

ORDINANCE No. 185058

*Amend grant agreement with Portland Community Media (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 ("PCM/City Contract") for the purpose of managing PEG access resources through PCM. On June 15, 2011, by Ordinance 184675, City Council amended the agreement to extend the term through and including June 30, 2012.
3. Under the PCM/City Contract, 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. Among other things, the PCM/City Contract provides that the City Council may impose reasonable terms on the expenditure of funds by PCM upon MHCRC determination of fiscal deficiencies, and that the contract may be terminated by the City if PCM has not remedied such deficiencies or otherwise failed to remedy violation of any material provision of the contract after reasonable notice and opportunity to do so.
4. At a special Board of Directors meeting held November 15, 2011, PCM agreed to accept certain actions and commitments to address current fiscal and compliance issues with the City of Portland and MHCRC under the PCM/City Contract. These actions include, but are not limited to, acceptance by PCM of certain amendments to the current PCM/City Contract.
5. In consultation with the Chair of the Mt. Hood Cable Regulatory Commission, Commissioner Saltzman, Commissioner-in-Charge of the Office for Community Technology, recommends Council approval of necessary amendments to the City/PCM Contract to effectuate the actions and commitments accepted by the PCM Board of Directors addressed to present fiscal and compliance issues.

NOW, THEREFORE, THE COUNCIL DIRECTS:

- a. The Commissioner of Public Affairs is authorized to execute, on behalf of the City, amendments to the Grant Agreement No. 52904 with Portland Community Media (PCM) in a form substantially in accordance with attached Amendment No. 2.
- b. All other terms and conditions of the Agreement shall remain the same.

Section 2. The Council declares that an emergency exists because a delay in amending the current PCM/City Contract may unnecessarily delay the resolution of certain pending fiscal and compliance issues; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 07 2011

Prepared by:
DCOlson/JSOmelchuck
November 23, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By:


Deputy

1338-

J140

1820281

Agenda No.
ORDINANCE NO. 185058
 Title

*Amend grant agreement with Portland Community Media (Ordinance; amend Grant Agreement No. 52904) Contract

<p>INTRODUCED BY Commissioner/Auditor: Saltzman</p>	<p>CLERK USE: DATE FILED <u>DEC 02 2011</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OCT Bureau Head: David C. Olson</p> <p>Prepared by: David C. Olson Date Prepared: November 23, 2011</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date Dec. 7, 2011</p>	<p>ACTION TAKEN:</p>
<p>City Attorney Approval <u>Benjamin Walters</u></p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 mins. (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	—	
Adams	Adams	✓	