

RESOLUTION No. 37266

Waive potential conflict of interest and authorize City Attorney to jointly represent Mt. Hood Cable Regulatory Commission and the City of Portland in *Joel Ranck v. Mt. Hood Cable Regulatory Commission, et al.* (Resolution).

WHEREAS, The Mt. Hood Cable Regulatory Commission (MHCRC) is an intergovernmental entity established under the provisions of ORS Chapter 190, among the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village and Multnomah County; and

WHEREAS, MHCRC advocates for and protects the public interest in the regulation and development of cable communications systems in the member jurisdictions; and

WHEREAS, The City of Portland provides administrative services, including routine cable regulatory legal services, to MHCRC under the terms of an intergovernmental agreement; and

WHEREAS, MHCRC, the City of Portland and the other member jurisdictions have been sued in the matter of *Joel Ranck v. Mt. Hood Cable Regulatory Commission, et al.*, United States District Court (Oregon) No. 3:16-cv-02409-AA, based upon allegations that the Commission and its members have expended Public, Educational and Governmental Access fees (PEG) in violation of the federal Cable Franchise Policy and Communications Act; and

WHEREAS, MHCRC desires to engage the City of Portland's Office of City Attorney to defend the action on MHCRC's behalf; and

WHEREAS, The City Attorney's Office also will be defending the City of Portland in this action; and

WHEREAS, The City Attorney has advised the Council as to the material risks of and reasonably available alternatives to the proposed joint representation, and has recommended that the Council obtain independent legal advice to determine if consent should be given.

NOW, THEREFORE, BE IT RESOLVED, the Council consents to the simultaneous representation of MHCRC and the City of Portland by the Office of the City Attorney in the matter of *Joel Ranck v. Mt. Hood Cable Regulatory Commission, et al.*, United States District Court (Oregon) No. 3:16-cv-02409-AA; and

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BE IT FURTHER RESOLVED, the City Attorney or her designee is authorized to negotiate and execute any agreement with MHCRC necessary to effectuate the joint representation.

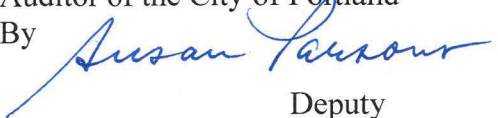
Adopted by the Council:

FEB 08 2017

Commissioner: Mayor Wheeler
Prepared by: Harry Auerbach
Date Prepared: January 27, 2017

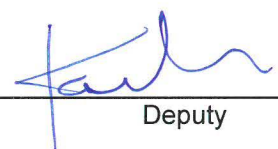
Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

Agenda No. **37266**
RESOLUTION NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>JAN 31 2017</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler 140</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: City Attorney Bureau Head: Tracy Reeve</p> <p>Prepared by: Harry Auerbach Date Prepared: January 27, 2017</p> <p>Financial Impact Statement & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <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>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p> <p>Council Meeting Date February 8, 2017</p>	<p>ACTION TAKEN:</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 minutes (for presentation, testimony and discussion)</p>

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