



Serving Multnomah County and the Cities of  
Fairview, Gresham, Portland, Troutdale and Wood Village

Mt. Hood Cable Regulatory Commission  
Location: Metro East Community Media  
September 9, 2019, Meeting Minutes – **Approved**

Call to Order: 6:35 pm

- Roll Call

Hansen noted that Sue Diciple had not yet been reappointed by the City of Portland although it was expected to happen soon. Commissioners agreed that Diciple was welcome to participate in the discussion and could attend the Executive Session but not vote on Commission actions.

Commissioners present: Leif Hansen (Chair), Carol Studenmund, Scott Harden, Norm Thomas, Jacquenette McIntire, Jeff Dennerline

Commissioners absent: None

Guest: Sue Diciple

Staff Present: Elisabeth Perez, Interim Staff Director; Julie Omelchuck, Program Manager; Rebecca Gibbons, Program Coordinator; Cinthia Diaz Calvo, Administrative Specialist; Mark Wolf, Local Government Law Group, MHCRC Legal Counsel

- Agenda Review: Hansen noted the Executive Session on the meeting agenda.
- Disclosures: None
- Public Comment (non-agenda items): None
- **\*CONSENT AGENDA – NO DISCUSSION**

C1. June 24, 2019 Meeting Minutes

Thomas noted a correction to the June 24, 2019 draft meeting minutes as he was not in attendance at the meeting.

**Motion:** Harden moved to approve consent agenda with the correction to the draft minutes.  
Dennerline seconded.

**Vote:** 6-0

- **REGULAR AGENDA**

\*R1. Community Technology Grant: Multnomah County Library – Central Library

Gibbons said the final grant agreements on the meeting agenda were moved forward by the Commission at the June meeting based on project pre-applications. She noted that the staff recommendations contained in the meeting packet for each grant summarize significant revisions, if any, to the final grant agreement from the pre-application.

**Motion:** Thomas moved to approve the Community Technology Grant agreement with Multnomah County Library in the amount of \$122,360. Studenmund seconded.

**Vote:** 6-0

\*R2. Community Technology Grant: Junior Achievement of Oregon & SW Washington

**Motion:** Studenmund moved to approve the Community Technology Grant agreement with Junior Achievement of Oregon & SW Washington in the amount of \$31,286. Harden seconded.

**Vote:** 6-0

\*R3. Community Technology Grant: City of Fairview

**Motion:** Harden moved to approve the Community technology Grant agreement with the City of Fairview in the amount of \$32,540. Dennerline seconded.

**Vote:** 6-0

\*R4. TechSmart Initiative Grant Agreement: Reynolds School District

Omelchuck said the Reynolds School District leadership team and she worked through the details and questions from the Commission work session on the draft project plan. She highlighted the final plan and grant agreement contained in the meeting packet and noted that Chris Greenhalgh, Reynolds Director of Secondary Learning, was present for Commissioner questions.

**Motion:** Thomas moved to approve the grant agreement with Reynolds School District in the amount of \$1,225,270. Studenmund seconded.

**Vote:** 6-0

### **Staff Activity Reports and Updates**

- Frontier Transfer of Ownership – Perez said staff received initial information from NW Fiber. MHCRC staff found the application incomplete for which NW Fiber has responded. The MHCRC special legal counsel, Best, Best, & Krieger, has been working to compile legal and financial findings, which will be presented, along with a staff recommendation, to the Commission at its September 23 meeting.
- Other – Diciple raised an issue about timely receipt of mailed meeting packets. Commissioners briefly discussed electronic and mailed packet distribution and Omelchuck said staff would follow up.

### **New Business; Commissioner Open Comments:**

Hansen noted that the Commission's September meeting is scheduled for September 23, 2019. McIntire and Diciple will not be available. Thomas and Studenmund will participate by phone.

**Public comment:** None

## **Executive Session**

Hansen convened the Executive Session at 6:55pm, 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, designated staff (Perez, Omelchuck, Diaz), and Diciple 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 from the Commission's general counsel, Wolf, about potential participation in a legal challenge to an Order issued by the Federal Communications Commission related to cable franchising authority.

Executive Session adjourned at 7:40pm and Hansen reconvened the regular MHCRC meeting.

Staff handed out a draft Resolution No. 2019-01 for consideration.

**Motion:** Harden moved to adopt Resolution No. 2019-01: Authorizing staff to file or join lawsuit(s) challenging the FCC "In-Kind/Mixed-Use" Order and allocate FY19-20 contingency amount, which includes:

- authorizing staff to file or join lawsuits against the FCC and any responsible officers on the United States to assert the Jurisdictions' authority to manage and require reasonable compensation for access to the public right-of-way, and to prosecute such actions;
- authorizing staff to take any additional steps as may be required to file or join as co-plaintiff; and,
- providing \$20,000 from its FY 19-20 contingency amount to Best, Best & Krieger (BBK) to fund the Commission's participation and the Jurisdictions' participation if they so choose, in the local government coalition's legal actions challenging the FCC's Order.

Studenmund seconded.

**Vote:** 6-0

**Adjourned: 7:43 pm**

Respectfully submitted:  
Cinthia Diaz Calvo, Administrative Specialist II