



MT. HOOD CABLE REGULATORY COMMISSION  
Portland Community Media, Studio A  
January 23, 2017 Meeting Minutes – **DRAFT**

## **SUMMARY MINUTES**

THESE MINUTES ARE UNOFFICIAL UNTIL APPROVED BY THE COMMISSION AT A SUBSEQUENT MEETING. PLEASE REFER TO SUBSEQUENT MINUTES FOR APPROVAL OR CHANGES.

Call to Order: 6:34pm

- Roll Call

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

Commissioners absent: None.

Staff: Ann Goldenberg, Director; Julie Omelchuck, Program Manager; Ben Walters, Legal Counsel; Rebecca Gibbons, Program Coordinator; Scott Ellertson, Program Coordinator, Lexi Meek, Compliance Specialist, Tyler Dice, Assistant Program Specialist

- Welcome

- Agenda Review: Studenmund reminded Commissioners that she will convene an executive session prior to adjourning the regular meeting, and that the MHCRC meeting packet contained a notice regarding the executive session.

- Disclosures: None.

- Public Comment: Marty Jones, MetroEast Community Media, introduced the new finance director, Mike Shur, who stated he is looking to streamline and modernize MetroEast's financial processes.

- CONSENT AGENDA

C1. December 19, 2016 Meeting Minutes

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

**VOTE:** 7-0 passed

- REGULAR AGENDA

\*R1. Preliminary Funding Decisions - 2017 Community Technology Grant Pre-Applications

Gibbons reviewed the Pre-Application process and stated that the MHCRC allocated about \$800,000 for Community Technology grants. Studenmund said, referring to a hand out of a compilation summary of 'suites', that it appeared all seven Commissioners supported funding for five of the Pre-Applications.

**MOTION:** Dicile moved to approve the Pre-Applications submitted by the Boys & Girls Clubs of Portland Metro Area, the City of Portland, the Flying Focus Video Collective, Mt. Hood Community College, and Outside the Frame. Harden seconded.

**VOTE:** 7-0 passed

**MOTION:** Thomas moved for an amendment to approve all of the grant Pre-Applications. Dicile said she would prefer to discuss some of the Pre-Applications before voting to move them forward. The motion died for lack of a second.

Commissioners discussed the Latino Network Pre-Application. Commissioners agreed the Pre-Application lacked detail related to project evaluation methods and use of the proposed technology. Commissioners also agreed that more detailed justification for the van expenditure and a detailed description of Latino Network's past relationship with MetroEast would strengthen the application.

Thomas said the grant request contained many valuable components, however said additional project plan details are needed should the application move forward in the granting process. In response to a comment from Harden regarding the van expenditure, Commissioners agreed that while a van qualifies as a capital expense, the applicant needs to clearly link the expenditure to the public benefit focus and justify the need.

Gibbons clarified that during the discussion of Pre-Applications, staff is taking detailed notes of the questions and concerns raised by Commissioners about elements of the proposed projects. Gibbons said that should the Commission move the Pre-Application forward in the process, staff would work with the Latino Network to complete a final application that more clearly defines the project purpose, public benefit impact (including outcomes more specific to the impact of technology on the youth involved), evaluation methods, MetroEast relationship and that justifies the van expenditure.

**MOTION:** Dicile moved to approve the Pre-Application submitted by Latino Network. Harden seconded.

**VOTE:** 7-0 passed

Commissioners discussed several aspects of the City of Fairview's Pre-Application. Commissioners agreed that the Pre-Application lacked detail about how the proposed technology would improve community involvement of home viewers and the involvement of MetroEast in the technical design of the project. Commissioners engaged in discussion about whether the City or MetroEast should be the applicant. Gibbons said that should the application move forward in the process, staff could engage the City and MetroEast in a discussion about which organization would be the 'best-fit' applicant. Commissioners agreed that the technical design and budget detail should at least be fully vetted with MetroEast to ensure project success.

**MOTION:** Hansen moved to approve the Pre-Application submitted by the City of Fairview. Thomas seconded.

**VOTE:** 7-0 passed

Commissioners discussed several aspects of the Multnomah County Library's Pre-Application. In response to a comment from Dicile about the eligibility of the application, Gibbons said that staff clarified with the County that under County policies, the database that would result from the project would be considered a tangible capital asset, therefore the project qualifies as a capital expense under the grant program.

In response to questions from Hansen about the public benefit impact and purpose, Gibbons said the Digital Equity Action Plan approved by the City of Portland and Multnomah County calls for the development of a database that would identify and track digital equity resources in the County. Gibbons said that community based organizations would access and use the database resources to better serve their underserved populations.

Hansen said that if the application moves forward, he would like to see the final application address the decision making that went into determining the project would be internally resourced and the cost versus selecting an outside vendor.

Commissioners also agreed that more detail is needed about how the database would be used by community based organizations

**MOTION:** Dicile moved to approve the Pre-Application submitted by Multnomah County. Bennett seconded.

**VOTE:** 6-1 passed (Thomas voted nay)

**MOTION:** Dicile moved to approve the Pre-Applications submitted by X-ray FM and Northwest Film Center. Thomas seconded.

**DISCUSSION:** Harden said he does not support moving NW Film Center's Pre-Application forward. Harden said that the project appears to only benefit Portland Public Schools (PPS) students and that PPS is benefiting from a \$5 million TechSmart grant. Gibbons stated that NW Film Center, not PPS, is the applicant. Gibbons said the TechSmart initiative is only open to school districts. Gibbons said staff does not currently have a program in place that would allow non-profits that provide academic support services to students to apply for TechSmart funding. Gibbons said that while NW Film Center generally serves youth throughout Multnomah County, the proposed project does focus on a specific program that aims to serve 500 7<sup>th</sup> grade PPS students. Dicile said the focus of the NW Film Center's Pre-Application is not the same as the focus of the PPS TechSmart grant.

As a result of the discussion, Dicile withdrew the motion, and Thomas withdrew the second.

**MOTION:** Dicile moved to approve the Pre-Application submitted by X-ray FM. Thomas seconded.

**VOTE:** 7-0 passed

**MOTION:** Dicile moved to approve the Pre-Application submitted by NW Film Center. Hansen seconded.

**VOTE:** 6-1 passed (Harden voted nay)

**R2\*** Contingency Request: 2017 TeleCommUnity Membership

Goldenberg said staff recommends that the Commission approve up to \$2,500 from budgeted contingency for membership in TeleCommUnity. This membership is jointly funded by the MHCRC and OCT. The membership was not included in the current year budget due to budget reductions. This membership is a high value resource for federal legislative and policy developments. If approved, OCT will fund \$2,500 to cover the full membership cost.

**MOTION:** Dicile moved to approve up to \$2,500 from FY 2016-17 Contingency for a membership in TeleCommUnity. Harden Seconded.

**DISCUSSION:** In response to a question from Bennett, Goldenberg stated that the membership also covers developments at the FCC.

**VOTE:** 7-0

**R3\*** Contract Amendment: Paula Manley Consulting

Omelchuck stated the Paula Manley current consulting contract is for assistance with stakeholder needs assessment to prepare for franchise renewals, in the amount of \$20,000, and with a termination date of June 30,2017. year. Staff is asking to extend the current contract for another fiscal year, as staff has not had the capacity to begin work under the contract. In addition, Omelchuck said staff undertook a process for a different facilitator for the annual MHCRC planning retreat, given that Manley has provided facilitation services for the past several years. Omelchuck stated that process was not successful. Studenmund reviewed four proposals, and believed Manley was the most qualified to facilitate retreat. Therefore, staff is recommending contract be amended to include retreat facilitation services.

**MOTION:** Dicile moved to amend its contract with Paula Manley Consulting as presented in the attached contract amendment to extend the contract term by one year and include deliverables and resources for the Commission's planning retreat. Goheen seconded.

**VOTE:** 7-0

- Staff Activity Reports and Updates

FCC proceedings: Walters discussed possible implications of the new FCC Chair Pai, a President Trump appointee. This still leaves two vacancies on the FCC, which may not be filled anytime soon. Pai's past statements have shown hostility towards network neutrality.

2017 Oregon legislative session: Walters said bills are starting to be dropped at the new legislative session and staff will be closely monitoring activity.

FY15-16 MHCRC Fund Audit. Goldenberg stated that staff received communication from the audit firm confirming that the financials the MHCRC supplied for audit was complete and correct.

CenturyLink Cure plan: Gibbons stated CenturyLink had until the end of 4<sup>th</sup> quarter to cure a customer service standards violation. Gibbons said CenturyLink's quarterly Customer Service Standards report is due at the end of January. Gibbons said staff is hopeful the standards will be reached and the issue will be resolved.

Comcast potential noncompliance issue: Omelchuck stated that Comcast has a potential noncompliance issue regarding an HD PEG channel assignment. She stated staff had a good meeting last week with the access providers and Comcast and she hoped to resolve the issue to everyone's satisfaction.

2016 year-end complaint report: Gibbons reviewed the year end complaint report contained in the meeting packet. Gibbons noted a decrease in Comcast complaints. However, billing and rates continue to be a top complaint from subscribers. Thomas congratulated Comcast.

FY17-18 Budget: Omelchuck said staff is headed into budget season. The City of Portland is asking for a 5% reduction which equals approximately \$20,000. Omelchuck stated that staff will schedule a Finance Committee meeting to discuss and develop the budget. Thomas stated he will not be able to attend Finance Committee meeting in person so Goheen agreed to chair meeting.

TechSmart Initiative: Omelchuck stated she is working with Centennial School District to develop its first TechSmart Initiative grant project, with hopes to start the vetting process in April.

I-Net Stakeholders needs assessment: Omelchuck stated CTC had conducted interviews with five stakeholders but some were delayed due to weather. CTC and she are also in the process of conducting a survey of both I-Net users and public agencies not using the I-Net.

MHCRC Annual Planning Retreat: Omelchuck confirmed April 8, 2017, as the planning retreat date. Staff understands Dicile will be present for only half the day. Omelchuck stated that no other Saturday's would work for staff and Commissioners. Omelchuck said the March agenda will include retreat goals for adoption.

Open Signal (PCM)/MetroEast grant agreements renewals: Omelchuck stated PCM/MetroEast grant agreements are up for renewal and that both are due to expire at the end of this fiscal year. The grant renewal process has started with Open Signal (PCM) and MetroEast. Staff is expecting a response from both Centers at the end of January to a request for information developed by staff and Commissioners Studenmund and Thomas.

- Committee Reports
  - Finance Committee: none.

- Grant Committee: none.
  - Community Ascertainment Committee: none.
  - PCM Board Appointee: Studenmund deferred to Harn's report
  - MetroEast Board Appointee: Thomas said the last MetroEast Board meeting was canceled.
- New Business; Thomas suggested that the Commission send John Branam a thank you card for his service. Staff has a plaque in the works and will invite him to the March meeting.
- Franchisee Activity Report
    - Comcast: Marc Farrar said that April 22 is annual Comcast Cares day. This day is for Comcast to give back to the community. January 28, 2017 is the third annual Grimm G benefiting Doernbecher's Hospital. Farrar offered the Commission an opportunity to visit the Comcast facilities and discuss a perspective different than that offered by staff.
    - CenturyLink: Jennifer Bowen and Torrey Summers discussed a grant program to teachers bringing technology to the classroom. Bowen said CenturyLink is opening a third retail store in SW Portland Summer's mentioned Karen Stewart's retirement.
    - Frontier: none
    - Reliance Connects: none.
- PEG Provider Activity Report
    - MetroEast Community Media: Marty provided updates about staff changes. He said the remodel of MetroEast's Rockwood pop-up space is complete and adult literacy program start this week MetroEast received a grant for a summer program called 'DIY' (Digital Inclusion Youth). In response to Bennett's question, Marty said the space will be about 4000 sq. ft. and the first class is geared towards 10 people.
    - Open Signal (PCM): Harn said Open Signal (PCM) discussed the branding of PCM as Open Signal: a new website; a series of events planned onsite; a staff presentation at Portland City Council; and a May 20 fund raiser. Open Signal plans to double its number of workshops and increase its hours of operation. Open Signal (PCM) is opening February 14 following a space remodel focused on the lobby and public spaces. In response to Thomas's question, Harn stated a full remodel is not scheduled at this time, but are planning for Phase 2 and 3. Dicile asked to understand more about the outreach to the stakeholders, particularly government stakeholders, about the rebranding and the feedback that caused Open Signal (PCM) to go the route they did. Harn acknowledged that PCM had not included the Commission in the initial process, which was a misstep. Dicile stated she is interested in any additional outreach to the government stakeholders.
- Public Comment: Studenmund Introduced Nathan Clark from Commissioner Stegmanns's office with Multnomah County.
- Executive session:

Studenmund convened Executive Session at 8:18pm, pursuant to ORS 192.660(2)(h), which allows the Commission to meet in executive session to consult with the Commission's legal counsel regarding the Commission's legal rights and duties in regard to currently pending litigation.

Representatives of the news media and designated staff were allowed to attend the executive session. All other members of the audience were asked to leave the room. Representatives of the news media were specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No members of the news media were in attendance. No decisions were made in executive session.

Studenmund adjourned the Executive Session at 9:00pm and welcomed the audience back into the meeting room.

- 9:01pm Studenmund reconvened the Regular meeting.

Goldenberg recommended moving \$38,000 from the Personnel line item in the MHCRC budget to Internal Materials and Services. The amount currently budgeted in Personnel is not needed due to several staff position vacancies in the Fall. The \$38,000 serves as a set aside for legal fees should the Commission decide on joint representation by the City of Portland attorney's office.

**MOTION:** Thomas moved to transfer \$38,000 from the Personnel line item in the FY16-17 budget to Internal Materials and Services line item. Bennett seconded.

**VOTE:** 7-0

- Adjourn: 9:04pm

Respectfully submitted,

Tyler N. Dice  
Assistant Program Specialist