



MT. HOOD CABLE REGULATORY COMMISSION  
Portland Community Media, Studio A  
June 20, 2016 Meeting Minutes -- [APPROVED](#)

## **SUMMARY MINUTES**

MINUTES AS APPROVED AT THE SEPTEMBER 12, 2016 MHCRC MEETING.

Call to Order: 6:30 pm

- Roll Call

Commissioners present: Carol Studenmund (Chair); Leif Hansen (Vice Chair); Rich Goheen; Norm Thomas; Sue Dicile; Scott Harden; Mike Bennett; John Branam

Staff: Mary Beth Henry, Director; Julie Omelchuck, Program Manager; Ben Walters, Legal Counsel; Rebecca Gibbons, Program Coordinator

- Mary Beth Henry Retirement

Studenmund thanked Henry for her significant contributions to the Commission.

Studenmund said she is grateful for the opportunities that have come her way as a result of joining the Commission at Henry's insistence.

Hansen said the City of Portland has been lucky to have Henry. Hansen said that when David Olson left, Henry did a tremendous job of filling his shoes. Hansen said that Henry is leaving even bigger shoes to fill.

Harden said it's been a pleasure to work with Henry. Harden said Henry is skilled, thoughtful and kind.

Thomas said it's been a joy and honor to work with Henry.

Bennett said Henry was key to providing the grounding in reality that the Commission is so well known for.

Dicile thanked Henry for being a tireless cheerleader for the Commission and the local communities.

Henry thanked the Commission and said she has enjoyed the work and learned a lot.

A retirement reception is planned for September.

- Agenda Review: none.

- Disclosures: Studenmund reminded Commissioners that any interaction with any person representing an organization with which the MHCRC works with, has a contract or regulates, about MHCRC business, should be disclosed.

Dicile disclosed meeting with MetroEast staff to gather stories about Rob Brading in preparation for Brading's retirement.

Thomas disclosed meeting with Marty Jones, MetroEast, to welcome Jones as the new executive director and to discuss MetroEast's future under Jones' leadership.

- Public Comment: none.

- CONSENT AGENDA

C1. May 23, 2016 Meeting Minutes

**MOTION:** Bennett moved to approve the Consent Agenda as presented. Harden seconded.

**VOTE:** 8-0 passed.

- REGULAR AGENDA

\*R1. Election of MHCRC Chair and Vice-Chair

Studenmund opened the floor to nominations.

Hansen nominated Studenmund for Chair. Bennett seconded. Studenmund accepted the nomination.

**Vote:** 8-0 passed

Hansen nominated Thomas for Vice Chair. Bennett seconded. Thomas accepted the nomination.

**Vote:** 8-0 passed

\*R2. Contingency Request: Commissioner Attendance at Alliance for Community Media National Conference

**MOTION:** Thomas moved to approve up to \$2,900 from FY 2015-16 Contingency for registration fees and travel expenses for Commissioner Dicile to attend the Alliance for Community Media National Conference on behalf of the Commission. Branam seconded.

**DISCUSSION:** none.

**VOTE:** 7-0 passed. Dicile abstained.

\*R3. Authorize Moss Adams to conduct MHCRC FY15-16 Fund Audit

Omelchuck said five years ago the MHCRC began conducting an independent annual audit of its finances. Omelchuck said staff recommends the MHCRC approve the amendment to the City of Portland's contract with Moss Adams to perform the MHCRC FY15-16 Fund Audit. Omelchuck said the MHCRC contracted with Moss Adams to perform the annual Fund Audit since FY12-13. Omelchuck said this would be the last year conducting the audit under the City of Portland contract. Omelchuck said the City of Portland plans to issue an RFP for auditing services going forward. Omelchuck said staff will discuss with the Finance Committee whether or not to piggy back on to the City's RFP or to issue an MHCRC-only RFP.

**MOTION:** Goheen moved to authorize Moss Adams to perform the MHCRC FY15-16 Fund Audit in accordance with the amendment to the City of Portland contract. Harden seconded.

**DISCUSSION:** Thomas said Moss Adams has been great to work with.

**VOTE:** 8-0 passed.

\*R4. TechSmart Evaluation Services Contract Amendment with Pacific

### Research & Evaluation (PRE)

Omelchuck said PSU Center for Student Success is no longer retaining the personnel to conduct the student level data analysis necessary for the TechSmart Initiative evaluation plan. Omelchuck said that after researching whether or not the student data non-disclosure agreement with the Oregon Department of Education (ODE) could be transferred to a private firm and talking with the school districts, staff determined that the most viable option for this part of the evaluation work was to amend the existing evaluation contract with Pacific Research & Evaluation (PRE).

As part of the amendment, staff and PRE have also addressed a question raised at the May meeting about access to data sets for possible future secondary research conducted by a firm or institution other than PRE. The contract amendment includes language that allows for this possibility while adhering to all agreements and laws pertaining to protection of a student's information.

In response to a question from Bennett, Omelchuck said PRE agreed to do the work within the funds previously allocated to PSU for the same work.

In response to a question from Studenmund about the evaluation continuing into later years, Omelchuck said the intention is to follow students that are in kindergarten now through high school graduation. Omelchuck said staff, PRE and Commissioners will be learning along the way about what makes sense to evaluate. Omelchuck said the PRE contract is a two year contract that affords the Commission an opportunity to review and revise the evaluation over time as needed.

Branam suggested reaching out to Rob Manning, the education contributor at Oregon Public Broadcasting, to see if he would be interested in doing a story on the TechSmart Initiative as it develops over the next few years. Branam said the Initiative represents a unique opportunity to see how, or if, technology impacts student learning.

**MOTION:** Dicile moved to approve the contract amendment with Pacific Research & Evaluation. Thomas seconded.

**DISCUSSION:** none.

**VOTE:** 8-0 passed.

\*R5. Consulting Contract for Community Needs & Interests Ascertainment and

\*R6. Consulting Contract for Public Institutional Partners Needs Assessment  
And Future Network Planning

Omelchuck said the MHCRC discussed the changing technology, political, public policy and cultural landscape for several years. As a result, the MHCRC decided that it's ready to start talking to stakeholders about future needs and interests. Omelchuck said staff has since developed a long term planning process as it coincides with two franchise renewal windows (Frontier and Reliance Connects franchises expire December 2018 and CenturyLink and Comcast franchises expire December 2021). Omelchuck said the franchise renewal process affords the opportunity to negotiate public benefits based on demonstrated community needs. Omelchuck said a community needs ascertainment is standard process during the renewal

window. Omelchuck said the MHCRC's FY15-16 and FY16-17 budgets include consulting resources aimed at engaging the jurisdictions, I-Net stakeholders and key community players in the process. Omelchuck said that in developing the long-term planning process, staff identified shorter-term resources and skills needed to embark on the ascertainment. Omelchuck said staff recommends the Commission approve the consulting contract with Paula Manley for the Community Needs & Interest Ascertainment and the consulting contract with CTC Technology & Energy for Public Institutional Partners Needs Assessment and Future Network Planning. Omelchuck said Commissioners Dicile and Hansen advised staff on the scope of works for these contracts.

In response to a comment from Thomas about engagement of stakeholders, Dicile said the list of stakeholder engagements will be part of the ascertainment design. Dicile said Commissioners and staff can anticipate a broad engagement plan and that Paula Manley is uniquely qualified for this type of work. Omelchuck affirmed that the network providers would specifically be involved in the discussions under the CTC contract.

Hansen affirmed that it's very important that the Commission start the needs assessment early; well before entering into discussions with the providers. Hansen said a robust assessment is essential for negotiations as it affords the Commission an opportunity to come to the table with objective data.

In response to a question from Bennett about funds available to support this work, Omelchuck said that \$40,000 is budgeted in FY15-16 (\$20,000 for Manley's contract and \$20,000 for CTC's contract) and \$20,000 is budgeted in FY16-17 (for CTC's contract, which is \$40,000 total). Omelchuck said the FY16-17 budget includes an additional \$30,000 for additional future planning consulting work as determined in the future.

**MOTION:** Harden moved to approve the Consulting Contract with Paula Manley for Community Needs & Interests Ascertainment. Dicile seconded.

**DISCUSSION:** Branam said that Manley comes with a wealth of knowledge, but questioned whether the Commission was getting the benefit from other perspectives. Branam said that as a new Commission member he was curious about the contract being consistent with organizational purchasing values. Branam said he encourages staff and the Commission to consider contracts from people with diverse backgrounds, specifically communities of color.

The Commission discussed hourly contract rates, contracting processes that solicit from ethnically diverse populations, the qualifications and subject matter expertise needed to conduct a successful ascertainment, the funding level available in the MHCRC's approved budget, and the City of Portland contracting rules that address the fact that diverse populations are under-represented in City contracts.

As a result, Commissioners agreed that the MHCRC retreat facilitation work should be opened up this year for competitive proposals from diverse populations.

Henry clarified that while the MHCRC did approve funding to work with Manley to help with outreach for the MHCRC director search, the City of Portland's hiring officer for the position declined the offer, and therefore Manley was never engaged to do the work.

Harden said the MHCRC follows the City of Portland's purchasing rules, which do allow the Commission to award direct contracts with women-owned businesses when the contract is under \$50,000.

Omelchuck said staff did interview a few other people who were doing similar strategic landscapes/assessment work in other fields. Omelchuck said staff made the judgement that it was important to have someone knowledgeable in the broadband/community media/cable regulation field.

**VOTE:** 8-0 passed.

**MOTION:** Dicile moved to approve the Consulting Contract with CTC Technology & Energy for Public Institutional Partners Needs Assessment and Future Network Planning. Harden seconded.

**DISCUSSION:** Hansen said he is pleased that staff engaged an entity like CTC to do a wide view assessment. Hansen said he is familiar with CTC's work and is confident in their ability.

**VOTE:** 8-0 passed.

- Staff Activity Reports and Updates
  - FCC/Federal legislative developments: Henry said there is a Senate Committee hearing next week with Comcast, AT&T, Time Warner and Charter executives to discuss customer service issues in the cable industry.  
Henry said the MHCRC participated in the FCC's set top box proceeding. Henry said the proceeding considers the rights of subscribers to purchase set top boxes from 3<sup>rd</sup> party vendors instead of being required to lease equipment directly from the cable operators. Henry said that in the comments submitted the cable operators' are now proposing that some variation of 3<sup>rd</sup> party vendors may be an option.  
Henry said that after nearly 16 years, a US Court of Appeals has ruled in favor of treating the Internet as a utility not a luxury. Henry said the Court panel affirmed an earlier FCC rulemaking. Henry said it was the MHCRC that first framed Open Access in 1998 when AT&T applied for a change in control. Henry said that at the time, under the direction of David Olson, the MHCRC was concerned about the exclusive relationship between AT&T and the internet service provider. Henry said the MHCRC felt so strongly about it that it placed conditions on the franchise transfer. Henry said AT&T sued the City of Portland and the City won at first. Henry said that in the 9<sup>th</sup> Circuit and Supreme Court, the MHCRC and the City did not prevail. Henry said the most recent ruling is a win for consumers.
  - 2016 Oregon legislative session: Henry said the League of Oregon Cities is developing its platform.
  - MHCRC FY16-17 Budget Approval: Omelchuck said the Cities of Wood Village, Troutdale and Fairview and Multnomah County have all unanimously approved the

MHCRC's FY16-17 budget. Omelchuck said the City of Gresham and the City of Portland are scheduled this week.

- 2016 Community Technology Grants Update: Gibbons said that one remaining contract with Wisdom of the Elders is still pending approval. Gibbons said staff anticipates bringing forward a contract at the September meeting.
- TechSmart Initiative Update: Omelchuck said the Gresham Barlow School District is moving forward with project implementation. Omelchuck said staff anticipates working with Centennial School District on a project plan this summer. Omelchuck said projects with Parkrose and David Douglas School Districts will be wrapping up in the coming year, so staff anticipates working on new project plans with these districts.
- Digital Equity Action Plan (DEAP): Henry said that at an upcoming Digital Inclusion Network meeting Comcast, CenturyLink and Google Fiber are scheduled to present on their digital equity programs.
- Other: Omelchuck said Joshua Eddings, the MHCRC's compliance assistant, received a promotion within the Office for Community Technology. Omelchuck staff is moving forward with the process to hire a replacement.

- Committee Reports

- Finance Committee: none.
- Grant Committee: none.
- PCM Board Appointee: Studenmund said Justen Harn is unable to attend tonight's meeting. Studenmund said PCM acquired Hollywood Theater's youth education program.
- MetroEast Board Appointee: none.

- New Business; Commissioner Open Comment

Studenmund gave an update on the staff director hiring process. Studenmund said the position posting closed last Friday and interviews are scheduled for July 7.

In response to a question from Thomas about the role of MHCRC be in the hiring decision-making, Studenmund said she's been very involved in the process.

Omelchuck said that due to staff attending the NATOA conference the September meeting date will likely move to the 12<sup>th</sup> or 26<sup>th</sup>.

- Franchisee Activity Report

Comcast: Andrea Sargeant reported on Comcast's Leaders and Achieves program and said a scholars celebration was held on June 4<sup>th</sup>. Sargeant said Comcast awarded \$77,000 in scholarships. Sargeant said some students won iPad minis. Sargeant said Comcast is planning a nationwide public announcement about its Internet Essentials program. Sargeant said the announcement will include details about expanded eligibility.

CenturyLink: Karen Stewart said CenturyLink is providing internships to college juniors and seniors. In response to Henry's retirement, Stewart said CenturyLink has enjoyed the

professionalism and knowledge that Henry has brought to the table. Stewart said CenturyLink continues to add programming to the PRISM channel lineup.

In response to a question from Thomas about the number of homes passed in the local area, Stewart said she would investigate and share information that is publically available.

- PEG Provider Activity Report

MetroEast: Marty Jones reported on MetroEast activities including sponsorship of Rock the Block, working with 60 different local nonprofits, involvement with Rockwood Rising Project around digital inclusion, involvement with the makerspace at Rockwood Library, etc.

Jones said MetroEast's signature program, Community Hotline, is turning 20 years old this season. Jones said the program has profiled hundreds of non-profits and is 30 episodes shy of 1000 episodes.

PCM: none.

- Public Comment: none.

- Adjourn: 8:43 pm

Respectfully submitted,

Rebecca Gibbons  
Program Coordinator