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191354

Emergency Ordinance

*Approve the Mt. Hood Cable Regulatory Commission FY 2023-24 Fund Budget

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. The City is a party to an intergovernmental agreement with Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission ("Commission"). The Intergovernmental Agreement (the "IGA") establishes the responsibilities and powers of the Commission, as delegated by the participating jurisdictions. The City Council approved the City of Portland's participation in the Commission by Ordinance No. 166168, enacted on January 20, 1993.
2. Under the terms of the IGA, after adopting its annual budget, the Commission transmits the budget to the jurisdictions. The Commission's adopted budget becomes effective after approval by the jurisdictions.
3. Under the terms of the IGA, each participating jurisdiction contributes funding to the operations of the Commission as determined during the annual budget process through a cost allocation methodology.
4. The Commission adopted the FY 2023-24 Fund Budget at its May 22, 2023, meeting and has transmitted the adopted budget to the jurisdictions for approval.
5. The City has appropriated sufficient funds in its approved FY 2023-24 budget for the City's cost allocation identified in the Commission FY 2023-24 budget.

NOW, THEREFORE, the Council directs:

- A. As provided under the City's intergovernmental agreement with Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission, the City of Portland approves the Commission FY 2023-24 Fund Budget as attached as Exhibit A to this ordinance.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability \(BPS\)](#)

Contact

Rebecca Gibbons

Strategic Initiatives Division
Manager

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📞 [503-823-5515](tel:503-823-5515)

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

June 28, 2023

Requested Start Time

10:05 am

Time Requested

30 minutes

B. The City's Special Appropriation for the Commission FY 2023-24 Fund Budget is \$354,728.

Section 2. The Council declares that an emergency exists because it is necessary to approve the budget without delay in order to provide authority to transact the financial affairs of the Commission for FY 2023-24; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

[Approved Amendment](https://www.portland.gov/sites/default/files/council-documents/2023/item-528-proposed-amendment-to-add-emergency-clause.pdf)

(<https://www.portland.gov/sites/default/files/council-documents/2023/item-528-proposed-amendment-to-add-emergency-clause.pdf>) 24.07 KB

[Exhibit A: MHCRC Budget](https://www.portland.gov/sites/default/files/council-documents/2023/exhibita_mhcrbudget.pdf)

(https://www.portland.gov/sites/default/files/council-documents/2023/exhibita_mhcrbudget.pdf) 366.95 KB

[Attachment 1 - MHCRC FY2023-24 Fund Budget](https://www.portland.gov/sites/default/files/council-documents/2023/attachment-1-mhcr-fy2023-24-fund-budget.pdf)

(<https://www.portland.gov/sites/default/files/council-documents/2023/attachment-1-mhcr-fy2023-24-fund-budget.pdf>) 1.23 MB

[MHCRC FY23-24 Goals and Objectives](https://www.portland.gov/sites/default/files/council-documents/2023/mhcr-fy23-24-goals-obj-final.pdf)

(<https://www.portland.gov/sites/default/files/council-documents/2023/mhcr-fy23-24-goals-obj-final.pdf>) 213.22 KB

[MHCRC FY21-22 Annual Report](https://www.portland.gov/sites/default/files/council-documents/2023/mhcr-annualreport.pdf)

(<https://www.portland.gov/sites/default/files/council-documents/2023/mhcr-annualreport.pdf>) 4.08 MB

[TechSmart Final Impact Report](https://www.portland.gov/sites/default/files/council-documents/2023/techsmart-initiative-final-impact-report-pacific-research-and-evaluation.pdf)

(<https://www.portland.gov/sites/default/files/council-documents/2023/techsmart-initiative-final-impact-report-pacific-research-and-evaluation.pdf>) 7.73 MB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council

June 28, 2023

Auditor of the City of Portland

Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

To approve the Mt. Hood Cable Regulatory Commission FY 2023-24 Fund Budget.

The City of Portland is a party to an intergovernmental agreement with Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village, dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission ("MHCRC") for the purposes of:

- Advocating for and protecting the public interest in the regulation and development of cable communication systems;
- Monitoring and helping resolve cable subscribers' concerns; and,
- Facilitating the planning and implementation of community uses of cable communication technologies.

The MHCRC contracts for staff and other support services through a services agreement with the City of Portland. The MHCRC funds an equivalent of nearly five full-time (4.9 FTE) staff positions in the City's Bureau of Planning and Sustainability, plus related materials, services, financial and administrative costs.

The Intergovernmental Agreement ("IGA") establishes the responsibilities and powers of the MHCRC, including the process for member jurisdictions' approval of the MHCRC's annual budget. Under the terms of the IGA:

- The MHCRC transmits its adopted fiscal year budget to the jurisdictions for approval; and,
- Each jurisdiction annually contributes funding to the operations of the MHCRC as determined during the annual budget process through a cost allocation methodology.

The MHCRC adopted the FY 2023-24 Fund Budget at its May 22, 2023, meeting. About 37% of the MHCRC operating budget is funded by the jurisdictions' allocations and the remaining by other MHCRC resources. The City of Portland cost allocation for the FY 2023-24 operating budget is \$354,728, which is the MHCRC Special Appropriation amount contained in the City of Portland Council approved FY 2023-24 budget. The City's cost allocation represents 65% of the total jurisdictional allocations to the budget with 35% provided by the East County jurisdictions.

Nearly all the MHCRC's resources are funds collected from the cable companies in the form of franchise fees for the East County Jurisdictions and public benefit fees (referred to as PEG/I-Net fees in the franchise) county-wide. The expenditures are disbursements, governed by the IGA and restricted for certain purposes under the cable services franchise agreements, to:

- East County Jurisdictions (franchise fee balance);

- Community media providers (MetroEast Community Media for both operating and capital funds; and Open Signal for capital funds);
- Community Technology Grants to support nonprofits', schools', library's, and local governments' video production technology needs

For more detail on the MHCRC budget, see Attachment 1: Proposed MHCRC FY2023-24 Fund Budget.

Financial and Budgetary Impacts

The City of Portland's cost allocation to the MHCRC FY2023-24 budget, as outlined in this ordinance, is included in the Council approved FY FY2023-24 budget as a Special Appropriation. No additional resource is anticipated.

Community Impacts and Community Involvement

The MHCRC has a Finance Committee, which developed the draft FY2023-24 budget and the full MHCRC adopted the budget at its May 22, 2023 meeting. Each member jurisdiction considers budget approval at a city council or County Commission meeting.

100% Renewable Goal

n/a

Agenda Items

520 Time Certain in [June 21, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/21)
(<https://www.portland.gov/council/agenda/2023/6/21>)

Rescheduled

Rescheduled to June 28, 2023 at 10:05 a.m. Time Certain.

528 Time Certain in [June 28, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/28)
(<https://www.portland.gov/council/agenda/2023/6/28>)

Passed As Amended

Motion to add an emergency clause because it is necessary to approve the budget without delay in order to provide authority to transact the financial affairs of the Commission for FY 2023-24: Moved by Rubio and seconded by Wheeler. (Y-5)

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea