

Mt. Hood Cable Regulatory Commission  
MetroEast Community Media  
December 17, 2018 Meeting Minutes - **APPROVED**

## Summary Minutes

MINUTES AS APPROVED AT THE JANUARY 28, 2019 MHCRC MEETING.

Call to Order: 6:34 pm

- Roll Call  
Commissioners present: Leif Hansen (Chair), Carol Studenmund, Mike Bennett, Sue Dicile, Norm Thomas, Rich Goheen  
Commissioners absent: Scott Harden  
Staff Present: Julie Omelchuck, Program Manager; Tyler Dice, Assistant Program Specialist; Mark Wolf, MHCRC legal counsel
- Agenda Review: Hansen noted the Executive Session on the Agenda
- Disclosures: None
- Public Comment (non-agenda items): None

### CONSENT AGENDA – No Discussion

- C1. November 19, 2018 Meeting Minutes

**Motion:** Thomas moved to approve the consent agenda. Studenmund seconded.

**Vote:** 6-0 passed

### REGULAR AGENDA

R1. MHCRC FY17-18 Fund Audit

Omelchuck reported the MHCRC received a “clean” FY2017-18 Fund Audit. She stated that the MHCRC Finance Committee reviewed and approved the MHCRC FY17-18 Financial Statements at its December 6 meeting. Omelchuck introduced Keith Simovic, Moss Adams, and Fiona Howell-Earle, City of Portland, Audit Division.

Simovic reviewed the audit contained in the meeting packet and noted several deliverables of the audit process, including the Financial Section and the Report of Independent Auditors. The audit test of internal controls, review of source documents, and other procedures demonstrated the financial statements were presented fairly in all material respects and no material weaknesses or deficiencies were reported.

In response to a question from Hansen, Simovic stated that assessment of component units (MetroEast Community Media and Open Signal) are conducted by their independent financial auditors and those audits are used in the MHCRC financial statements.

In response to a question from Thomas, Simovic stated anticipated future changes to Generally Accepted Accounting Standards may impact the MHCRC and Moss Adams will keep the MHCRC abreast of any changes.

In response to Goheen’s and Hansen’s question, Howell-Earle confirmed that unexpended grants funds were recorded as a liability.

**Motion:** Dicile moved to acknowledge the MHCRC FY17-18 Fund Audit prepared by Moss Adams and direct MHCRC staff to submit the Audit to the Secretary of State by December 31, 2018. Goheen seconded.

**Vote:** 6-0 passed

## R2. Manley Contract Amendment

Omelchuck reviewed the draft amendment contained in the meeting packet. She stated staff is requesting to extend the time of the current contract to incorporate Manley's facilitation of the March 2019 planning retreat. The amount of the contract remains unchanged. Omelchuck stated that staff anticipates a significant portion of the retreat will be related to the future planning of the MHCRC.

In response to a question from Bennett, Omelchuck said the contract was for facilitation of last year's retreat, project management to develop the consulting scopes of work for the community technology needs ascertainment, and future planning work. Omelchuck confirmed that Manley agreed that the retreat facilitation work could be completed within the current scope and amount of the contract.

**Motion:** Dicile moved to amend to the contract with Paula Manley Consulting to extend the term through June 30, 2019, and include facilitation services for the MHCRC 2019 planning retreat. Studenmund seconded.

**Vote:** 6-0 passed

- Staff Activity Reports and Updates

- FCC/Federal/State Public Policy

Omelchuck provided an update related to two FCC proceedings. The first proceeding regarded the ability of cable companies to offset franchise fees for the value of in-kind contributions. The second allowing cable companies' use of the public right-of-way (ROW) for non-cable services under the current cable franchise without compensation to the jurisdictions for the additional services/equipment installations. She stated that the MHCRC is part of a local jurisdiction coalition, which filed reply comments to the FCC by the December 14 deadline. She confirmed staff will provide Commissioners with a PDF or a link to a copy of the reply comments.

Omelchuck stated US Senator Markey recently lead an effort advocating for PEG via a letter sent to the FCC Chairman (see copy in MHCRC meeting packet).

Local governments filed an appeal with the FCC to delay its small cell deployment rule making. The FCC denied the request. In addition, several lawsuits have been filed in opposition to this FCC order, which will be heard in the 10<sup>th</sup> Circuit Court. Omelchuck stated that the FCC order will go into effect on January 14, 2019 prior to the court hearings.

Omelchuck said the US Supreme Court refused to hear an appeal of the DC Circuit Court ruling on the 2015 FCC Open Internet Order, thus the Circuit Court's ruling stands, which upheld the Open Internet rules (a.k.a. Net Neutrality). In response to a question from Bennett, Omelchuck and Wolf stated jurisdictions could approach net neutrality protections in various ways.

Omelchuck noted that the Oregon Legislative session begins in January 2019.

- Committee Reports

- Finance Committee: None
  - TechSmart Grant Committee: None
  - Community Ascertainment Committee: None
  - Open Signal Board Appointee

Dicile noted Open Signal's strategic planning session on December 15, which she attended and volunteered to facilitate. Open Signal has had four new board members participating. The session built upon two reports commissioned by Open Signal: one documenting stakeholders interests and one analyzing possible ideas for Open Signal to monetize its assets. Open Signal has received inquiries from all over the country about the Black Film Makers internship. Open Signal received a \$45,000 three-year grant from Meyer Memorial Trust.

- MetroEast Board Appointee: None.

- New business; Commissioner Open Comment

- Hansen appointed Goheen as chair of the MHCRC Finance Committee.

- Franchisee Activity Report

- Frontier

Jessica Epley, Frontier Government and External Affairs Manager, stated that two of the four franchise extensions have been ratified. Frontier continues to build-out fiber in the area and has invested most of its \$20 million in the tri-County area.

- Comcast

Sheri Acker, Comcast Government Affairs Specialist, stated that Comcast raised \$200,000 during its annual giving campaign. Acker announced the Amazon Prime roll out, which is accessed through Comcast's X1 remote. Acker provided a news article highlighting Comcast as providing some of the highest internet speeds in Oregon and nationwide. She also announced that the Internet Essentials program has expanded to low-income veterans. Internet Essentials is currently serving six million customers. In response to a question from Dicile, Acker stated the speeds for Internet Essentials is 15mbs. In response to a question from Bennett, Acker stated she will provide a link that will allow the Commissioners to check their internet speeds.

- CenturyLink

Samantha Ridderbusch, CenturyLink Government Affairs Director, stated that employees made contributions through United Way and CenturyLink matched up to 50% of their contributions. Ridderbusch announced CenturyLink's grant opportunity, 'Teachers in Tech,' which runs through January 12, 2019. PreK through 12<sup>th</sup> grade teachers can apply for grants of up to \$5,000.

- Reliance Connects: No report

- PEG Provider Activity Report

- MetroEast Community Media

Marty Jones, MetroEast Executive Director, introduced Jessica Holiday, Director of Finance, and outlined her responsibilities. Holiday provided a brief history of her professional background, stating that she was previously the COO at NTEN and prior to that she worked for WebMD.

Jones announced that the Alliance for Community Media (ACM) National Conference will be hosted in Portland, July 10-12. In response to a comment from Dicile, Jones said he is the co-chair of the conference committee and 15 community media center staff from the Northwest are assisting in the planning. The conference will be held in downtown Portland for easy access to public transportation and conference site.

Jones highlighted several of MetroEast's accomplishments over the past year, including building remodeling of space and technology upgrades; MetroEast's Annual Showcase; local youth and non-profit PSAs; internships with local colleges and Job Corps; training sessions at Rockwood DIY; and community partnerships throughout the area. Jones announced a \$40,000 grant from the Oregon Community Foundation.

In response to a question from Goheen, Jones stated that Rockwood DIY isn't open in the evening, so it is difficult to appear open and staff the site the same hours of MetroEast. The vision is to create a more generally available 'digital lounge', however, right now access is by appointment only.

In response to a question from Bennett, Jones stated that the City of Gresham and Open Signal have fulfilled their agreement for the lease of the Rockwood DIY space. Jones confirmed he is meeting regularly with the Rockwood Development Commission with regards to future planning for the Rockwood DIY.

- Open Signal: Dicile noted that Justen Harn, Open Signal, was not able to attend the meeting.

- Public Comment: None

- Executive Session convened at 7:52pm

Hansen convened the Executive Session pursuant to ORS 192.660(2)(f), which allows the Commission to meet in executive session to consider information or records that are exempt by law from public inspection, specifically: ORS 192.355.

Representatives of the news media and designated staff (Julie Omelchuck) 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 the Executive Session.

The MHCRC considered and reviewed information and records exempt from public inspection related to the MHCRC general counsel, Mark Wolf, recommendation to accept a Conflict Waiver and Informed Consent and enter into a Common Interest agreement both with the Portland Office of the City Attorney due to its prior legal representation of MHCRC up until May 2018.

Executive Session adjourned at 8:46pm and Hansen reconvened the regular MHCRC meeting.

R3. Common Interest Agreement

**MOTION:** Thomas moved that the Commission delegate authority to Mark Wolf, MHCRC legal counsel, to enter into a Common Interest agreement with the City of Portland, Office of the City Attorney, on terms and conditions agreeable to the MHCRC Chair Hansen and MHCRC program manager. Studenmund seconded.

**Vote:** 6-0 passed

R4. Conflict Waiver

**MOTION:** Thomas moved to authorize the MHCRC Chair to sign the Waiver and Informed Consent from the City of Portland, Office of the City Attorney. Bennett seconded.

**Vote:** 6-0 passed

Adjourn 8:49pm

Respectfully submitted,

Tyler N. Dice  
Assistant Program Specialist