

ORDINANCE No. 184675

*Amend grant agreement with Portland Community Media to extend the term of the agreement through and including June 30, 2012 (Ordinance; amend Contract No. 52904)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland has entered into cable services franchise agreements with cable operators, which, among other things, require the companies to provide certain resources, system capacity and facilities for public, educational, and governmental ("PEG") access programming.
2. The Comcast cable services franchise agreements provide the basis for the City contracting with Portland Community Media (PCM) to manage PEG access resources, including access channels and to provide community media and PEG services on a city-wide basis. On July 11, 2007, by Ordinance No. 181121, City Council accepted Grant Agreement No. 52904 for the purpose of managing PEG access resources through PCM. The current agreement with PCM expires June 30, 2011.
3. PCM has successfully provided community media and PEG access services for the City over the past 30 years and is uniquely qualified to continue providing these services.
4. Under an intergovernmental agreement to which the City is a party, the City has delegated responsibility to the Mt. Hood Cable Regulatory Commission ("MHCRC") for ensuring franchisee compliance with PEG Access provisions and allocating certain PEG Access funds.
5. Under this Grant Agreement, the City has assigned the MHCRC to be its representative and agent to oversee and manage the terms of this Agreement.
6. The terms of the current Comcast cable services franchise agreements have been extended through December 31, 2011 and the MHCRC is engaged in a process to consider a recommendation for renewing the franchise agreements. Any such renewed franchise agreements will, most likely, contain updated and amended PEG access obligations which will subsequently impact any renewed agreement with PCM.
7. The MHCRC, which oversees the current agreement on behalf of the City, recommends approval of this amendment to the term of the grant agreement.
8. In order to maintain continuity of service to Portland residents and to consider the changes in any renewed cable service franchise agreements, a term extension of the Grant Agreement is necessary and will benefit the public interest.

9. The City has appropriated sufficient funds in its adopted FY2011-12 budget to cover the grant amount under this agreement.

NOW, THEREFORE, THE COUNCIL DIRECTS:

- a. The Auditor and Commissioner of Public Affairs are authorized to execute, on behalf of the City, an amendment to Section 5.1 of the Grant Agreement No. 52904 with Portland Community Media (PCM) to extend the term of the Agreement through, and including, June 30, 2012 in a form substantially in accordance with attached Amendment No. 1.
- b. All other terms and conditions of the Agreement shall remain the same.
- c. The Mayor and Auditor are authorized to draw and deliver warrants in payment of obligations under the grant agreement.

Section 2. The Council declares that an emergency exists because a delay in proceeding with the agreement may unnecessarily deprive the citizens of the City of Portland of the PEG access services being provided; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUN 15 2011

Prepared by:
JOmelchuck/RGibbons/BEWalters
June 15, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By: 
Deputy

Agenda No. **184675**
ORDINANCE NO.
 Title

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Contract

INTRODUCED BY Commissioner/Auditor: Saltzman	CLERK USE: DATE FILED <u>JUN 10 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Don Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>Paul</i> Deputy
BUREAU APPROVAL Bureau: OCCFM Bureau Head: David C. Olson <i>David C. Olson</i> Prepared by: Julie S. Omelchuck/RG Date Prepared: June 3, 2011 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date June 15, 2011	ACTION TAKEN:
City Attorney Approval <i>Stephen Watters</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 2 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input type="checkbox"/>	