

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Mary Beth Henry		2. Telephone No. 3-5414	3. Bureau/Office/Dept. OCT
4a. To be filed (hearing date):  June 5, 2013	4b. Calendar (Check One)  Regular    Consent    4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: May 23, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input type="checkbox"/> Public involvement section completed	

**1) Legislation Title:** \* Establish Mt. Hood Cable Regulatory Commission Agency Fund  
(Ordinance; add Code Section 5.04.520)

**2) Purpose of the Proposed Legislation:**

The FY 11-12 MHCRC Audit noted that the Cable Fund should be classified as an "agency fund" for a "municipal corporation" under ORS 297.405(5)(f).

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.

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.

An accounting fund should be established in City Code Chapter 5.04 for the deposit and separate accounting of the Commission's resources and expenditures.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- City-wide/Regional     
  Northeast     
  Northwest     
  North  
 Central Northeast     
  Southeast     
  Southwest     
  East  
 Central City

**FINANCIAL IMPACT**

4) **Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

N/A

5) **Expense:** What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

None

6) **Staffing Requirements:**

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.) N/A
- Will positions be created or eliminated in future years as a result of this legislation?

N/A

(Complete the following section only if an amendment to the budget is proposed.)

7) **Change in Appropriations** (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate “new” in Fund Center column if new center needs to be created. Use additional space if needed.)

N/A

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

Creation of the MHCRC Agency Fund is a recommendation of the FY 11-12 MHCRC Audit.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

c) How did public involvement shape the outcome of this Council item?

d) Who designed and implemented the public involvement related to this Council item?

e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

*Jelie Shores* on behalf of Thomas Lannon

APPROPRIATION UNIT HEAD (Typed name and signature)



# Office for Community Technology

City Council  
Agenda Item  
Staff Supplemental Report

186065

**TO:** Mayor Hales

**THROUGH:** Thomas Lannom, Director, Revenue Bureau

**FROM:** Mary Beth Henry, Manager, Office for Community Technology

**DATE:** May 23, 2013

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

Requested Placement Date: June 5, 2013 Consent Agenda

I. **RECOMMENDATION.** Approve a code amendment to establish an Agency Fund for the Mt. Hood Cable Regulatory Commission.

**BACKGROUND.** The Mt. Hood Cable Regulatory Commission (MHCRC) is a quasi-governmental, ORS 190, body, created by Intergovernmental Agreement, among Portland, Gresham, Troutdale, Wood Village and Fairview, and the Multnomah County, to develop and regulate cable services franchise agreements and manage public benefit resources and assets related to the agreements. The MHCRC has an agreement with the City, which provides staffing and administrative services to the MHCRC.

In the City of Portland's FY 10-11 Audit Moss Adams noted that the Cable Fund requires a separate audit because as an ORS 190 it is a separate legal entity. The FY 11-12 MHCRC Audit noted that the Cable Fund should be classified as an "agency fund" for a "municipal corporation" under ORS 297.405(5)(f).

Under the IGA, the MHCRC receives and collects cable franchise fees for all the Jurisdictions except Portland. The MHCRC distributes such franchise fees according to the terms of the franchise agreements, and the approved MHCRC budgets. Under the IGA, the MHCRC 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 MHCRC



budget. The MHCRC may also receive other revenues, such as fees for services or interest on funds, which the MHCRC may expend in accordance with the approved MHCRC budget.

OCT, MHCRC, Revenue Bureau, OMF and CBO staff recently determined that agency funds are established by ordinance in City code. The agency fund must be established prior to Council adopting its final budget in order to implement the MHCRC agency fund for FY13-14. Staff proposes that the ordinance be approved as an emergency in order to accomplish an orderly transition of the Cable fund to the new MHCRC agency fund.

186065

II. FINANCIAL IMPACT. None.

III. LEGAL ISSUES. None.

IV. CONTROVERSIAL ISSUES. None.

V. LINK TO CURRENT CITY POLICIES:

[http://www.mhcrc.org/docs/about\\_intergovernmental\\_agreement.pdf](http://www.mhcrc.org/docs/about_intergovernmental_agreement.pdf)

VI. CITIZEN PARTICIPATION.

All MHCRC meetings are conducted and notice is provided to the public in accordance with Oregon public meeting requirements. The MHCRC's FY11-12 Audit was discussed at two regular meetings and two MHCRC Finance Committee meetings.

VII. OTHER GOVERNMENT PARTICIPATION. None.

IX. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE?

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WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_

IS THEIR ACCOUNT WITH THE CITY CURRENT? \_\_

IF NOT, HOW MUCH IS OWING? \_\_\_\_\_