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191355

Emergency Ordinance

***Authorize five-year grant agreement with Portland Community Media, dba Open Signal, for public, educational, and governmental access resources, and to provide culturally responsive, relevant, and affordable media training for and with mediamakers and non-profit organizations on a citywide basis, not to exceed \$6,239,438 in operational support**

Passed

Amended by Council

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. Since 1981, the City has contracted with Portland Community Media (dba Open Signal) to manage PEG access resources, including access channels, provided under the cable services franchise agreements and to provide community media and PEG services on a city-wide basis. Open Signal has successfully provided community media and PEG access services for the City and is uniquely qualified to continue providing these services.
3. On June 19, 2019, by Ordinance No. 189579, City Council approved Grant Agreement No. 32001990 ("Grant Agreement") for the purpose of managing PEG access resources and providing community media and digital literacy services to residents and organizations throughout the City. The Grant Agreement was Amended in June 2022 for a period of one-year to provide additional time to complete the Grant Agreement renewal process with Grantee amidst an extended cable services franchise renewal period. The current Grant Agreement with Open Signal is due to expire on June 30, 2023.
4. Under the Grant Agreement, the City has delegated responsibility to the Mt. Hood Cable Regulatory Commission ("MHCRC") for monitoring and administering Open Signal's compliance with the terms and conditions of the Grant Agreement.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

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

Contact

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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

10:35 am

Time Requested

30 minutes

5. Open Signal has managed the PEG resources assigned to it and provided community media and digital literacy services for the City for over three decades and is uniquely qualified to continue providing these services.
6. The proposed City budget for FY2023-2024 identifies sufficient funds for the year-one grant amount under this grant agreement.
7. In order for services under the grant agreement to continue uninterrupted, the effective date of this grant agreement is July 1, 2023.

NOW, THEREFORE, the Council directs:


- A. The Mayor is authorized to execute a five-year Grant Agreement with Open Signal substantially similar in form to that attached to this Ordinance as Exhibit 1.

Section 2. The Council declares that an emergency exists because the public interest would be harmed by a delay in authorizing the grant agreement, resulting in a lapse of provision of services; 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-529-proposed-amendment-to-add-emergency-clause.pdf>) 23.59 KB

 [Exhibit 1](#) (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit1_opensignalcopcontract_0.pdf) 242.08 KB

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 authorize a five-year grant agreement with Portland Community Media, doing business as Open Signal, to provide community media and digital literacy services city-wide and to manage certain public benefit resources under cable services franchise agreements.

For nearly 40 years, Open Signal (formerly Portland Community Media) has provided local access to media and communications technology, training, and distribution platforms for Portland community members and nonprofits. As the communications technology landscape has changed, so have the services provided by Open Signal to the community. Open Signal's first two decades

provided a "free speech, First Amendment" forum for the general public to express itself over cable TV channels in an era of television and radio media consolidation. More recently, Open Signal's services have focused intentionally on engaging and supporting residents who are digitally disconnected in the age of Internet and social media communications.

With the City's grant funds, Open Signal has committed to digital inclusion services, and related reporting requirements, to:

- Provide culturally responsive, relevant, and affordable media training for and with mediamakers who self-identify as Black, Indigenous, and people of color. Trainings shall be tailored to address the unique barriers for these populations to getting online or producing media content, including but not limited to level of expertise, interests and needs, language, schedule requirements, level of income and geographic availability.
- Provide non-profit organizations access to media and broadband content-production tools and support for content creation, sharing, and distribution across multiple platforms and technologies.
- Create workforce development and creative culture opportunities with mediamakers of color to develop career-ready and technology competencies and experience necessary for jobs in the digital economy.
- Create, acquire, and distribute ethnically, culturally, and linguistically diverse content that supports a wide range of community perspectives, specifically those historically misrepresented or underrepresented in traditional media.
- Collaborate with other nonprofit organizations throughout the Portland area to build community media capacity, particularly to those that prioritize BIPOC communities.

The City's grant agreement for operational funding is a companion to a grant agreement between Open Signal and the Mt. Hood Cable Regulatory Commission (MHCRC) that provides funds derived from cable services franchise agreements for capital costs to deliver these services.

In this regard, the City and the MHCRC continue to provide funding for Open Signal to manage several public benefit resources under the cable services franchise agreements, including:

- Video production of Portland City Council meetings and up to three community budget forums;
- Programming six local cable channels;
- Managing live video transport from various sites throughout the City; and
- Distributing local programming on the cable companies' video-on-demand platforms.

Financial and Budgetary Impacts

Under the terms of the grant agreement, the City's payment to Open Signal is \$1,053,543 in FY 2023-24. In years two through five of the agreement, this payment is increased by inflationary factors outlined in the grant agreement. The cost of the grant agreement is funded within the Bureau of Planning and Sustainability's existing current appropriation level (CAL).

The FY 2023-24 funding level does **not** address the fact that in November 2022, Portland voters amended the City's Charter to increase Council from five (5) to twelve (12) members beginning in January 2025. The Charter reform will require reconfiguration of civic workspaces to accommodate the expanded Council. The renovated spaces will need redesigned broadcasting and AV configurations that will require the involvement of Open Signal technical and production staff. Therefore, the City will need to consider additional funding that increases the not-to-exceed amount of this Contract through a written Amendment to support the necessary specialized skills and experience of Open Signal staff in the design process and the construction of the new spaces.

Community Impacts and Community Involvement

The Mt. Hood Cable Regulatory Commission, at its publicly noticed meeting on May 22, 2023, recommended the adoption of the Grant Agreement.

In addition, the Open Signal leadership and Board of Directors endorsed this Grant Agreement.

Open Signal has successfully provided community media and digital literacy services for the City and to the community for over 30 years and is uniquely qualified to continue providing these services. Open Signal programs currently prioritize people who identify as Black, Indigenous and people of color; English language learners; and people living with dis/abilities and/or low incomes. They partner with nonprofits who actively support these communities.

The grant agreement supports the following strategic actions of the City's Digital Equity Action Plan (DEAP) and goals of the Portland Broadband Strategic Plan (PBSP):

- DEAP Strategic Action 2.1: Share information about digital inclusion programs, services, activities and training tools with other community organizations.
- DEAP Strategic Action 2.3: Expand the availability of culturally specific digital literacy curriculum.
- DEAP Strategic Action 4.1 : Support initiatives to assist people from underrepresented populations to prepare for, find and create jobs in the technology economy.
- PBSP Goal 2: Provide broadband training in underserved neighborhoods (as part of the overall effort to address digital equity and inclusion).
- PBSP Goal 3: Develop highly technology-skilled and employable residents, students, small businesses and workforce.

Open Signal participates in the Digital Inclusion Network (DIN), which meets monthly to share activities, challenges, partnerships and ideas about digital inclusion practices and programs.

100% Renewable Goal

n/a

Agenda Items

521 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 10:35 a.m. Time Certain.

529 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 the public interest would be harmed by a delay in authorizing the grant agreement, resulting in a lapse of provision of services: Moved by Rubio and seconded by Ryan. (Y-5)

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea