

ORDINANCE No. 186065

* Establish Mt. Hood Cable Regulatory Commission Agency Fund (Ordinance; add Code Section 5.04.520)

The City of Portland ordains:

Section 1. The Council finds:

1. The City is a party to the Intergovernmental Agreement with Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village (the "Jurisdictions") dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission (the "Commission"). The Intergovernmental Agreement (the "IGA") establishes the responsibilities and powers of the Commission, as delegated by the various 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. When the IGA was approved by the Council, the City also entered into an agreement with the Commission under which the City provides staffing and administrative services to the Commission.
3. In the City of Portland's FY 10-11 Audit Moss Adams noted that as a separate legal entity formed under ORS 190, the Cable Fund requires a separate audit and financial reporting..
4. The FY 11-12 Commission Audit noted that the Cable Fund should be classified as an "agency fund" for a "municipal corporation" under ORS 297.405(5)(f).
5. Under the IGA, the Commission receives and collects cable franchise fees for all the Jurisdictions except Portland. The Commission distributes such franchise fees according to the terms of the franchise agreements, and the approved Commission budgets. Sixty percent (60%) of cable franchise fees received from the cities of Fairview, Gresham, Troutdale, and Wood Village, and Multnomah County, are allocated under the IGA to Multnomah Community Television as the designated PEG provider for PEG access services within those jurisdictions. Fees collected in excess of budgeted amounts are returned to the jurisdictions from which such fees are attributable.

6. The Commission does not collect Portland's cable franchise fees. The City of Portland transfers its share of the cost allocation quarterly to the Commission in accordance with the approved Commission budget.
7. Under the IGA, the Commission also is responsible for receiving all other funds arising out of the cable franchise agreements and distributes such funds in accordance with the franchise agreements and the approved Commission budget. The Commission may also receive other revenues, such as fees for services or interest on funds, which the Commission may expend in accordance with the approved Commission budget.
8. A new fund should be established in City Code Chapter 5.04 to accommodate separate accounting of the Commission's resources and expenditures.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Chapter 5.04 is amended by adding a new Section 5.04.520 to read as follows:

5.04.520 Mt. Hood Cable Regulatory Commission Agency Fund.

The Mt. Hood Cable Regulatory Commission Agency Fund is hereby created for the receipt and expenditure of monies received from cable franchisees and Public, Education and Government fees on behalf of Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village under the Intergovernmental Agreement, approved by Ordinance No. 166168 enacted on January 20, 1993, and as modified by subsequently approved amendments. Into this Fund shall be deposited all payments received from the cable franchisees of the County and the Cities, interest earned thereon while in this Fund and any other monies which are appropriate revenues of this Fund. The monies shall be expended only for purposes authorized under the Intergovernmental Agreement, and the Commission's approved budget.

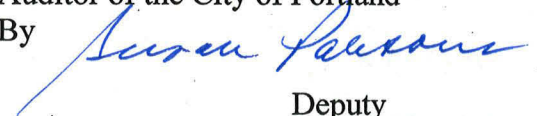
Section 2. The Council declares that an emergency exists because delay in creating a fund for the Mt. Hood Cable Regulatory Commission would harm the public welfare; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUN 05 2013

Mayor Charlie Hales
Prepared by: Mary Beth Henry
Date Prepared: May 22, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No. **ORDINANCE NO. 186065**
Title

add

* Establish Mt. Hood Cable Regulatory Commission Agency Fund (Ordinance; amend City Code Chapter 5.04) 520
section

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL</p> <p>Bureau: Revenue Bureau OMF CAO: Jack D. Graham Bureau Head: Thomas W. Lannom</p> <p>Prepared by: Thomas W. Lannom (Mary Beth Henry) Date Prepared: May 23, 2013</p> <p>Financial Impact & Public Involvement Statement 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 Auditor Office Approval: <i>Toru</i></p> <p>✓ City Attorney Approval: <i>JAA</i></p> <p>Council Meeting Date June 5, 2013</p>	<p>CLERK USE: DATE FILED <u>MAY 31 2013</u></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p>
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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 checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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