utilize the technology.

Harden questioned whether or not the property and liability insurance item listed under the equipment section of the pre-application budget could be grant funded. Gibbons said property and liability insurance would not be grant funded, however locking cabinets and extended warranties on equipment are considered grant fundable. Gibbons said that because the dollar amount is not material to the overall grant request, that staff could address this issue in the development of a final application.

MOTION: Thomas moved to approve the Pre-Application submitted by the North Northeast Business Association. Harden seconded.

DISCUSSION: none.

VOTE: 6-0 passed

Studenmund asked Commissioners to discuss the Outside the Frame pre-application.

Gibbons said Outside the Frame is a new organization that has a full professional board however, only one staff member and is a home-based business. Gibbons said the staff member led the MHCRC grant funded project with homeless youth with Outside In. Gibbons said the Outside In

project is complete and produced good results. Gibbons said that if selected to moved forward in the funding process, staff would work with the applicant to clarify the capacity of the organization to carry out the project, the partnership with Outside In, and the short and long term security (including insurance coverage) of the equipment. Gibbons said there is a slightly higher level of risk in pursuing this grant because the organization is so new.

Dicile said the applicant states that it used equipment owned by MetroEast but is suggesting that by purchasing equipment through the grant the applicant will be able to sustain the program and keep up with evolving technology. Dicile said she agrees that MetroEast has the budget to keep up with new technology, however she does not believe the applicant, as a new start up, could keep up. Dicile said the evaluation plan didn't appear to address a clear public benefit and outcomes. As a result, Dicile said she was not clear who the beneficiaries of the project are.

Harden questioned whether homeless youth are the audience for the videos produced or if social services or government officials, those who have the resources to address homelessness, are the audience for the videos.

Bennett concurred and asked if the project is designed to reduce youth homelessness. Bennett said the youth need homes and food – essential services – how will the youth get and stay involved in this type of project when essential services are needed.

Studenmund reminded Commissioners that selecting a pre-application tonight only moves it forward to develop a final application and does not guarantee a grant award. Studenmund opened the floor to a motion.

Dicile suggested moving forward to discuss the other pre-applications. Dicile said the Commission could revisit this application later on in the discussion. Dicile said some of the other pre-applications may be more effective use of the grant funds.

Goheen, referring to the grant criteria, asked if the project clearly supports a public benefit area, if the community is served, if project is understood, is it practical and will it work.

Bennett said he evaluated the application based on the criteria and it fell to the bottom of his list of projects that he's like to see the Commission fund. Bennett said he believes it is the Commission's fiduciary responsibility to determine, even though an applicant has addressed the criteria, whether or not the project has a good chance of success. If the project isn't sustainable or poses a risk for basic implementation, then the application should not move forward.

Harden concurred and said he addressed similar questions in his evaluation of the public benefit criteria.

Thomas said he thought the project did potentially warrant moving forward, but agreed there were concerns.

Studenmund suggested the Commission move on to discuss the other pre-applications.

Thomas said he believes the Open School Pre-Application should be considered under the TechSmart Initiative.

Studenmund said staff brought the Open School Pre-Application to the attention of the Grant Committee.

Gibbons said the Committee and staff discussed the overlap of the project focus and the fact that the TechSmart Initiative currently did not have a process in place to consider non-school district grant requests. Gibbons said the Committee agreed that the Pre-Application still qualified under the Community Technology Grant program. Gibbons said the Committee would continue to discuss how to handle future grant requests from non-profits that might align with the TechSmart Initiative.

In response to a question from Thomas about TechSmart evaluation criteria, Gibbons said that it would be possible to consider some of the evaluation measures developed for the TechSmart Initiative in a final grant application evaluation plan for this project.

Thomas said 2/3 of the Commission's overall grant budget is set aside for the TechSmart Initiative. Thomas said the Open School request is significant and would further direct grant funds towards outcomes that align with TechSmart.

Dicile said she supports moving the Pre-Application forward, however agreed that the total dollar amount and alignment with the TechSmart evaluation were concerns.

Harden said TechSmart grants undergo rigorous development and review and the Commission has access to meet with school district officials. Harden suggested a similar rigour be applied to an Open School final application.

Omelchuck said staff has the capacity to work with the school districts specifically on project plan development and evaluation measures. Omelchuck said staff does not yet have the capacity to devote to developing a process to consider a grant from an organization outside of the school districts. Omelchuck said the reason staff brought the question of the Open School Pre-Application to the Grant Committee is because staff doesn't have a way to handle applications from non-profits that align with the TechSmart goals. Omelchuck said that in the Commission's financial model, the funds set aside for TechSmart are currently allocated to the districts. Omelchuck said that if the Open School pre-application doesn't move forward in the competitive program, there isn't funding set aside right now in the TechSmart Initiative to consider the application.

Harden asked about having Open School representatives present and justify the project plan and grant request directly to the Commission, similar to the TechSmart project plan development process.

Omelchuck said what Harden is suggesting isn't currently part of the Commission's grant making process for the Community Technology Grants. Omelchuck said the Commission may decide to require presentations from applicants for Pre-Applications over a certain amount of

money. Omelchuck said the current funding process does not include a presentation requirement, and Omelchuck cautioned the Commission against attempting to change the process mid-stream.

Bennett asked if it would be possible, once a final application is completed, to ask applicants to come and present on their project plan when the Commission is due to consider a contract.

Gibbons said the Commission has awarded similar dollar sized grants for interactive technology in the past. Gibbons said the Friends of the Children grant approved last year focused on devices and apps for youth enrolled in the program to assist with academic progress.

Bennett said the Open School grant received his highest review score. Bennett said that due to staff capacity and current initiative structure, there isn't another avenue, other than the competitive process, for this entity to be grant funded.

Dicile said Open School is a unique school in that it has the backing and support and partnership of the east county school districts to support and educate the districts' most disadvantaged youth. Dicile said the applicant clearly defines a purpose and benefit, making the Pre-Application compelling.

Goheen said he believes the project has great possibilities. Goheen said he is impressed with the support and partnership of the school districts. Goheen said the Pre-Application meets the criteria.

MOTION: Goheen moved approve the Pre-Application submitted by Open School. Dicile seconded.

DISCUSSION: none.

VOTE: 4-2 passed (Thomas and Harden voted nay)

Dicile said she was thrilled by the Curious Comedy Theater application. Dicile said it reminded her of the funding support the Commission provided to the Hollywood Theater. Dicile said it's a non-traditional media space, but it serves a community that is not easily served and uniquely supports the arts. Dicile said she thinks the project will result in excellent access programming.

MOTION: Dicile moved to approve the Pre-Application submitted by Curious Comedy Theater. Harden seconded.

DISCUSSION: Harden said this application tied for his highest review score.

Bennett said he supports the project moving forward, however would like the final application to detail its approach to supporting women and to better define the community benefit.

Thomas agreed and said the project could be more clearly defined.

Dicile said she appreciates this application calling out the disparities in the entertainment industry (94% white, 77% male).

VOTE: 6-0 passed

In response to an observation from Dicile that the Holla Foundation budget section lacked detail, specifically the personnel necessary to train and teach the youth participants, Gibbons said the overall project purpose was well documented in the project narrative, however the budget section lack detail. Gibbons said that if selected to move forward, staff would do a deep dive into the budget with applicant of flush out staffing and roles and responsibilities.

Dicile wondered if the organization has the capacity to complete the project and whether MetroEast or PCM would be better suited to partner on the project.

Harden said he also scored this application low because of the limited budget detail.

MOTION: Thomas moved to approve the Pre-Application submitted by Inner City Sports Ministry dba Holla Foundation. Bennett seconded.

DISCUSSION: none.

VOTE 6-0 passed

Commissioners agreed that the Resolutions Northwest and PFLAG Portland Black Chapter applications were not ripe for funding at this time.

Studenmund said that based on the decisions made, the Commission approved Pre-Applications totalling \$791,281. Studenmund said if the Commission decides to approve the Outside the Frame application, the total grant award for this year would be about \$885,000.

Commissioners discussed the estimated \$800,000 budgeted for Community Technology Grants, the availability of funds overall and the possibility that some pre-application estimates will increase (approx. 10%) by the time the final applications are presented for approval.

MOTION: Thomas moved to approve the Pre-Application submitted by Outside the Frame. Harden seconded.

DISCUSSION: none.

VOTE: 2-4 failed (Studenmund, Bennett, Dicile and Harden voted nay)

Bennett asked staff to consider opportunities to present to the Commission on the status of these grant applications as they progress.

*R4. Potential Frontier Franchise Noncompliance – Section 4.1.1.1 Density Requirement – Set Formal Hearing Date

Gibbons said staff recommends that the Commission schedule a formal hearing in accordance with MHCRC Rules of Procedure for the March MHCRC meeting in order to make a determination on potential franchise violation with respect to Section 4.1.1.1 of the Frontier Franchise with the City of Gresham. Gibbons said staff issued a notice of noncompliance in late December related to the service availability to a new residential development in Gresham. Gibbons said Frontier responded within the 30-day noncompliance period with a letter that neither cures nor presents a curative plan. Because staff and the company have reached an impasse in positions on the noncompliance, the next step in the process is a formal hearing.

In response to a question from Bennett about Frontier's position, Dicile said that Frontier signed a franchise agreement that includes build out requirements for the provision of services.

Walters clarified that staff is requesting the Commission set aside a time to formal have a substantive discussion of the merits of each party's position.

In response to a question from Bennett about the authority of the Commission, Walters confirmed that the Commission is a quasi-judicial body that is tasked by the jurisdictions to make franchise violation determinations.

Omelchuck said that if the Commission does set a formal hearing date then staff will re-send the rules of procedure for a formal hearing to all Commissioners. Omelchuck said Commissioners would receive position statements from staff and Frontier before the hearing. Omelchuck said oral presentations would be given at the hearing.

Thomas also reminded Commissioners that in some instances, even though a formal hearing had been set, staff was able to reach a settlement agreement prior to the hearing taking place.

Dicile asked staff to circulate a reminder about the rules of ex parte communications for formal hearings.

MOTION: Dicile moved to schedule a formal hearing in accordance with the MHCRC rules of Procedure for the March MHCRC meeting to make a determination on potential franchise violation with respect to Frontier's franchise. Harden seconded.

DISCUSSION: none.

VOTE: 6-0 passed

R5. Centennial TechSmart Proposed Project Scope (Information Only)

Omelchuck said the MHCRC adopted the AHR academic indicators as the focus criteria of the TechSmart Initiative. Omelchuck said that in the development of a project plan with Centennial School District, district staff identified that students in k-2 were meeting the reading standards, however students in grades 3-5 were having less success. Omelchuck said district staff inquired as to whether the Commission would consider a project plan that incorporated grades 1 through 5 at all seven elementary schools. Omelchuck said staff is seeking direction from the Commission on whether it would consider a TechSmart project plan from the district that addressed the 3rd grade reading outcome but also would develop a measure for 4th and 5th grade.

In response to a question from Harden, Omelchuck said the district knows that student migration is not a factor in the low reading benchmark in grades 3-5. Omelchuck said district staff believe a culture change among administrators and staff is needed.

In response to a question from Bennett, Omelchuck said the benchmark for 3rd grade reading and English Language Learners progress are clear, however the district would need to develop, in consultation with the MHCRC's evaluation consultants, benchmarks for 4th and 5th grade.

Thomas said the first five years are important for student education.

Harden raised concern about changing the granting approach to meet one districts' needs.

Studenmund agreed with Harden's concern.

Dicile said she trusts the districts to know their students and their needs.

Omelchuck said the district documented that K-2nd grade students are meeting the reading benchmark, however by 4th grade students are 18 points below the state average and 16 points below the average at 5th grade. Omelchuck said the district believes a culture shift is needed in order to deliver better literacy education in those grades.

Studenmund took a general consensus of the Commission and hearing no objection, directed staff to move forward with developing a project plan with Centennial School District that included grades 1 through 5.

- Staff Activity Reports and Updates
 - CenturyLink Noncompliance Notice: Customer Service Standards: Gibbons said staff is working to clarify CenturyLink's curative plan in response to a customer service standards noncompliance notice issued in early December.
 - FY16-17 Budget process/information: Omelchuck said the Finance Committee will meet mid-April to review the proposed budget.
 - TechSmart Initiative: Omelchuck said staff is working on a project plan with Gresham Barlow School District. Omelchuck said the Grant Committee is expected to review the plan near the end of February. Omelchuck said staff anticipates a full Commission work session at the March meeting.
 - City Club Digital Equity Forum: Henry said the City Club event was very well received. Henry said the panel included representatives from the tech industry, who spoke about their organization's diversity pledge. Henry said Vailey Oehlke, Multnomah County Library Director, presented on the City of Portland's and the County's involvement in the development of a digital equity action plan. Henry said this particular City Club event had one of the highest attendance rates of any Friday forum in City Club history.
 - Digital Equity Action Plan (DEAP): Henry said a third and final community workshop took place and was well attended. Henry said the next step is to take the plan to the Portland City Council and County Commission in mid-March.
 - 2015 Year-end Complaint Report: Gibbons said the year-end complaint report was included in the meeting packet.
 - Other:
- Committee Reports
 - Finance Committee: none.
 - Grant Committee: none.
 - PCM Board Appointee: Studenmund thanked Manley for her service.
 - MetroEast Board Appointee: none.
- New Business; Commissioner Open Comment
 - Studenmund reviewed the meeting schedule.
- Franchisee Activity Report
 - Frontier: none.

- Comcast: Marc Farrar, Comcast, reported that UPS locations are a designated equipment drop off option for customers to return equipment. Farrar said Comcast works hard to establish partnerships that improve the customer experience. Farrar said that as a result of the customer service trials undertaken in Portland, the company has seen significant customer service improvements.
- CenturyLink: Karen Stewart, CenturyLink, said CenturyLink is hosting a grand opening of its new retail store on February 9. Stewart said the store is located near NE 42nd and Halsey. Stewart said she attended the City Club event and was moved by Intel's approach to reach out to autism spectrum adults for employment. Stewart said record rain fall in December impacted the company's repair work. Stewart said PCM and PCC channels have launched.
- PEG Provider Activity Report
 - MetroEast Community Media: Brading said MetroEast staff worked with the NW Family Services to develop a short video on sex trafficking. The web posting of the video has been viewed over 18000 times and had 400 shares. Brading said MetroEast continues to partner with POW Fest and sees the partnership as a great opportunity to continue to bring young women into the tech industry. Brading said MetroEast is hosting a breakfast event for Gresham GREAT, an environmental program initiated by the City of Gresham. Brading said MetroEast will be an award recipient at the event.
 - Portland Community Media: Manley said her remaining time at PCM is focused on setting up a strong governance committee, developing Board member job descriptions and updating bylaws. Manley said PCM continues to develop and maintain strong community partnerships. Manley said PCM staff are excited about the possibilities the CenturyLink Mosaic channel provides to group and brand the access channels. Manley said PCM staff are welcoming Justen Harn, the new Executive Director.
- Public Comment: none.
- Adjourn: 9:04 pm

Respectfully submitted,

Rebecca Gibbons
Program Coordinator