

ANNOTATED MINUTES

Tuesday, April 9, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEMS

Chair Beverly Stein convened the meeting at 9:38 a.m., with Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present, and Vice-Chair Dan Saltzman arriving at 9:40 a.m.

- P-1 CU 10-94; HV 28-95 Hearings Officer Decision APPROVING Conditional Use Approval and a Minor Variance to the Minimum Yard Setback Requirement, to Construct a Single Family Dwelling Not Related to Forest Management on a 17.8 Acre Lot of Record in the Commercial Forest Use Zoning District, on Property Located at 21574 NW GILKISON ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-2 HDP 21-95 Hearings Officer Decision DENYING Appeal and Approving the Administrative Decision Approving a Hillside Development Permit to Allow the Construction of a Driveway and Single Family Dwelling in the Rural Residential Zoning District, on Property Located at 12625 NW GERMANTOWN ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-3 PRE 2-95 DE NOVO HEARING, Testimony Limited To 20 Minutes Per Side Regarding Appeal of Hearings Officer Decision DENYING Appeal and AFFIRMING Planning Director's Decision Which Made a Determination of Substantial Development for a Single Family Dwelling on Property Located at 6125 NW THOMPSON ROAD, PORTLAND

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, COMMISSIONER SALTZMAN REPORTED EX PARTE CONTACTS WITH DAN MCKENZIE AND A SITE VISIT, AND ADVISED HE HAS NO BIAS IN THE MATTER. AT CHAIR STEIN'S

REQUEST FOR CHALLENGES, DAN McKENZIE REQUESTED THAT HE BE ALLOWED TO RESPOND TO THE APRIL 1 MEMO SUBMITTED BY ARNOLD ROCHLIN. MR. ROCHLIN RESPONDED THAT HIS MEMO WAS SUBMITTED TO THE PLANNING OFFICE PER STANDARD PROCEDURE, AND AT THE REQUEST OF CHAIR STEIN, PROVIDED A COPY OF HIS APRIL 1 MEMO TO MR. McKENZIE. AT CHAIR STEIN'S REQUEST FOR SAME, NO PROCEDURAL OBJECTIONS WERE RAISED. PLANNER BARRY MANNING PRESENTED CASE HISTORY. HEARINGS OFFICER JOAN CHAMBERS PRESENTED APPEAL HISTORY AND EXPLAINED CONDITIONS, FINDINGS OF FACT AND CONCLUSIONS APPLIED IN HER DECISION. IN RESPONSE TO A QUESTION OF COMMISSIONER SALTZMAN, MS. CHAMBERS ADVISED MR. ROCHLIN HAD STANDING TO APPEAL THE PLANNING DIRECTOR DECISION PURSUANT TO THE CONDITIONAL USE SECTION OF THE COUNTY CODE. ARNOLD ROCHLIN PRESENTED ORAL AND WRITTEN TESTIMONY IN OPPOSITION TO THE HEARINGS OFFICER DECISION AND INTERPRETATION OF PERMIT TIMING ISSUES. DAN McKENZIE TESTIMONY IN SUPPORT OF HEARINGS OFFICER DECISION AND REBUTTAL TO MR. ROCHLIN'S TESTIMONY. MR. ROCHLIN PRESENTED REBUTTAL TO MR. McKENZIE'S TESTIMONY. IN RESPONSE TO A QUESTION OF CHAIR STEIN, COUNSEL SANDRA DUFFY AND MS. CHAMBERS EXPLAINED THAT SINCE APPLICATION CU 5-91a WAS WITHDRAWN, AND THE THREE SEPTEMBER, 1995 BOARD DECISIONS WERE NOT APPEALED, THE ISSUES RAISED BY MR. ROCHLIN ARE MOOT. IN RESPONSE TO INQUIRIES OF CHAIR STEIN, THERE WAS NO REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING RAISED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA. HEARING CLOSED. MS. DUFFY, CHAIR STEIN AND MR. MANNING EXPLANATION IN RESPONSE TO QUESTIONS AND CONCERNS OF COMMISSIONER COLLIER. COMMISSIONER

KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, TO DENY THE APPEAL AND AFFIRM THE HEARINGS OFFICER DECISION. CHAIR STEIN ADVISED HER CONCERNS HAVE BEEN ADDRESSED AND SHE IS PERSUADED BY THE HEARINGS OFFICER DECISION. MS. DUFFY AND MR. MANNING RESPONSE TO QUESTION OF COMMISSIONER HANSEN REGARDING TIME LIMIT BETWEEN WITHDRAWING AND FILING NEW PERMIT APPLICATIONS. MS. DUFFY CONCURRED WITH STATEMENT OF CHAIR STEIN THAT CODE PROVIDES OPPORTUNITY FOR APPLICANTS TO REAPPLY FOR PERMITS WITHIN SIX MONTHS TO A YEAR. HEARINGS OFFICER DECISION UNANIMOUSLY UPHELD.

The planning meeting was adjourned at 10:50 a.m. and the briefing convened at 11:00 a.m.

Tuesday, April 9, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

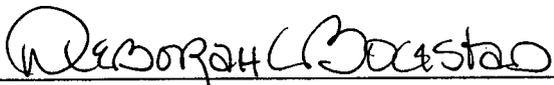
BOARD BRIEFING

- B-1 Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise. Presented by Ernie Bonner, David Olson and Mary Beth Henry of Mt. Hood Cable Regulatory Commission.

**ERNIE BONNER AND DAVID OLSON
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

There being no further business, the briefing was adjourned at 11:50 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

Thursday, April 11, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Gary Hansen excused.

NON-DEPARTMENTAL

- C-1 Appointment of Craig A. Schulstad to the REGIONAL STRATEGIES BOARD

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, C-1 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-2 Ratification of Intergovernmental Agreement 800067 with the Housing Authority of Portland to Provide a Supervised Inmate Work Crew to Perform General Labor Such as Ground Maintenance, Light Carpentry, Painting, Etc.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, CONSENT CALENDAR ITEM C-2 WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

DEPARTMENT OF SUPPORT SERVICES

- R-2 Presentation of Employee Service Awards Honoring 36 Multnomah County Employees with 5 to 25 Years of Service

WITH THE ASSISTANCE OF SHERY STUMP AND GAIL FOSTER, THE BOARD GREETED,

ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO GLORIA BELLEAU, C. LYNN BETTERIDGE, D. RANDALL MORRISON AND LYDA OVERTON OF ASD; BARBARA HERSHEY, JACKIE JOHNSON, CATHY LILLY, JOSE MARTINEZ AND BRENT MATTHEWS OF DCFS; JILL ALSPACH OF DA; SHARON BAKER, MATTHEW MATTILA AND TRACY PUGLIANO OF DCC; SUZANNE BERGERON, PATRICIA READ, CAROL ZURAWSKI AND FRANK KAMINSKI OF DES; MARSHA EHLERS OF DSS; HELEN FERRIER OF DJJS; AND SUZANNE FLYNN AND GARY HANSEN OF NOND; 10 YEAR AWARDS TO REBECCA CORNETT OF ASD; DIANA CHAMBERLAIN AND DIANA LOVING-BLACK OF DA; HOWARD KLINK OF DCFS; AND KIP COURSER OF DES; 15 YEAR AWARDS TO GAYLE KRON OF DFCS; SHARON DAY AND SHARON HENLEY OF DA; HORACE HOWARD OF DCC; DWIGHT ROOFE OF DES; AND KENNETH CLINTON OF DSS; 20 YEAR AWARD TO GLENN HARDING OF DCC; AND 25 YEAR AWARDS TO WILLIAM JACKSON OF DCC AND SUSAN DANIELL OF DSS.

DISTRICT ATTORNEY'S OFFICE

R-4 PROCLAMATION Proclaiming the Week of April 21-27, 1996 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-4. MICHAEL SCHRUNK
EXPLANATION. PROCLAMATION READ.
PROCLAMATION 96-62 UNANIMOUSLY
APPROVED.**

DEPARTMENT OF SUPPORT SERVICES

R-3 Second Reading and Adoption of an ORDINANCE Amending MCC Chapter 5.40 (Car Rental Tax) in Order to Clarify the Responsibilities of Commercial Enterprises for Collecting and Remitting this Tax, and to Strengthen and Clarify the County's Ability to Administer it

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER KELLEY MOVED**

AND COMMISSIONER COLLIER SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 849 UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

SHERIFF'S OFFICE

R-5 Intergovernmental Agreement 800756 with the City of Portland Police Bureau, to Provide Certain Law Enforcement Services Involving DUII

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. LARRY AAB AND DAVE HADLEY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-6 First Reading of an ORDINANCE Making Procedural Changes in the Bylaws of the Metropolitan Human Rights Commission

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. STEVE FREEDMAN EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, APRIL 18, 1996.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-7 Intergovernmental Agreement 105036 with the Housing Authority of Portland, Allocating U.S. Department of Housing and Urban Development Funds to Construct the Turning Point Project as Transitional Housing for Homeless Families

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. REY ESPAÑA AND ROB TUCKER EXPLANATION. COMMISSIONER SALTZMAN COMMENTS IN SUPPORT. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-8 ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes for 1983/84 through 1994/95

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. COMMISSIONER COLLIER EXPLANATION. ORDER 96-63 UNANIMOUSLY APPROVED.

R-9 Intergovernmental Agreement 301446 with the Oregon Department of Transportation and Metro, to Conduct a Pre-Project Study of Congestion Pricing in the Portland Region

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. ED ABRAHAMSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

R-10 Second Reading and Adoption of an ORDINANCE Amending Multnomah County Animal Control Code 8.10.005 et. seq.

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. COUNSEL MATT RYAN EXPLANATION OF PROPOSED NON-SUBSTANTIVE AMENDMENTS. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, NON-SUBSTANTIVE AMENDMENTS TO PAGES 28 AND 34 WERE UNANIMOUSLY APPROVED. COMMISSIONER COLLIER ACKNOWLEDGED EFFORTS OF STAFF AND COMMITTEE PARTICIPATING IN ORDINANCE REVISION. MR. RYAN, CHAIR STEIN,

**COMMISSIONER KELLEY AND COMMISSIONER
SALTZMAN COMMENTS IN SUPPORT OF EFFORTS
OF COMMISSIONER COLLIER AND HER STAFF
AND EVERYONE WHO WORKED ON ORDINANCE
REVISION. ORDINANCE 850 UNANIMOUSLY
APPROVED, AS AMENDED.**

The regular meeting was adjourned at 10:14 a.m. and the executive session convened at 11:05 a.m.

Thursday, April 11, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Kenneth Upton.

EXECUTIVE SESSION HELD.

There being no further business, the executive session was adjourned at 12:00 p.m.

Thursday, April 11, 1996 - 2:00 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PUBLIC HEARING

TSCC Chair Charles Rosenthal convened the hearing at 2:02 p.m., with TSCC staff Courtney Wilton and Commissioners Roger McDowell and Anthony Jankans present, and Commissioner Dick Anderson arriving at 2:35 p.m.

- PH-1 The Tax Supervising and Conservation Commission Will Meet to Conduct a Public Hearing on the County's Proposed Library Serial Levy, Public Safety Levy, Library General Obligation Bond, Public Safety General Obligation Bond, and 1995-96 Supplemental Budget

**DAVE WARREN, JIM MUNZ, DAVE BOYER,
JEANNE GOODRICH, BARBARA SIMON AND
LARRY AAB PRESENTATION AND RESPONSE TO
TSCC QUESTIONS AND DISCUSSION.
COMMISSIONERS TANYA COLLIER, DAN
SALTZMAN AND SHARRON KELLEY RESPONSE TO
TSCC QUESTIONS AND DISCUSSION.**

Commissioner Gary Hansen arrived at 2:42 p.m.

Commissioner Anthony Jankans left at 2:46 p.m.

There being no further business, the hearing was adjourned at 2:57 p.m.

**OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON**



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DAN SALTZMAN • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
TANYA COLLIER • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

APRIL 8, 1996 - APRIL 12, 1996

Tuesday, April 9, 1996 - 9:30 AM - Planning ItemsPage 2

Tuesday, April 9, 1996 - 11:00 AM - Board BriefingPage 2

Thursday, April 11, 1996 - 9:30 AM - Regular Meeting.....Page 3

Thursday, April 11, 1996 - 11:00 AM - Executive Session.....Page 4

Thursday, April 11, 1996 - 2:00 PM - TSCC Hearing.....Page 5

1996-97 Multnomah County Budget Hearing SchedulePage 6

*Thursday Meetings of the Multnomah County Board of Commissioners are *cablecast* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:*

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

*Tuesday, April 9, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PLANNING ITEMS

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- P-3 PRE 2-95 DE NOVO HEARING, Testimony Limited To 20 Minutes Per Side Regarding Appeal of Hearings Officer Decision DENYING Appeal and AFFIRMING Planning Director's Decision Which Made a Determination of Substantial Development for a Single Family Dwelling on Property Located at 6125 NW THOMPSON ROAD, PORTLAND*
-

*Tuesday, April 9, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFING

- B-1 Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise. Presented by Ernie Bonner, David Olson and Mary Beth Henry of Mt. Hood Cable Regulatory Commission. 45 MINUTES REQUESTED.*

Thursday, April 11, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

C-1 *Appointment of Craig A. Schulstad to the REGIONAL STRATEGIES BOARD*

SHERIFF'S OFFICE

C-2 *Ratification of Intergovernmental Agreement 800067 with the Housing Authority of Portland to Provide a Supervised Inmate Work Crew to Perform General Labor Such as Ground Maintenance, Light Carpentry, Painting, Etc.*

REGULAR AGENDA

PUBLIC COMMENT

R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

DEPARTMENT OF SUPPORT SERVICES

R-2 *Presentation of Employee Service Awards Honoring 36 Multnomah County Employees with 5 to 25 Years of Service*

R-3 *Second Reading and Adoption of an ORDINANCE Amending MCC Chapter 5.40 (Car Rental Tax) in Order to Clarify the Responsibilities of Commercial Enterprises for Collecting and Remitting this Tax, and to Strengthen and Clarify the County's Ability to Administer it*

DISTRICT ATTORNEY'S OFFICE

R-4 *PROCLAMATION Proclaiming the Week of April 21-27, 1996 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County*

SHERIFF'S OFFICE

R-5 *Intergovernmental Agreement 800756 with the City of Portland Police Bureau, to Provide Certain Law Enforcement Services Involving DUII*

NON-DEPARTMENTAL

R-6 *First Reading of an ORDINANCE Making Procedural Changes in the Bylaws of the Metropolitan Human Rights Commission*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-7 *Intergovernmental Agreement 105036 with the Housing Authority of Portland, Allocating U.S. Department of Housing and Urban Development Funds to Construct the Turning Point Project as Transitional Housing for Homeless Families*

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-8 *ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes for 1983/84 through 1994/95*

R-9 *Intergovernmental Agreement 301446 with the Oregon Department of Transportation and Metro, to Conduct a Pre-Project Study of Congestion Pricing in the Portland Region*

R-10 *Second Reading and Adoption of an ORDINANCE Amending Multnomah County Animal Control Code 8.10.005 et. seq.*

*Thursday, April 11, 1996 - 11:00 AM
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*Thursday, April 11, 1996 - 2:00 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PUBLIC HEARING

*PH-1 The Tax Supervising and Conservation Commission Will Meet to
Conduct a Public Hearing on the County's Proposed Library Serial
Levy, Public Safety Levy, Library General Obligation Bond, Public
Safety General Obligation Bond, and 1995-96 Supplemental Budget*

1996-97 BUDGET HEARING SCHEDULE
BEFORE THE
MULTNOMAH COUNTY BOARD OF
COMMISSIONERS

APRIL 30	TUESDAY	9:30 AM	BUDGET REVENUES AND OVERVIEW
MAY 2	THURSDAY	9:30 AM	EXECUTIVE BUDGET MESSAGE
7	TUESDAY	1:30 PM	COMMUNITY & FAMILY SERVICES
8	WEDNESDAY	9:30 AM	HEALTH DEPARTMENT
14	TUESDAY	1:30 PM	AGING SERVICES DEPARTMENT
15	WEDNESDAY	9:30 AM	ENVIRONMENTAL SERVICES
21	TUESDAY	1:30 PM	JUVENILE JUSTICE SERVICES
22	WEDNESDAY	9:30 AM	COMMUNITY CORRECTIONS
22	WEDNESDAY	2:00 PM	DEPARTMENT OF LIBRARY SERVICES
23	THURSDAY	1:30 PM	SHERIFF'S OFFICE
JUNE 4	TUESDAY	1:30 PM	DEPARTMENT OF SUPPORT SERVICES
5	WEDNESDAY	9:30 AM	DISTRICT ATTORNEY'S OFFICE
5	WEDNESDAY	1:30 PM	NON-DEPARTMENTAL
6	THURSDAY	11:00 AM	TSCC BUDGET HEARING
6	THURSDAY	7:00 PM	HEARING @ COUNTY COURTHOUSE
11	TUESDAY	2:00 PM	OPEN
12	WEDNESDAY	9:30 AM	OPEN - IF NEEDED
12	WEDNESDAY	1:30 PM	OPEN - IF NEEDED
12	WEDNESDAY	7:00 PM	HEARING @ GRESHAM CITY HALL
13	THURSDAY	9:30 AM	HEARING/ADOPT BUDGET

The Board welcomes this opportunity for you to provide input in the County budget process. Public comment will be limited to three minutes per person. All hearings will be held in room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, with the exception of the 7:00 pm, Wednesday, June 12, 1996 hearing which will be held in the Gresham City Council Chambers, 1333 NW Eastman Parkway, Gresham (the single story Public Safety and Schools building). Questions? Call Deb or Aimee in the Office of the Board Clerk, (503) 248-3277.

MEETING DATE: APR 09 1996

AGENDA #: B-1

ESTIMATED START TIME: 11:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise

BOARD BRIEFING:

DATE REQUESTED: April 9, 1996/following ^{Planned} regular meeting

REQUESTED BY: David Olson/Sharron Kelley

AMOUNT OF TIME NEEDED: 45minutes

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Nondepartmental

DIVISION: Mt. Hood Cable Regulatory Commission

CONTACT: Mary Beth Henry

TELEPHONE #: 823-5385

BLDG/ROOM #: 105/1160

PERSON(S) MAKING PRESENTATION: Ernie Bonner, David Olson, Mary Beth Henry

ACTION REQUESTED

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Sharron Kelley*

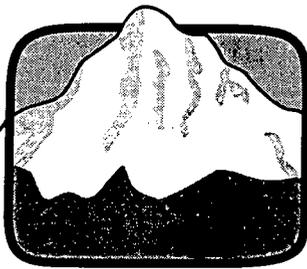
OR

DEPARTMENT MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 MAR 27 AM 11:27

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



MT. HOOD CABLE REGULATORY COMMISSION

1120 SW Fifth Avenue, Room 1021 • Portland, OR 97204

Phone: (503) 823-5385 • Fax: (503) 823-5370

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village

March 7, 1996

TO: Multnomah County Board of Commissioners

FROM: David C. Olson, Director 

SUBJ: Paragon Franchise Renewal update

We appreciate the opportunity to update the Board on the status of the Paragon franchise renewal negotiation process.

Process update. Following conclusion of the Countywide ascertainment process (Spring, 1995), we have been in active negotiations with Paragon since last July. Negotiations are being conducted by Cable Commission staff and legal counsel with Paragon Cable representatives (locally, in consultation with Time Warner divisional representatives). We hope to conclude the City of Portland phase of this negotiation prior to Portland franchise expiration (May 4, 1996), and then bring forward a substantially similar recommended franchise to Multnomah County and the east County cities prior to your own franchise expiration (May, 1998). If all goes well, we would expect to present a Multnomah County franchise renewal for your consideration this Fall.

Key Public Benefits. Following is a summary, by subject, of the key public benefits we expect to include in the final version of the franchise renewal document which the negotiators expect to recommend for approval by the Mt. Hood Cable Regulatory Commission, and thereafter to the governing body of each jurisdiction.

- ***System Upgrade*** - The franchise will require that the cable system for residential subscribers will be upgraded from its current approximate 58-channel capacity (420+ MHz) to at least 75 channels (550 MHz). In addition, the company plans as part of the upgrade to add at least 200 MHz in digital capacity, for an overall system upgrade of 750 MHz. The upgrade will be completed no later than January 1, 2000. The upgrade will be of hybrid fiber-optic/coaxial cable design. This is comparable to state-of-the-art cable systems being constructed elsewhere in the country.

- Public, Educational, and Governmental Access (PEG) Access** - Adequate ongoing support for PEG access is a key component of the franchise presently being negotiated; this support will be provided in a number of areas, including financial support, channel capacity, interconnection and narrowcast capabilities, facilities (including live origination points in the franchise area), and a commitment to provide for PEG access in the likely event that future changes in technology (e.g. high definition television). Here is an item-by-item capsule:

 - channel capacity*: status quo for Portland Cable Access (PCA) and Multnomah Community Television (MCTV) until completion of upgrade, then 1 additional channel for PCA (total of 8 apiece for MCTV and PCA), and trigger for 1 further additional channel (9 total or equivalent);
 - digital capacity*: when Paragon activates its digital capacity following upgrade, 10% will be dedicated to access uses;
 - district programming ("narrowcasting")*: after upgrade, the system will be able to program separately to all school district boundaries, to community college district boundaries, to jurisdictional boundaries, and to other discrete areas;
 - live program origination*: live programming can originate simultaneously from four sites on the east and west sides (status quo is two);
 - open/closed channels*: up to three channels can be switched from 'open' channels (available to all subscribers) to 'closed' channels (available only to designated viewers (applications could include distance learning, teleconferencing, medical, etc.);
 - interconnection*: PEG channels fully interconnected to I-net and neighboring cable systems, current interconnections maintained, including interconnection between PCA and MCTV.
- Institutional Network ("I-Net")** - The current Paragon I-net will be maintained (this includes present applications such as distance learning, traffic signals, data circuits, etc.). With the completion of the system upgrade, a portion of the upgraded fiber/coaxial capacity will be set aside to provide Countywide I-net services to PEG institutions, including High Capacity sites (list including City and County locations presently being developed), and Low Capacity sites (estimate about 500 sites Countywide). Negotiators have agreed that, instead of free use, Paragon may charge a discounted fee for use, and may reclaim a certain amount of capacity based on Paragon commercial need. PEG programmers must be provided the ability to remotely switch between and among I-net and residential access channels.
- PEG & PEG I-NET Capital Fund** - Three percent (3%) of Paragon gross revenues (beyond the 5% franchise fee) will be dedicated to funding public, educational, and governmental access uses of the cable system. On a Countywide basis, this fund should yield annually approximately \$1.5 million (in the early years of the franchise) to \$2.5 million+ (in later years). Negotiators contemplate

that the funds will be allocated as follows:

- 1% dedicated to MCTV and PCA annual capital budgets;
 - 1% grant fund for use by PEG public institutions Countywide in the franchise area;
 - 1% retained by Paragon and dedicated for capital applications and system extensions that benefit PEG institutions (applications and extensions may also accomplish a business purpose of Paragon).
- ***Other franchise benefits*** - Other franchise benefits will sustain and maintain many ongoing benefits and programs in place, for example: continuation of live coverage of local government meetings (County Commission and City Council), continuation of east County news program ("East Metro Edition") produced by MCTV, continuation of Black Community Television and Picante programming produced by Paragon, continuation of 5% franchise fee which supports PEG provider operations, Cable Commission regulatory budget, and the general funds of the County and participating Cities.

In conclusion, although much negotiating remains to be accomplished to reach final agreement on the exact language of the final document, the negotiators for the Mt. Hood Cable Regulatory Commission are pleased at the progress to date, and look forward to bringing the final recommended document forward for review by the Board later this year.

Please contact Mt. Hood Cable Regulatory Commission staff, or Ernie Bonner, your representative on the Commission, for any further information or assistance.

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