

MT. HOOD CABLE REGULATORY COMMISSION
Open Signal Community Media
June 18, 2018 Meeting Minutes - **APPROVED**

Summary Minutes

MINUTES AS APPROVED AT THE SEPTEMBER 17, 2018 MHCRC MEETING.

Call to order: 6:31

- Roll Call
Commissioners present: Leif Hansen (Chair), Carol Studenmund, Scott Harden, Rich Goheen, Mike Bennett, Sue Dicile, Norm Thomas

Commissioners Absent: none

Staff in Attendance: Julie Omelchuck, Program Manager; Rebecca Gibbons, Program Coordinator; Tyler Dice, Assistant Program Specialist

- Agenda Review: Omelchuck went over the description of the Commissions needed legal services. She stated that the current contracts are being vetted and approved by a law firm out of Eugene and once the current contracts have been signed off, the Commissions business with them will be concluded.
- Disclosures: None
- Public Comment (non- agenda items): None
- MHCRC committee appointments: Chair Hansen stated that appointments primarily remained the same for this year as last year.
- ***CONSENT AGENDA – NO DISCUSSION**

C1. May 21, 2018 Meeting Minutes

Motion: Harden moved to approve the consent agenda. Goheen seconded.

Vote: 6-0 passed

- **REGULAR AGENDA**

*R1. David Douglas School District TechSmart Grant Agreement

Omelchuck referred to the David Douglas grant agreement and project plan contained in the meeting packet. She stated that the Grant Committee vetted the grant project plan and the MHCRC conducted its work session on the grant project prior to the last MHCRC meeting. She acknowledged that there were no questions from the last grant work session. Omelchuck stated that Derek Eden, from David Douglas School District was in attendance this evening to answer any last-minute questions.

Eden thanked the commission for the second round of funding and stated that the district and staff are looking forward to continuing the work they started at Earl Boyles.

Motion: Thomas moved that the commission approve the grant agreement with David Douglas School District in the amount of \$1,133,535. Harden seconded.

Vote: 6-0 passed

***R2. Community Technology Grant: APANO**

Gibbons stated that this grant application was the last community tech grant under the 2018 process. The grantee is planning to build a new facility near PCC campus with a ground floor community center. She stated that, with this new facility the grantee intends to provide translators services, ELL services, financial training, in addition to providing internet access drop ins and helping individuals find living wage jobs. Gibbons did mention that the grantee increased their funding request to \$50,000. In response to a question from Hansen, Gibbons stated that the reason for the increase in funding is due to the need for the building space. Staff allowed for them to include this expense in their grant request, however, even if that amount was backed out their funding would still meet the match requirements. In response to a question from Bennett, Gibbons stated that the grant funds are going specifically to technology purchases. The building structure is a leased space.

Motion: Goheen moved to approve the 2018 Community Technology Grant agreement with APANO for \$50,000. Studenmund seconded.

Vote: 7-0 passed

***R3. MHCRC/Open Signal Capital Funding Grant Agreement**

Omelchuck reminded Commissioners that this grant agreement is for community media capital funding only and that the scope of work outlined in the grant agreement will provide funding over the next four years to support, digital literacy and community media training. In response to a question from Thomas, Omelchuck stated that the Commission has exclusive oversight over the capital funding grant agreement, and that the City and OCT share in the responsibility in overseeing Open Signals other grant agreement. In response to a question from Bennett, Omelchuck stated that Open Signal is required to submit reporting documents to the commission and the City. Harn expressed his gratitude for staff's efforts in pushing this grant agreement through. He stated this grant will allow Open Signal to expand their education programs and sync people up with family wage jobs.

Motion: Dicile moved to approve the Grant Agreement between the Mt. Hood Cable Regulatory Commission and Portland Community Media, an Oregon nonprofit benefit corporation doing business as Open Signal, to provide capital support. Studenmund seconded.

Vote: 7-0 passed

***R4. MHCRC/MetroEast Community Media Grant Agreement**

Omelchuck reminded Commissioners that MetroEast's grant agreement is slightly different than Open Signals. MetroEast receives Capital funding from the Commission, in addition to 60% from franchise fees. She continued to explain that the MHCRC is charged with overseeing that this money is being spent in accordance to the grant agreement and the franchise agreements. Omelchuck stated that the new grant agreement focuses on digital literacy and community media training. Marty Jones, Executive Director – MetroEast, began sharing highlights from this past year. Jones stated that MetroEast obtained a sponsorship with Pamplin media, which yielded 50,000 in the Gresham Outlook. The Rockwood DIY started their summer camps today, and their focus is on work force development and turning these skills into jobs for people. MetroEast had a new full-time employee start Monday as a digital equity employee and they anticipate a second full time employee will start soon as an executive assistant/operation assistant. The Rockwood location now offers their services in five languages. In response to a question from Bennett, Jones stated that the age for summer camps is 9-14 or 14-22. In response

to a question from Goheen, Jones stated that their presence in Rockwood has caused the air to grow exponentially. Not only has business for others increased, but because Rockwood DIY offers free childcare and often free meals, their programs are continually full. Because of this they have been able to make connections with key influencers in specific geographic and economic areas, expanding their reach. Since moving into their current location, the entire building has been renovated and is now filled or filling up with other services.

Motion: Thomas moved to approve the Grant Agreement between the Mt. Hood Cable Regulatory Commission and MetroEast Community Media to provide operating and capital support. Bennett seconded.

Vote: 7-0 passed

*R5. Contract Amendment: Paula Manley Consulting

Omelchuck stated that due to staff capacity, staff is requesting the current contract be extended by six months and that the scope of work revised. She stated that it is recommend that Paula Manley, of Manley Consulting lead and develop a 'road map' for the upcoming MHCRC ascertainment committee, which will be utilized during the Comcast franchise renewal. Manley's contract is due to end June 30 of this fiscal year, this amendment will extend her contract through December. In response to a question from Thomas, Omelchuck stated that the total cost of Manley's contract is unchanged. In response to a question from Studenmund, Omelchuck stated that by December Manley will have a road map completed with key goals, creative options for community engagement, needed resources and timelines/milestones of the MHCRC. Once Manley completes this, a RFP will be draft for someone to facilitate the community ascertainment. In response to a question from Dicile, Omelchuck confirmed that Manley will draft the RFP for staff.

Motion: Goheen moved to amend the contract with Paula Manley Consulting as presented in the attached contract amendment to extend the contract term by six months, along with a revised scope of work, for the Commission's Community Technology Needs Ascertainment roadmap. Thomas seconded.

Vote: 7-0 passed

*R6. Authorize Moss Adams for MHCRC FY2017-18 and FY2018-19 Audits

Hansen stated that there have been no issues with Moss Adams, and that there is no reason not to proceed. Thomas agreed with much of what Hansen stated, in addition, Thomas stated that Moss Adams is open to taking direction from the Commission. Thomas also liked that they came at a substantial discount.

Motion: Harden moved, in consultation with Finance Committee Chair Thomas, that the MHCRC authorize Moss Adams to perform the MHCRC FY2017-18 and FY2018-19 Fund Audits in accordance with the Moss Adams contract with the City of Portland. Bennett seconded.

Vote: 7-0 passed

*R7 Authorize RFP Process for MHCRC General Legal Counsel

Hansen requested authorization for staff to proceed with securing new legal representation. In response to a request from Bennett, Hansen stated that he & staff plan to form a committee. The job of this committee will be to develop the RFP, review resumes and bios of those who express interest and keep the Commission informed throughout the RFP process. Bennett expressed interest in joining this committee. Omelchuck stated that because of the amount of the RFP, a formal interview panel will be formed. This interview panel will be reviewing and scoring each applicant and moving forward through the process, those that best fit the RFP. The final contract to make it through the process will be presented before the full Commission for approval. Omelchuck further explained that those interested in being on the panel need to be available the next two months. Thomas expressed interest. Harden Volunteered. Omelchuck stated that staff will send an email asking for volunteers as they get better prepared.

Motion: Thomas moved to authorize the RFP process for securing legal counsel. Dicile seconded.

Vote: 7-0 passed

***R8 Election of MHCR Chair and Vice Chair**

Hansen stated that there was not much interest expressed for Chair or Vice Chair. Harden nominated Hansen as Chair for FY 18-19. Dicile seconded. Dicile stated that Hansen has been essential and his leadership has been recognized in city hall. He has the support of the Commission. Hansen accepted the nomination and position as Chair.

Motion: Harden nominated Hansen as Chair for FY 18-19. Dicile seconded.

Vote: 7-0 passed

Harden nominated himself for Vice Chair, however, he stated that Thomas is doing a fantastic job. Harden motion Thomas as Vice Chair. Bennett seconded. Thomas accepted the nomination and position as Vice Chair.

Motion: Harden nominated Thomas as Vice Chair. Bennett seconded.

Vote: 7-0 passed

***R9 Authorize Funding to Protect Local Authority over Use of Public Right-of-Way by Cable Companies for Non-Cable Services**

Omelchuck stated that the Commission has \$1,100 remaining in the coalition fund. The cable industry has filed comments with the FCC that would give cable companies authority under cable franchises to attach non-cable devices within the right-of-way. Normally, companies would need to secure a separate franchise to attach devices such as these. She further explained that other local governments are also filing ex parte comments in hopes to avoid this bill from passing. In response to a question from Dicile, Omelchuck stated that the Commission would be joining other Cities and agencies as a coalition, for example; TeleCommunity and NATOA. In response to a concern from Thomas, Omelchuck explained that if this ruling does pass, it will have a direct impact on cable franchising.

Motion: Dicile moved to authorize up to \$1,100 from FY17-18 budget to join other local governments to thwart the cable industry's efforts to have the FCC extend cable services franchise agreements to cover non-cable services. Harden seconded.

Vote: 7-0 passed

- Staff Activity Reports and Updates
 - FCC/Federal/State public policy updates

Omelchuck stated that the Congressional Review Act (CRA) passed the senate, and that it is now pending in the house, however, it does not have enough supporters yet. Currently 29 states have introduced legislation regarding Net Neutrality (NN) and six states approved ISPs to follow NN principals. NN is alive and well as a public policy, however, the repeal of NN did go into effect as of June 11, 2018. It made no impact on June 12, but it still poses a threat. Staff will try and keep the commission up to date over the summer break. Harden stated the Multnomah County pledge up \$150,000 for municipal broadband feasibility study and Wood Village contributed \$40,000 towards the study. Omelchuck stated that the FCC is proposing to eliminate the requirement that local cable offices maintain a list of channel line ups as well as online with more than 1000 subscribers. NATOA agrees to not having a physical copy, but that cable companies maintain an online copy.
 - Frontier HD PEG Channel Notification

Omelchuck stated that Frontier is ready to activate 8 media channels on HD. Frontier is considering how this will happen and is working with staff.
 - MHCR Staffing

Omelchuck stated that Ann Goldenberg has resigned her position and her last day with the City was June 8, 2018; there is not a plan in place to hire a replacement. Omelchuck reassured the Commission that staff is working hard to ensure the Commissions work is covered. In response to a question from Dicile, Omelchuck stated that there is not an opportunity to establish a temporary contract in the current FY. Omelchuck stated that she has spoken with Hansen about using the money saved from the vacant staff position for an alternative position this September. Hansen stated they plan to back fill it, but not under the current structure. In response to a question from Dicile, Omelchuck stated that she and Hansen have started to discuss scoping the vacancy through contracted services.

- FY18-19 Budget approvals

Omelchuck stated that we are almost finished with FY2018-19 budget process. This upcoming Wednesday the budget will be presented to Fairview and Thursday we have a time certain for the City of Portland. Harden stated Jones, from MetroEast was very well received by Wood Village. Bennett Stated that Gresham Mayor Bemis gave lots of Kudos to the Commission and the work they're doing on the grants and digital equity.

- TechSmart Initiative

Omelchuck stated that she is moving into the next round for Reynolds and Park Rose. She stated that she is starting to plan out the initiatives wind down, and deciding if the Commission wants to end the initiative or continue.

- Other

Omelchuck stated that the annual reports are completed and available for distributing. She mentioned that Tech Jam is in Portland this Wed-Friday. Tech Jam is a National and international gathering of industry folks surrounding smart cities. Omelchuck is speaking on a panel regarding digital equity and smart cities work. The National NATOA conference is the end of August, and Scott and Julie are planning to attend. Lexi is attending ACM conference in Baltimore. The 2019 ACM conference will be held in Portland. Omelchuck stated that AT&T and Time Warner have officially merged the day after Comcast made a bid for Fox and Universal properties. Omelchuck is working with Multnomah County Education School District (MESD) for INET capital dollars to pilot next gen INET technology. She ran out of capacity and was unable to finalize an IGA. However, the short term legal counsel has that in their bandwidth. MESD is working with Portland Public Schools (PPS) and the Library to test network connectivity to inform us around franchise renewals. Omelchuck asked for a special meeting by phone, if needed, to move this IGA forward. Hansen provided his support, as did Thomas.

- Committee Reports

- Finance Committee-None
- Grant Committee-None
- Ascertainment Committee-None
- Open Signal Board Appointee-None
- MetroEast Board Appointee-None

- New business; Commissioner Open Comment

Bennett expressed concern regarding Over the top (OTT) products and requested a special work session to discuss the impact it might have on the Commission. Hansen agreed that a discussion regarding “what are we going to do about it” is a good approach.

- Franchisee Activity Report

- Frontier

Jack Phillips, Director of Government External affairs, Frontier; announced that they have a New director of operations, Tom Novotney. He stated that Frontier is focusing on Investment and infrastructure. Frontier currently has 1gig service available to almost 100% of subscribers in the MHCRC footprint. Phillips stated he had a different understanding of the HD agreement. He stated Frontier can provide the

8 additional channels in SD, but their system is at capacity. However, he is working to try and get the channels on HD. He is Looking to drop other content to make room for MetroEast. He has escalated the situation to the Senior VP and it is now at the highest level of the company, but they are still struggling with the issue at this point. July, Frontier is offering free WIFI at the Gresham farmers market and they are a sponsor at the Gresham art fair and the Portland Timbers.

- Comcast

Tim Goodman, Government & Regulatory affairs Director, Comcast; Goodman stated that Comcast will have upgraded the entire MHCRC area by 2019. In response to a question from Omelchuck, Goodman stated that Comcast is pushing fiber deeper into the neighborhoods. Goodman stated that Comcast was at the Portland Pride Parade. They were a Sponsor for the Portland Free for all. Comcast hosted the leaders and achiever's scholarship at the Moda center; 15 \$1000 scholarships in the MHCRC's jurisdiction and 1 \$10,000 scholarship from Cleveland high school.

- CenturyLink

Samantha Ridderbusch, Director, Government & Regulatory Affairs Director, CenturyLink; Ridderbusch stated that they had customer appreciation week last week for the first-time. They partnered with a pizza company, and any customer that came into a store, got a free slice of pizza. CenturyLink held their 10th annual food drive, which raised \$165,000 in the Portland Market. They could match \$100,000. In response to a question from Bennett, Ridderbusch stated that the food collected is donated to the Oregon food Bank.

- Reliance Connects

- PEG Provider Activity Report

- MetroEast Community Media

Marty Jones, Executive Director, MetroEast; He stated that summer is off to a good start. To date he has visited 12-15 community media centers. Jones has been invited to speak at NATOA, and will also be speaking at ACM. He hopes to visit 20 additional community media centers by the end of summer.

- Open Signal

Justen Harn, Executive Director, Open Signal; Harn stated that Open Signal has partnered with Mozilla and other organizations and will be traveling around the world to video stories. This new adventure will yield Open Signal \$20,000 a video in revenue and they anticipate making five videos. He announced that they have advanced to the second round in the Meyer Memorial Trust grant round, One of the fifty that made it to the second round. Summer camps are in full force. Harn stated that they just announced their recipients of their fellowships program, and he is happy to say they are all are women of color. Ricardo, one of Open Signals producer had an article in the NY Times regarding gentrification in N. Portland. NY times featured Ricardo and gave a shout out to Open Signal and Open Signals neighborhood.

- Public Comment

- Adjourn 8:42

Respectfully submitted,

Tyler N. Dice

Assistant Program Specialist