

Mt. Hood Cable Regulatory Commission
Location: Metro East Community Media
June 24, 2019, Meeting Minutes – **Approved**

Call to Order: 6:35 pm

- Roll Call
Commissioners present: Leif Hansen (Chair), Carol Studenmund, Scott Harden, Sue Dicile, Jacquenette McIntire, Jeff Dennerline

Commissioners absent: Norm Thomas

Staff Present: Elisabeth Perez, Interim Staff Director; Julie Omelchuck, Program Manager; Rebecca Gibbons, Program Coordinator; Bea Bedard, Program Coordinator; Cinthia Diaz Calvo, Administrative Specialist; Gail Karish, Best & Krieger, MHCRC Special Counsel; Mark Wolf, Local Government Law Group, MHCRC Legal Counsel

- Agenda Review: None
- Disclosures: None
- Public Comment (non-agenda items): None
- ***CONSENT AGENDA – NO DISCUSSION**

C1. April 22, 2019 Meeting Minutes

C2. June 3, 2019 Meeting Minutes

Motion: Harden moved to approve consent agenda. Studenmund seconded.

Vote: 7-0

- **REGULAR AGENDA**

*R1. Election of Chair and Vice-Chair

Hansen reminded the Commission that officer elections happen annually, and all Commissioners are eligible for election.

Motion: Dicile moved to elect Hansen another term as Chair. Dennerline seconded.

Vote: 7-0

Hansen nominated Studenmund as Vice Chair and Studenmund accepted the nomination.

Motion: Hansen moved to elect Studenmund to serve as Vice Chair. Dicile seconded.

Vote: 7-0

***R2. Preliminary Funding Decisions - 2019 Community Technology Grant Pre-Applications**

Gibbons said, according to the annual competitive grant timeline, pre-applications were received in December 2018. Staff initially reviewed the pre-applications and moved forward all that met baseline criteria for Commissioner evaluation. Commissioners have completed their reviews and are to select the pre-applications they are interested in funding. Selecting a pre-application during this meeting creates no obligation to fund an application, but moves it forward for staff to work with the applicant on a final grant agreement and project proposal. Once a project proposal is completed to staff's satisfaction, the final application will be considered for Commission approval.

Gibbons said there is approximately \$700,000 available in this funding round. Staff handed out a summary of initial selections by individual Commissioners. She said the initial selections indicate most Commissioners clearly support certain pre-applications. She also requested that Commissioners identify items they want staff to clarify further in a final project proposal.

Motion: Dicile moved to move forward in the grant-making process the following pre-applications: City of Fairview, Oregon; Multnomah County Library, Central Library; Multnomah County Library, Welcome to Computers; MetroEast Community Media; Outside the Frame; Portland Community Media, dba Open Signal; Junior Achievement of Oregon & SW Washington; and Northwest Alliance for Alternative Media and Education. Dennerline seconded.

In response to a question from Dennerline, Gibbons said that applicants are provided general feedback on their pre-application but not individual comments from Commissioners. Gibbons said staff reviews all comments from Commissioners included in the grants review online system.

In response to a question from McIntire, Gibbons said that the Commission does not fund a portion of a proposed project. Gibbons said that, if approved, staff works with the applicant to fund the project with more detail on the scope of work and budget.

Vote: 7-0

Commissioners discussed various aspects of the remaining two pre-applications. No motion was made to move forward these pre-applications.

***R3. Contingency Request: Consulting Services - Frontier Franchise Transfer**

Perez referred to the contingency request contained in the meeting packet. She said on May 29, 2019, MHCRC staff received communications from Frontier regarding its intent to sell its cable systems in the MHCRC areas to NW Fiber. Staff is now working within a transfer process timeline. Staff is requesting up to \$20,000 for professional consultants to evaluate the legal, financial, and technical qualifications of NW Fiber to fulfill the cable franchise obligations. This evaluation would inform the MHCRC about its recommendation about the franchise transfer to the effected jurisdictions (Fairview, Wood Village, Troutdale, and Gresham).

In response to a question from Hansen, staff confirmed that the current franchise is through December 2021.

Motion: Dicile moved to move \$20,000 from FY18-19 contingency to External Materials & Services for professional consulting associated with legal, financial, and technical services necessary to process the Frontier franchise ownership transfer. Dennerline seconded.

Vote: 7-0

*R4. Contingency Request: Alliance for Community Media Conference Sponsor

Omelchuck referred to the contingency request contained in the meeting packet for the MHCRC to be a sponsor of the Alliance for Community Media 2019 Conference 2019 to be held in Portland.

Hansen said the MHCRC has been a long-time supporter of the Alliance's work and would like to have the MHCRC recognized at the Portland conference.

In response to a question from Dicile, Omelchuck said she was still working through the specifics of a recognition at the \$5,000 level. She knew the deadline had passed for the MHCRC to be included in the printed materials; however there were other digital ways for recognition.

Motion: Dicile moved to move \$5,000 from contingency to External Materials & Services to support sponsorship of the Alliance for Community Media 2019 Conference to be held in Portland. Studenmund seconded.

Vote: 7-0

Staff Activity Reports and Updates

- FCC/Federal/State Public Policy

Coulter said that the US Supreme Court ruled in a case between a community media center (Manhattan Neighborhood Network) and a community video producer. The significant finding was that the center is not a "state actor" but a private corporation; and as such cannot be sued for infringement of the First Amendment by denying someone access to the public access channels under cable franchise agreements.

Coulter provided an update about the Federal Communications Commission rule-making about cable companies' ability to off-set market value of franchise obligations against the franchise fees. The potential impact of the ruling is either a reduction in the franchise fees paid to the MHCRC jurisdictions and/or in the franchise resources supporting community media services. She said the FCC is expected to address the new rule at its August 1 meeting. Coulter said there is a short timeframe for advocacy through July 31. MHCRC staff is working with colleagues across the country to support local elected officials to contact FCC members about concerns and negative impacts of the draft rule. Staff will communicate with Commissioners soon about contacting the jurisdictions on this matter.

- FY2019-20 Budget Process

Omelchuck said the MHCRC FY19-20 budget was approved by Portland, Fairview, and Gresham and the remaining jurisdictions are this upcoming week.

- MHCRC Annual Report

Omelchuck handed out the FY18-19 MHCRC Annual Report.

- TechSmart Initiative

Omelchuck said that Reynolds and Gresham-Barlow school districts are actively working on grants for their final TechSmart funding. She hopes to move them through the grant-making process by September. She also has interest from other school districts for final funding but has not had enough staff capacity to pursue these yet.

- Alliance for Community Media Conference – Portland, July 10-12

Omelchuck said three Commissioners and two staff were attending.

- OCT Staffing Update/ Priorities

Perez said that Office has three vacant positions currently. Omelchuck said that the Grant Compliance Analyst position is one of the positions open. She said staff has not had the capacity to move the hire forward yet due to end of fiscal year requirements.

- MetroEast Executive Director - Update

Omelchuck introduced Shannon Chism, president of the Board of Directors for MetroEast. She said that the Board is moving forward on a hiring process in light of the CEO's resignation. The Board has a job description and anticipates the application process to close July 30. The Board expects to have someone onboard by September 30. In the interim, the Board has appointed the, current Director of Production, John Lugton as the interim director.

Hansen thanked Chism for the update and said it was helpful to know who is leading the organization.

- Other

Omelchuck said that the Portland Council adopted a 3-year operational grant agreement with Open Signal on June 13.

Committee Reports

- Hansen said that the Finance, TechSmart, and Ascertainment committees had not met since the last MHCRC meeting.
- Open Signal Board Appointee: Dicile highlighted the presentation for Black Filmmakers project.

New Business; Commissioner Open Comments

Hansen noted that staff will confirm the next meeting that will, most likely, take place in August.

Franchisee Activity Reports

- Frontier: Jessica Epley said the 394 Form will be filed by the end of the week. She noted that this is the last opportunity for her to formally discuss the transaction. She said NW Fiber is a holding company and has no plans to change the video service offerings. She also said to anticipate an aggressive rollout of more broadband services.

In response to a question from McIntire, Epley said she is unsure what the name will be.

- Comcast: Sheri Acker said Comcast began an Internet Essentials package that allows non-profit organizations to qualify for up to 50% discounts on highspeed internet and phone services. She also reported on Comcast's community impact activities. In response to a question from Dicile, Acker said she would send Commissioners information about how Comcast selects the organizations it supports.

- CenturyLink: None

PEG Provide Activity Reports

- Open Signal: None

- MetroEast: John Lugton said several staff will be speaking at the Alliance conference. He provided updates about work with Gresham-Barlow schools on Pathways to Career Success; upgrades to the equipment room; move to an online system to book rooms; and a vocal booth in Rockwood. MetroEast is partnering with IRCO and Free Geek to provide Welcome to Computers at different locations. Lastly, the League of Women Voters is celebrating their 100th anniversary and MetroEast is producing videos.

Public comment: None

Adjourned: 7:50 pm

Respectfully submitted:

Cinthia Diaz Calvo, Administrative Specialist