

MT. HOOD CABLE REGULATORY COMMISSION
Open Signal Community Media
June 18, 2018 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: 6:31

- 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 stated that the Local Government Law Group was hired to provide short-term legal counsel services for review of MHCRC contracts. The Law Group's lead attorney has approved as to form all the MHCRC contracts needing review.
- Disclosures: None
- Public Comment (non- agenda items): None
- MHCRC committee appointments: Hansen stated that committee appointments primarily remained the same as last year. Current committee chair appointments are: Thomas, Finance Committee; Studenmund, TechSmart Grant Committee; Dicile, Community Ascertainment Committee; and Thomas, MetroEast Board Appointee. Hansen said Dicile, Studenmund and he will share the Open Signal Board Appointee position.
- ***CONSENT AGENDA – NO DISCUSSION**

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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 May MHCRC meeting. She said no significant issues were raised at the Commission's

work session. Omelchuck recognized Derek Edens, David Douglas School District, in attendance to answer any questions.

Edens thanked the Commission for the second round of TechSmart grant funding and stated the district looks forward to continuing the work started at Earl Boyles Elementary School.

Motion: Thomas moved to 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 agreement was the last Community Technology grant under the 2018 process. Gibbons referred to the APANO grant agreement contained in the meeting packet and noted that the grant amount increased slightly from the grantee's pre-application. In response to a question from Hansen, Gibbons stated that the increase in the grant match funding was due to the need to expand building space for the project. Staff accepted this expense as a match in the grant budget, however, even if that amount was backed out, APANO's funding would still meet the match requirements. In response to a question from Bennett, Gibbons stated that the grant funds are specifically for technology purchases; the building structure is a leased space and, therefore, a match expense.

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 said this four-year grant agreement with Open Signal is for community media capital funding only and that the grant scope of work provides capital funding for digital literacy and community media services. In response to a question from Thomas, Omelchuck stated that the Commission has authority over the capital funding from the cable franchise agreements. The Portland Office for Community Technology holds responsibility in overseeing Open Signal's grant agreement with the City for operations funding. In response to a question from Bennett, Omelchuck stated that Open Signal is required to submit similar reports to both the Commission and the City. Harn expressed his gratitude for staff's efforts in moving the grant agreement forward. He stated this grant will allow Open Signal to expand education and workforce development programs.

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 different than the Open Signal grant in that MetroEast receives both capital funding and operations funding from the Commission. The MHCRC is charged, under the Intergovernmental Agreement, with dispersing 60% of the franchise fees for the East County jurisdictions to MetroEast for operations funding. Omelchuck stated the new grant agreement focuses on digital literacy and community media training. Marty Jones, Executive Director – MetroEast, shared highlights from this past year. Jones stated that MetroEast obtained a sponsorship with Pamplin media, which yielded 50,000 printed inserts in the Gresham Outlook. The Rockwood DIY has summer camps focused on work force development and job skills. MetroEast has a new full-time digital equity employee and a second, an operation assistant, will start soon. The Rockwood location offers services in five languages. In response to a question from Bennett, Jones

stated that the ages for summer camps are 9-14 or 14-22. In response to a question from Goheen, Jones stated that MetroEast's presence in Rockwood has supported economic and services growth in the area.

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 community technology needs ascertainment, which will be utilized during the Comcast franchise renewal. Manley's contract is due to end June 30 of this fiscal year; the amendment will extend the 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 an ascertainment road map completed with key goals, creative options for community engagement, needed resources and timelines/milestones. Once Manley completes the road map, the MHCRC and staff will have a plan to hire consultants to conduct the ascertainment. In response to a question from Dicile, Omelchuck confirmed that Manley will draft scopes of work for RFPs.

Motion: Goheen moved to amend the contract with Paula Manley Consulting as presented to extend the contract term by six months and revise the 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 the MHCRC needs to formally authorize Moss Adams to conduct the MHCRC FY201-18 and FY2018-19 audits. The scope of work for these fiscal years is covered under the Moss Adams contract with the City of Portland. Several Commissioners expressed satisfaction with the work quality and communications of Moss Adams. Thomas also noted the cost efficiency of the cooperative contract for the work under the Portland contract.

Motion: Harden moved to 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 MHCRC legal counsel services. In response to a request from Bennett, Hansen stated that he and staff plan to develop an RFP and a committee will participate in the selection of legal counsel. 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 meet the RFP qualifications. A final contract will be presented to the Commission for approval. Omelchuck further explained that those interested in being on the panel need to be available the next two months and she will send an email asking for participants.

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

Vote: 7-0 passed

*R8 Election of MHCRC Chair and Vice Chair

Harden nominated Hansen as Chair for FY 18-19. Dicile stated that Hansen has been essential in his leadership with Portland elected officials. He has the support of the Commission. Hansen accepted the nomination.

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

Vote: 7-0 passed

Harden offered to be Vice Chair, however, he would like to nominate Thomas if he's willing to continue as Vice Chair Thomas accepted the nomination.

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 FY17-18 for advocacy purposes Staff recommends that the MHCRC join a coalition to oppose cable industry comments filed with the FCC to 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. 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 the FCC adopts the cable industry position, it will have a direct impact on cable franchises.

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 US Senate, and that it is now pending in the House, however, it does not have enough supporters to be scheduled for a vote. Currently 29 states have introduced legislation regarding Net Neutrality (NN) and six states approved ISPs to follow NN principals. NN is an active public policy issue and the repeal of NN was effective as of June 11, 2018. Harden stated Multnomah County pledge up \$150,000 for a municipal broadband feasibility study and Wood Village reserved \$40,000 towards a study. Omelchuck stated that the FCC is proposing to eliminate the requirement that cable companies maintain a list of their channel line ups and service at their local office. NATOA agrees to not having a physical copy at a local office, but that cable companies maintain an online copy.

- Frontier HD PEG Channel Notification

- Omelchuck stated that Frontier has indicated a willingness to activate the eight community media channels in HD and is working with staff and MetroEast Community Media on implementation.

- MHCRC Staffing

- Omelchuck stated that Ann Goldenberg resigned her position with the City as of 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 Commission's work is covered. In response to a question from Dicile, Omelchuck stated that there is not an opportunity to establish a temporary support services contract in the current fiscal year, however. Omelchuck and Hansen have discussed using the money saved from the vacant staff position for an alternative support in FY18-19. Hansen stated they plan to back-fill work, but not under the current structure.

- FY18-19 Budget approvals

Omelchuck stated that the FY2018-19 budget process is almost complete and reviewed the jurisdictions' budget schedule. Harden stated Marty Jones, MetroEast, was well received by Wood Village. Bennett stated that Gresham Mayor Bemis gave lots of Kudos to the Commission for its grants and digital equity work.

- TechSmart Initiative

Omelchuck stated that she plans discussions for next round funding for Reynolds and Park Rose. She noted the need to start planning Commission decisions around the Initiative's end or continuation.

- Other

The MHCRC Annual Report is completed. Omelchuck is speaking on a panel regarding digital equity at Tech Jam in Portland, which is an international gathering of people involved with Smart Cities work. Scott and Julie are planning to attend the National NATOA conference in the end of August. Lexi is attending Alliance for Community Media (ACM) conference in Baltimore. The 2019 ACM conference will be held in Portland. Omelchuck stated that AT&T and Time Warner have officially merged. Comcast made a bid for Fox and Universal properties. Omelchuck is working with Multnomah County Education School District (MESD) for I-Net capital funds to pilot next gen I-Net technology. MESD is working with Parkrose School District and the Multnomah County Library to test network connectivity to inform 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 jurisdictions. Hansen agreed that a discussion would be a good approach.

- Franchisee Activity Report

- Frontier

Jack Phillips, Director of Government External Affairs, Frontier, announced 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 and the system is at capacity. However, he is working on the issue and looking to drop other content to make room for MetroEast. The discussion is now at the highest level of the company. Frontier is offering free WIFI at the Gresham farmers market and is sponsoring the Gresham art fair and the Portland Timbers.

- Comcast

Tim Goodman, Government & Regulatory Affairs Director, Comcast, stated that Comcast will have upgraded the entire MHCRC area network by 2019. In response to a question from Omelchuck, Goodman stated that Comcast is pushing fiber deeper into the neighborhoods. Comcast participated in the Portland Pride Parade; sponsored the Portland Free for All; hosted the Leaders and Achiever's scholarship at the Moda center; and provided 15 \$1,000 scholarships in the MHCRC's jurisdiction and one \$10,000 scholarship for a Cleveland High School student.

- CenturyLink

Samantha Ridderbusch, Government & Regulatory Affairs Director, CenturyLink, stated CenturyLink had customer appreciation week last week for the first-time and customers that came into a store got a free

slice of pizza. CenturyLink held a 10th annual food drive for the Oregon Food Bank, which raised \$165,000 in the Portland market; CenturyLink matched \$100,000.

- Reliance Connects – None

- PEG Provider Activity Report
 - MetroEast Community Media
Marty Jones, MetroEast Executive Director, stated 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, Open Signal Executive Director, stated that Open Signal partnered with Mozilla and other organizations to travel around the world to videotape stories. This new adventure will yield Open Signal \$20,000 per video in revenue with five videos anticipated. He announced that Open Signal advanced to the second round in the Meyer Memorial Trust grant round; one of the fifty. Open Signal announced recipients of the fellowships program, and all are women of color. An Open Signal producer had an article in the NY Times regarding gentrification in North Portland, which featured Open Signal and its neighborhood.

- Public Comment
- Adjourn 8:42

Respectfully submitted,

Tyler N. Dice
Assistant Program Specialist